

11/15/76

Ordinance No. 105631

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the refund of certain fees paid for utilization of property and facilities and participation in programs and classes of said Department; increasing an expenditure allowance in the 1976 Budget of said Department in connection therewith; and making a reimbursable appropriation from the Emergency Fund and declaring the emergency therefor.

6/15/76 Page Pass

COMPTROLLER  
FILE NUMBER

Council Bill No. 97492

INTRODUCED JUN 14 1976	BY MILLER
REFERRED JUN 14 1976	TO COMMISSIONERS OF PARKS & PUBLIC GROUNDS
REFERRED	
REPORTED JUN 21 1976	SECOND READING JUN 21 1976
THIRD READING JUN 21 1976	SIGNED JUN 21 1976
PRESENTED TO MAYOR JUN 22 1976	APPROVED JUN 21 1976
RETD. TO CITY CLERK JUN 25 1976	PUBLISHED JUN 25 1976
VETOED BY MAYOR	VETO PUBLISHED
PASSED OVER VETO	VETO SUSTAINED

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ORDINANCE 105631

AN ORDINANCE relating to the Department of Parks and Recreation; authorizing the refund of certain fees paid for utilization of property and facilities and participation in programs and classes of said Department; increasing an expenditure allowance in the 1976 Budget of said Department in connection therewith; and making a reimbursable appropriation from the Emergency Fund and declaring the emergency therefor.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

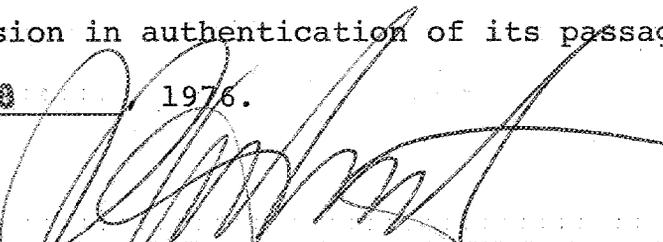
Section 1. Whenever a fee is paid for the use of Department of Parks and Recreation facilities or property or for participation in a Department of Parks and Recreation sponsored class or program, and no use or rights have been exercised pursuant thereto and application is made for refund, the Superintendent of Parks and Recreation may authorize such fee refunded.

Section 2. That to effectuate the refund of fees authorized by this ordinance, the expenditure allowance for Account "4290 Miscellaneous Expense" in Object of Expenditure "3000 Other Services and Charges", Program Category "Operations Control" (Code 1100) in the 1976 Budget of the Department of Parks and Recreation, is hereby increased in the amount of One Thousand Dollars (\$1,000) which increase shall be effectuated by the appropriation and transfer hereby made and authorized of a like amount from the Emergency Fund to be reimbursed by the appropriation and transfer hereby made and authorized of a like amount from the Park and Recreation Fund, and the City Comptroller is authorized to draw and the City Treasurer to pay the necessary warrants and make the necessary transfers.

Section 3. WHEREAS, the appropriation herein made is to meet actual necessary expenditures of the City for which

1 no appropriation has been made due to causes which could not  
2 reasonably have been foreseen at the time of making the  
3 1976 Budget; Now, Therefore, in accordance with RCW 35.32A.060,  
4 by reason of the facts above stated and the emergency which  
5 is hereby declared to exist, this ordinance shall become  
6 effective immediately upon the approval or signing of the  
7 same by the Mayor or passage over his veto, as provided by  
8 the Charter of the City.

9 PASSED by three-fourths vote of all the members of the  
10 City Council the 21 day of June, 1976, and  
11 signed by me in open session in authentication of its passage  
12 this 21 day of June, 1976.

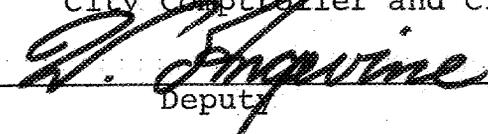
13   
14 President of the City Council

15 Approved by me this 25 day of June, 1976.

16   
17 MAYOR

18 Filed by me this 25 day of June, 1976.

19 ATTEST:   
20 City Comptroller and City Clerk

21 By:   
22 Deputy

23 (SEAL)

24 Published \_\_\_\_\_

ASSISTANT CORPORATION COUNSEL

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DONA M. CLOUD  
ROSS A. RADLEY  
DIANA F. THOMPSON

## THE CITY OF SEATTLE

### LAW DEPARTMENT

MUNICIPAL BUILDING - SEATTLE, WASHINGTON 98104  
AREA CODE 206 TELEPHONE 625-2402

JOHN P. HARRIS, CORPORATION COUNSEL

June 4, 1976

CITY PROSECUTORS

RICHARD S. OETTINGER  
ROBERT M. ELIAS  
JACK B. REGAN  
ROBERT B. JOHNSON  
JOSEPH T. SCHLOSSER  
DAVID S. ADMIRE  
MYRON L. CORNELIUS  
ELIZABETH A. HUNEKE  
HARRIET M. CODY  
MARIANNA S. COOKE  
PHILLIP AARON  
CLAIMS MANAGER  
V. L. PORTER

Re: C.B. 97425

Honorable John R. Miller  
City Council  
City of Seattle

Dear Sir:

By "City Council Transmittal" dated June 1, 1976 you have forwarded Council Bill 97425 which authorizes "the refund of certain fees paid for utilization of property and facilities and participation in programs and classes" of the Department of Parks and Recreation, and for such purpose increases an expenditure allowance in the 1976 Budget of the Park Department by appropriation from the Emergency Fund.

In connection with said Council Bill you ask that we redraft the same "to reflect the original request" which was that the same be similar to previous ordinances, two of which (84766 and 93826) accompanied such request, and both of which provide for certain refunds to be made upon presentation of a certificate to the City Comptroller, which officer ---

". . . is hereby authorized to draw and the City Treasurer to pay a warrant on the General Fund in the amount of such refund, and the necessary appropriations are hereby made from any surplus in said Fund."

We note in such connection that the "DRAFT" legislation which accompanied such request provided for presentation of a certificate to the City Comptroller and would authorize such officer ---

Honorable John R. Miller  
Page Two  
June 4, 1976

". . . to draw and the City Treasurer to pay a warrant on the Park and Recreation Fund in the amount of such refund and the necessary appropriations are hereby made from any surplus in said Fund.",

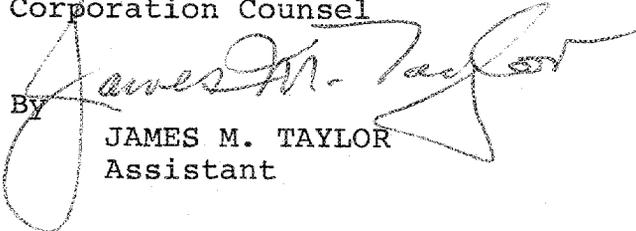
and we note further the Budget Director's subsequent letter of May 26, 1976 attached to C.B. 97425 stating that the "Parks Department has not requested and does not require an Emergency Fund appropriation. They have requested appropriation authority to refund user fees, when certified by the Superintendent, from the Park and Recreation Fund per the draft legislation which they submitted."

We advise that the proposal to refund such fees by appropriation from the Park and Recreation Fund in our opinion would be contrary to the Budget Law (RCW Ch. 35.32A), which provides however, for appropriations to be made from the Emergency Fund "to meet the actual necessary expenditures of the City for which insufficient or no appropriations have been made due to causes which could not reasonably have been foreseen of the time of the making of the budget" and provides also for transfers to such Emergency Fund from "any tax supported fund." (RCW 35.32A.060)

In accordance with your request, we have conferred with Ms. Judy Lafollette of the Office of Management and Budget and at her suggestion we have prepared and forward herewith proposed legislation similar to C.B. 97425 but providing for reimbursement to the Emergency Fund from the Park and Recreation Fund.

Very truly yours,

JOHN P. HARRIS  
Corporation Counsel

By 

JAMES M. TAYLOR  
Assistant

JMT:rl

# Your City, Seattle

Executive Department-Office of Management and Budget

Walter R. Hundley, Director  
Wes Uhirman, Mayor



May 26, 1976

Honorable John Miller  
Chairman, Parks and Public  
Grounds Committee  
The City Council  
The City of Seattle

Dear Mr. Miller:

OMB has received your letter of May 20 and C.B. 97425 which you returned to us for the appropriate changes. OMB cannot write a rewrite legislation but recommends that you return this C.B. to the Corporation Counsel. The Parks Department has not requested and does not require an Emergency Fund appropriation. They have requested appropriation authority to refund user fees, when certified by the Superintendent, from the Park and Recreation fund per the draft legislation which they submitted.

Sincerely,

*Walter R. Hundley*  
Walter R. Hundley  
Budget Director

WRH:JAL:mr

Attachment

cc: Mayor's Office

# Seattle City Council

RECEIVED

MAY 21 1976

OFFICE OF MANAGEMENT  
& BUDGET



Sam Smith  
President of the Council  
583-2367

May 20, 1976

George E. Benson  
Chairman  
Transportation  
Committee  
583-2357

Tim Hill  
Chairman  
Finance Committee  
583-2356

Walter Hundley, Director  
Office of Management and Budget  
City of Seattle  
Seattle, Washington 98104

Paul Kraabel  
Chairman  
Planning & Urban  
Development Committee  
583-2364

Dear Mr. Hundley:

Phyllis Lamphere  
Chairman  
Intergovernmental  
Relations Committee  
583-2355

On May 19, 1976, the Parks and Public Grounds Committee considered Council Bill 97425 (attached). During our discussion of this matter it was pointed out by a representative of your office that the legislation should authorize a reimbursable appropriation from the Emergency Fund and not just an Emergency Fund appropriation as contemplated in Council Bill 97425. Therefore, the Committee recommended that the proposed legislation be returned to your office for the appropriate changes. Thank you for your cooperation.

Wayne D. Larkin  
Chairman  
Utilities Committee  
583-2358

Very truly yours,

John R. Miller  
Chairman  
Parks & Public  
Grounds Committee  
583-2365

JOHN MILLER, Chairman  
Parks and Public Grounds Committee  
Seattle City Council

Randy Revelle  
Chairman  
Public Safety &  
Health Committee  
583-2359

JM:bs:vc

Jeanette Williams  
Chairman  
Human Resources &  
Judiciary Committee  
583-2366

Attachment

# The City of Seattle--Legislative Department

MR. PRESIDENT:

Date Reported  
and Adopted

Your Committee on

PARKS & PUBLIC GROUNDS

AUN 21 1976

to which was referred

C.B. 97492

Relating to the Department of Parks and Recreation; authorizing the refund of certain fees paid for utilization of property and facilities and participation in programs and classes of said Department; increasing an expenditure allowance in the 1976 Budget of said Department in connection therewith; and making a reimbursable appropriation from the Emergency Fund and declaring the emergency therefor.

RECOMMEND THAT THE SAME DO PASS

*John R. Miller*

Chairman

Chairman

Committee

Committee

**TIME AND DATE STAMP**

**SPONSORSHIP**

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:

*John R. Miller*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO: *General*

*[Signature]*

PRESIDENT'S SIGNATURE