

BEFORE THE METRO COUNCIL

AN ORDINANCE AMENDING ORDINANCE) ORDINANCE NO. 94-530
NO. 93-487A REVISING THE)
FY 1993-94 BUDGET AND APPROPRIA-) Introduced by
TIONS SCHEDULE FOR THE PURPOSE OF) Presiding Officer Judy Wyers
FUNDING OUTSIDE COUNSEL OPINION)
ON THE LEASE OF METRO CENTER; AND)
DECLARING AN EMERGENCY)

WHEREAS, The Metro Council has reviewed and considered the need to transfer appropriations within the FY 1993-94 Budget; and

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

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

THE METRO COUNCIL HEREBY ORDAINS:

1. That Ordinance No. 93-487A, Exhibit B, FY 1993-94 Budget, and Exhibit C, Schedule of Appropriations, are hereby amended as shown in the column titled "Revision" of Exhibits A and B to this Ordinance for the purpose of transferring \$2,500 from the Support Service Fund Contingency to Materials and Services in the Office of General Counsel to fund outside counsel opinion on the lease of Metro Center.

2. That this Ordinance being necessary for the immediate preservation of the public health, safety and welfare, 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 10th day of March, 1994.



Judy Wyers, Presiding Officer

ATTEST:



Clerk of the Council

**Exhibit A
Ordinance No. 94-530**

FISCAL YEAR 1993-94		CURRENT BUDGET		REVISION		PROPOSED BUDGET	
ACCT #	DESCRIPTION	FTE	AMOUNT	FTE	AMOUNT	FTE	AMOUNT
SUPPORT SERVICE FUND:Office of General Counsel							
Total Personal Services		6.00	434,876	0.00	0	6.00	434,876
<u>Materials & Services</u>							
521100	Office Supplies		1,450		0		1,450
521290	Other Supplies		208		0		208
521310	Subscriptions		12,350		0		12,350
521320	Dues		1,751		0		1,751
524120	Legal Fees		0		2,500		2,500
525640	Maintenance & Repairs Services-Equipment		795		0		795
526310	Printing Services		228		0		228
526440	Delivery Services		341		0		341
526500	Travel		2,279		0		2,279
526700	Temporary Help Services		1,200		0		1,200
526800	Training, Tuition, Conferences		2,159		0		2,159
529500	Meetings		454		0		454
529800	Miscellaneous		500		0		500
Total Materials & Services			23,715		2,500		26,215
Total Capital Outlay			1,500		0		1,500
TOTAL EXPENDITURES		6.00	460,091	0.00	2,500	6.00	462,591

SUPPORT SERVICE FUND:General Expenses

<u>Interfund Transfers</u>							
581513	Trans. Indirect Costs to Bldg. Fund-Metro Center		0		0		0
581513	Trans. Indirect Costs to Bldg. Fund-Regional Center		507,283		0		507,283
581615	Trans. Indirect Costs to Risk Mgmt. Fund-Gen1		30,791		0		30,791
581615	Trans. Indirect Costs to Risk Mgmt. Fund-Workers' Comp		41,597		0		41,597
Total Interfund Transfers			579,671		0		579,671
<u>Contingency and Unappropriated Balance</u>							
599999	Contingency						
	* General		241,874		(2,500)		239,374
	* Builders License		23,165		0		23,165
599990	Unappropriated Fund Balance-Contractors License		151,566		0		151,566
Total Contingency and Unappropriated Balance			416,605		(2,500)		414,105
TOTAL EXPENDITURES		84.72	6,802,525	0.00	0	84.72	6,802,525

**Exhibit B
Schedule of Appropriations
Ordinance No. 94-530**

	Current Appropriation	Revision	Proposed Appropriation
SUPPORT SERVICES FUND			
Finance and Management Information			
Personal Services	2,238,932	0	2,238,932
Materials & Services	794,941	0	794,941
Capital Outlay	77,891	0	77,891
Subtotal	3,111,764	0	3,111,764
Regional Facilities			
Personal Services	551,748	0	551,748
Materials & Services	312,436	0	312,436
Capital Outlay	5,000	0	5,000
Subtotal	869,184	0	869,184
Personnel			
Personal Services	534,856	0	534,856
Materials & Services	59,646	0	59,646
Capital Outlay	6,675	0	6,675
Subtotal	601,177	0	601,177
Office of General Counsel			
Personal Services	434,876	0	434,876
Materials & Services	23,715	2,500	26,215
Capital Outlay	1,500	0	1,500
Subtotal	460,091	2,500	462,591
Public Affairs			
Personal Services	669,686	0	669,686
Materials & Services	91,247	0	91,247
Capital Outlay	3,100	0	3,100
Subtotal	764,033	0	764,033
General Expenses			
Interfund Transfers	579,671	0	579,671
Contingency	265,039	(2,500)	262,539
Subtotal	844,710	(2,500)	842,210
Unappropriated Balance	151,566	0	151,566
Total Fund Requirements	6,802,525	0	6,802,525

All Other Appropriation Levels Remain As Previously Adopted

FINANCE COMMITTEE REPORT

ORDINANCE NO. 94-530 REVISING THE FY 93-94 BUDGET AND SCHEDULE OF APPROPRIATIONS TO FUND AN OUTSIDE COUNSEL OPINION ON THE LEASE OF METRO CENTER

Date: February 28, 1994

Presented By: Councilor Monroe

COMMITTEE RECOMMENDATION: At its February 23, 1994 meeting the Committee voted unanimously to recommend Council adoption of Ordinance No. 94-530. Committee members present and voting were Councilors Devlin, Kvistad, McLain, Monroe and Van Bergen. Councilors Buchanan and Gardner were absent.

COMMITTEE DISCUSSION/ISSUES: Mr. Dan Cooper, General Counsel, presented the Staff Report. He stated the ordinance transfers \$2,500 from the Support Service Fund Contingency Category to the Materials and Services Category in the Office of General Counsel. Appropriation of these funds are necessary to pay for the costs of securing and outside legal opinion regarding the termination clause in the master lease for the Metro Center Building (2000 S.W. First Avenue). He indicated that the services of outside counsel were obtained at the direction of the Metro Council and the Council was informed at that time that a subsequent budget and appropriation change would be needed.

STAFF REPORT

**CONSIDERATION OF ORDINANCE NO. 94-530, FOR THE
PURPOSE OF AMENDING ORDINANCE NO. 93-487A REVISING
THE FY 1993-94 BUDGET AND APPROPRIATIONS SCHEDULE
FOR THE PURPOSE OF FUNDING OUTSIDE COUNSEL OPINION
ON THE LEASE OF THE METRO CENTER; AND DECLARING
AN EMERGENCY**

Date: February 4, 1994

Presented by:
Daniel B. Cooper

FACTUAL BACKGROUND AND ANALYSIS

During the discussions regarding the decisions the Council faced concerning the future of the Metro Center building (2000 S.W. First Avenue), General Counsel informed the Council at its meeting on December 9, 1993, that provisions of the existing lease agreement with AMCO did provide for early termination of lease under certain circumstances. The General Counsel indicated to the Council that he was uncertain as to how the lease would be construed by the courts if the issue were brought before them and felt it was advisable for the Council to have the benefit of a legal opinion from an outside law firm that was experienced in both municipal finance as well as real estate matters.

At the direction of the Council, the General Counsel secured the services of the firm of Preston Thorgrimson Shidler Gates & Ellis and the written opinion of that firm was presented to the Council at their meeting held on December 23, 1993. The purpose of the Ordinance is to amend the FY 1993-94 budget for the Office of General Counsel by increasing the Materials and Services appropriation by \$2,500 in order to provide authority for paying the cost of securing the outside legal opinion which was an unanticipated expense.



METRO

DATE: March 14, 1994
TO: Rena Cusma, Executive Officer
FROM: Paulette Allen, Clerk of the Council *PA*
RE: TRANSMITTAL OF ORDINANCE NOS. 94-530, 94-531 AND 94-534

Attached for your consideration are true copies of the ordinances referenced above adopted by the Council on March 10, 1994.

If you wish to veto any of the ordinances referenced above, I must receive a signed and dated written veto message from you no later than 5:00 p.m., Thursday, March 17, 1994. The veto message, if submitted, will become part of the permanent record. If no veto message is received by the time and date stated above, these ordinances will be considered finally adopted.

I, *Paulette Allen*, received this memo and true copies of Ordinance Nos. 94-530, 94-531, and 94-534 from the Clerk of the Council on *3-14-94*.