



METROPOLITAN SERVICE DISTRICT

527 S.W. HALL ST., PORTLAND, OR. 97201, 503/221-1646

MEMORANDUM

Date: December 12, 1980
To: Metro Council
From: Councilor Mike Burton
Regarding: Johnson LID Ordinance

I would like to clarify my position in proposing to repeal the Johnson Creek LID ordinance. Please understand that I am not saying that Metro should "pull out" of the Johnson Creek issue. It is of regional significance and we do have a proper role. However, there are several factors which bear on our continued ability to play the lead role in the manner we have in the past:

1. Funding (\$40,000) borrowed from local jurisdictions to pay for Phase I is exhausted. We currently have no more money to continue any staffing efforts.
2. The Council has agreed, informally at least, to not take further action unless there is a vote of the people on the imposition of the LID. We, therefore, cannot go to Phase II without a vote.
3. The political climate is such that to ask the people within the LID to "approve" the in place ordinance would, I feel, be rejected.

The options we have are:

1. Eliminate the existing ordinance; or
2. To agree to take no further action on the LID until the Legislature acts (or does not act) on the LID law.

Let me consider some scenarios:

1. The Legislature takes no action on the LID law.

This does not seem likely but the League of Cities and smaller cities might resist changes in the LID law. This would mean that Metro could simply go to Phase II, but if we wish to be consistent we should have a vote on the LID, not Phase II, but the LID itself. I do not look forward to trying to convince

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the public to vote positively. The question also remains - is the vote Metro-wide or confined to just the drainage basin.

2. The Legislature changes the LID law and requires a vote.

In this case, will our ordinance require amendment or is it "grandfathered" in; or will we be able to use it in total; take a simple vote and move to Phase II. In any case, the arguments in Scenario 1 would apply. There is also the problem of how to handle objections to inclusion in the LID. Under our process we must provide an engineer or technician to each household which claims nonattribution. As I understand it, there are some 3,000 - 4,000 requests already in hand. Another problem is benefit of cost. Normal LIDs may simply assess benefit cost ratios because they are easily attributable (benefits of a street paving or sewer or lighting system can be directly related to a household) whereas, a drainage system is somewhat esoteric.

Finally, the question of leaving the LID ordinance in place hangs over, at least by perception, the heads of the public like a sword. Will we be able to gain public trust and confidence given the past concerns with the LID still in place. I do not feel the LID is a viable option as we originally formulated it and believe, even if we keep it, we would be required to take as many major steps to reform it to make it feasible and acceptable as we would have to take to initiate a totally new process. I would hope we can repeal and build from where we are and work towards an early resolution of the drainage problem.

MB/gl
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cc: Rick Gustafson