

BEFORE THE METRO COUNCIL

FOR THE PURPOSE OF RECOGNIZING)
\$367,740 IN GRANTS, DONATIONS AND)
RELATED CAPITAL EXPENDITURES IN THE)
REGIONAL PARKS CAPITAL FUND; AND)
DECLARING AN EMERGENCY)

ORDINANCE NO. 04-1061
Introduced by Mike Jordan, Chief Operating
Officer, with the concurrence of the Council
President

WHEREAS, the Metro Council has reviewed and considered the need to transfer appropriations within the FY 2004-05 Budget; and

WHEREAS, Oregon Budget Law ORS 294.326(3) allows for the expenditure in the year of receipt of grants, gifts, bequests, and other devices received by a municipal corporation in trust for a specific purpose; and

WHEREAS, the need for the transfer of appropriation has been justified; and

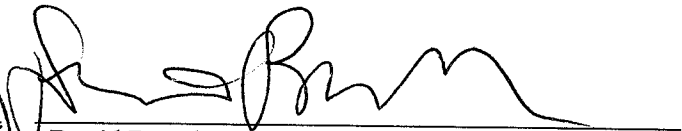
WHEREAS, adequate funds exist for other identified needs; now, therefore,

THE METRO COUNCIL ORDAINS AS FOLLOWS:

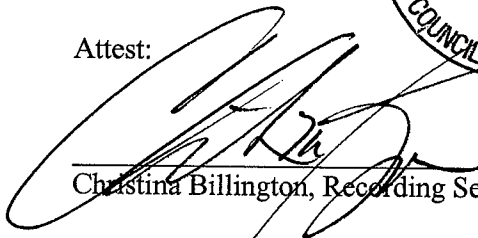
1. That the FY 2004-05 Budget and Schedule of Appropriations are hereby amended as shown in the column entitled "Revision" of Exhibits A and B to this Ordinance for the purpose of recognizing \$367,740 in grants and donations from various sources and increasing capital outlay appropriation in the Regional Parks Capital Fund by a like amount.
2. This Ordinance being necessary for the immediate preservation of the public health, safety or welfare of the Metro area in order to meet obligations and comply with Oregon Budget Law, an emergency is declared to exist, and this Ordinance takes effect upon passage.

ADOPTED by the Metro Council this 28th day of October, 2004.




David Bragdon, Council President

Attest:


Christina Billington, Recording Secretary

Approved as to Form:

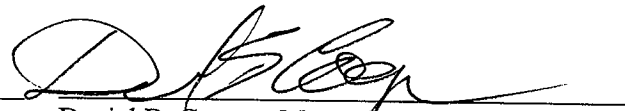

Daniel B. Cooper, Metro Attorney

Exhibit A
Ordinance No. 04-1061

ACCT	DESCRIPTION	Current		Revision		Amended	
		FTE	Amount	FTE	Amount	FTE	Amount
Regional Parks Capital Fund							
RESOURCES							
<i>GRANTS Grants</i>							
4100	Federal Grants-Direct		0		216,872		216,872
4110	State Grants-Direct		300,000		0		300,000
4115	State Grants-Indirect		0		116,877		116,877
<i>DONAT Contributions from Private Sources</i>							
4750	Donations and Bequests		0		33,991		33,991
<i>EQTREV Fund Equity Transfers</i>							
4970	Transfer of Resources						
	* from Regional Parks		1,489,822		0		1,489,822
<i>INTSRV Internal Service Transfers</i>							
4980	Transfer for Direct Costs						
	* from Regional Parks		120,000		0		120,000
	* from Open Spaces		125,000		0		125,000
	* from Parks Special Accounts		70,000		0		70,000
TOTAL RESOURCES			\$2,104,822		\$367,740		\$2,472,562
REQUIREMENTS							
<u>Materials & Services</u>							
<i>CAPMNT Capital Maintenance</i>							
5261	Renewal & Replacement - CIP		345,000		0		345,000
5262	Renewal & Replacement - Non-CIP		275,000		0		275,000
Total Materials & Services			\$620,000		\$0		\$620,000
<u>Capital Outlay</u>							
<i>CAPCIP Capital Outlay (CIP Projects)</i>							
5715	Improve-Oth thn Bldg (CIP)		440,000		367,740		807,740
5725	Buildings & Related (CIP)		221,500		0		221,500
Total Capital Outlay			\$661,500		\$367,740		\$1,029,240
<u>Contingency and Ending Balance</u>							
<i>CONT Contingency</i>							
5999	Contingency		58,500		0		58,500
<i>UNAPP Unappropriated Fund Balance</i>							
5990	Unappropriated Fund Balance						
	* Unappropriated Balance		594,822		0		594,822
	* Renewal & Replacement Reserve		170,000		0		170,000
Total Contingency and Ending Balance			\$823,322		\$0		\$823,322
TOTAL REQUIREMENTS			\$2,104,822		\$367,740		\$2,472,562

Exhibit B
Ordinance No. 04-1061
FY 2004-05 SCHEDULE OF APPROPRIATIONS

	<u>Current</u> <u>Appropriation</u>	<u>Revision</u>	<u>Amended</u> <u>Appropriation</u>
REGIONAL PARKS CAPITAL FUND			
Operating Expenses (PS & M&S)	\$620,000	\$0	\$620,000
Capital Outlay	661,500	367,740	1,029,240
Contingency	58,500	0	58,500
Unappropriated Balance	764,822	0	764,822
Total Fund Requirements	\$2,104,822	\$367,740	\$2,472,562

All Other Appropriations Remain as Previously Adopted

STAFF REPORT

IN CONSIDERATION OF ORDINANCE NO. 04-1061 FOR THE PURPOSE OF
RECOGNIZING \$367,740 IN GRANTS, DONATIONS AND RELATED CAPITAL
EXPENDITURES IN THE REGIONAL PARKS CAPITAL FUND; AND DECLARING AN
EMERGENCY

Date: October 4, 2004

Prepared by: Kathy Rutkowski

BACKGROUND

This action is the companion ordinance to Ord. 04-1060, which remedied a violation of budget law that occurred at the time of budget adoption. Both ordinances have been submitted for simultaneous consideration and approval.

Ordinance No. 04-1060, remedied a violation of Oregon budget law, in part, by removing \$367,740 in grants, donations, and related capital expenditures that were received for a specific restoration project and recognized in the budget after budget committee approval on April 29, 2004. ORS 294.361(3) indicates that grants, gifts, bequests and other devises transferred to a municipal corporation in trust for specific purposes shall not be included in the budget unless the amount can be reasonably estimated by the time the budget committee approves the budget. Since the recognition of these grants and donations occurred after budget committee approval it would have been more appropriate to amend the budget after adoption using the exemption provided in Oregon Budget Law ORS 294.326(3). That section provides an exemption to Oregon Budget Law allowing for the expenditure in the year of receipt of grants, gifts and bequests received by a municipal corporation in trust for a specific purpose. Such expenditures are allowed only after the governing body has enacted the appropriate amendment.

This action requests the Council re-recognize \$367,740 in grants, donations and related capital expenditures as shown in Exhibit A to this ordinance. The grants and donations support the Gales Creek/Tualatin River Confluence Habitat Restoration Project approved by the Council on May 27, 2004. They are to be received from the US Department of Agriculture (Wetland Reserve Program), the Oregon Watershed Enhancement Board, and Ducks Unlimited. Ducks Unlimited is a partner with Metro on the project.

ANALYSIS/INFORMATION

1. **Known Opposition** None known.
2. **Legal Antecedents** ORS 294.326(3) provides an exemption to Oregon Budget Law allowing for the expenditure in the year of receipt of grants, gifts, bequests, and other devises received by a municipal corporation in trust for a specific purpose.
3. **Anticipated Effects** This action will re-recognize \$367,740 in grants, donations and capital expenditures that were removed from the budget in Ord. 04-1060 to remedy a budget law violation that occurred at the time of adoption.
4. **Budget Impacts** This action increases overall resources and requirements by \$367,640.

RECOMMENDED ACTION

The Chief Operating Officer, in concurrence with the Council President, recommends adoption of this Ordinance.