

MINUTES OF THE COUNCIL
OF THE METROPOLITAN SERVICE DISTRICT

October 2, 1980

Councilors in Attendance

Vice Presiding Officer Jack Deines
Coun. Mike Burton
Coun. Bob Oleson
Coun. Charles Williamson
Coun. Craig Berkman
Coun. Corky Kirkpatrick
Coun. Jane Rhodes
Coun. Betty Schedeen
Coun. Ernie Bonner
Coun. Cindy Banzer

Others in Attendance

Ken Bunker
Bob Weil
Jon Frewing

In Attendance

Executive Officer Rick Gustafson

Staff in Attendance

Denton Kent
Mike Holstun
Andrew Cotugno
Andrew Jordan
Denton Kent
Caryl Waters
Paula Godwin
Marilyn Holstrom
Isaac Regenstreif
Wayne Coppel
Jim Sitzman
Walter Monasch
Cynthia Wichmann

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CALL TO ORDER

After declaration of a quorum, the meeting was called to order by Vice Presiding Officer Deines at 7:35 p.m. in the Council Chamber, 527 S.W. Hall St., Portland, Oregon 97201.

1. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

There were no citizen communications to Council on non-agenda items at this meeting.

2. CONSENT AGENDA

Coun. Rhodes moved, seconded by Coun. Kirkpatrick, that the Consent Agenda be approved as presented. All Councilors present voting aye, the motion carried.

3. ORDINANCES

3.1 Ordinance No. 80-102, For the Purpose of Adopting and Implementing a Regional Waste Treatment Management Plan and Amending Chapter 3.04 of the Metro Code ("208" Waste Water Plan) (Second Reading)

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ord. No. 80-102 for the second time by title only.

Coun. Rhodes mentioned that the Gresham Tri-City Sewer Consortium report indicated that it was more economically feasible for sewerage to be processed at several small local plants rather than one large plant. Mr. Kent elaborated on the report, commenting that when all factors were considered the results were inconclusive. He added that it was being recommended to WRPAC that the Sewer Consortium's work be endorsed as in accord with the "208" Plan, subject to agreement of Council.

At the request of Coun. Bonner, Messrs. Monasch and Kent described the composition and workings of WRPAC.

There was a vote on the motion to adopt Ord. No. 80-102. All Councilors present voting aye, the motion carried.

3.2 Ordinance No. 80-103, For the Purpose of Regulating the Execution of Public Contracts (Second Reading)

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ord. No. 80-103 for the second time by title only.

Following discussion, a vote was taken on the motion to adopt Ord. No. 80-103. Couns. Bonner and Rhodes voted no; all other Councilors present voting aye, the motion carried.

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3.3 Ordinance No. 80-104, An Ordinance Amending Housing Goals and Objectives (Second Reading)

It having been ascertained that it was the consensus of the Council to do so, the Clerk read Ord. No. 80-103 for the second time by title only.

It was noted that this ordinance had been introduced by Coun. Deines rather than Coun. Banzer.

A vote was taken on the motion to adopt Ord. No. 80-104. All Councilors present voting aye, the motion carried.

Johnson Creek

Couns. Banzer and Schedeen introduced an unnumbered resolution "For the Purpose of Deferring Any Further Action on the Johnson Creek Local Improvement District Until Approved by the Voters."

Coun. Banzer outlined the provisions of the proposed resolution and discussed the importance of Council dealing with this issue. Coun. Banzer moved, seconded by Coun. Schedeen, that the resolution be adopted.

Coun. Schedeen expressed her conviction that the proposed action was necessary in order to counteract inaccurate statements being made by the press and to reassure the residents of the flood basin that there would be no assessments until there had been an opportunity to vote on the issue.

Coun. Berkman asked whether the resolution might have the effect of suggesting that Metro was backing away from finding a solution to the Johnson Creek problem. He also felt that a popular vote would be irrelevant, since it was of questionable legality and would involve the entire Metro area. He urged that the L.I.D. not be jettisoned until a realistic alternative approach was found.

Coun. Burton felt that since the assessment had already been tabled and the Council had supported the referendum, the only immediate effect of the resolution was to direct the Regional Services Committee to search for alternatives. He was also concerned about possible ramifications should it be determined that a popular vote of any kind on this issue was not legally binding.

Coun. Kirkpatrick opposed the motion, remarking that the issue was not particularly clear cut and stressing the importance of standing by decisions.

Coun. Williamson felt the resolution was unnecessary, since the Council as a whole supported the concept of a vote. He thought some provisions of the resolution could be overly restrictive.

Coun. Rhodes suggested that the resolution be referred to the Regional

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Services Committee. She emphasized the importance of Council not hamstringing itself with regard to future undertakings such as the gathering of public information.

Couns. Schedeen and Banzer withdrew their second and motion.

Coun. Berkman suggested that it might be useful to prepare a detailed summary of Metro actions throughout the history of the Johnson Creek project and to communicate with the wider public on this issue. He stressed the importance, however, of refocusing the attention of the region on the benefits to be derived from the tax base.

Commenting that he felt it had not been made clear that there would be no assessment without a popular vote, Coun. Bonner moved, seconded by Coun. Schedeen, that the Metropolitan Service District shall not assess one nickel against any property owner in the Johnson Creek basin until there has been a vote taken on the issue.

Coun. Banzer moved, seconded by Coun. Schedeen, that the words "assess one nickel" be replaced with the words "make any assessments." A vote was taken on the motion to amend. Couns. Kirkpatrick and Bonner voted no; all other Councilors present voting aye, the motion carried.

Discussion of the motion as amended focused on 1) the possible legal difficulties involved in submitting the issue to the public, including whether the remonstrance process constituted a vote; 2) how a vote might be financed; 3) the deleterious effect that the precedent of forming a service district would have on Metro's involvement in formulating and implementing a regional drainage plan; and 4) possible actions on the part of the Legislature which could affect this particular issue.

Following discussion, a vote was taken on the motion. Voting aye were Couns. Deines, Schedeen, Bonner, Banzer, and Oleson; voting no were Couns. Kirkpatrick, Rhodes, Burton, Williamson, and Berkman. The motion failed.

Coun. Rhodes suggested that it would be appropriate to rescind the motion of Sept. 25, 1980, instructing General Counsel Jordan to take legal action in pursuit of placing the Johnson Creek referendum on the November ballot.

Executive Officer Gustafson explained that since the General Counsel's legal opinion was that the matter could not be submitted for a legally binding vote, it would be inconsistent for Metro to appear in court to argue for a November election.

Coun. Schedeen moved, seconded by Coun. Rhodes, that the General Counsel be directed not to pursue the issue of a November 4 ballot election for the Johnson Creek L.I.D.

Coun. Oleson left the meeting.

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Coun. Burton suggested that pursuing the action could provide clarification of the legal question, pointing out that if there was a finding that the L.I.D. could be referred, a February election would be much more costly than the November election.

Coun. Berkman saw pursuit of the action as a symbol of Metro's commitment to a public vote; he pointed to the value of having an advisory vote even if it were not legally binding.

Coun. Williamson expressed concern about the substantial expenditure connected with a possible February ballot, versus taking advantage of the November election.

Coun. Banzer supported putting the issue on the November ballot but echoed the concerns about the costliness of a special election.

Coun. Bonner opposed the motion, calling for a popular vote as soon as possible at the least possible expense.

Mr. Jordan emphasized that the only issue being argued before the court the following day was whether the referendum could be placed on the November ballot. He explained that if the court ruled against the November ballot, the County would automatically place the referendum on the February ballot, necessitating further legal challenge. In the meantime, the State Attorney General had yet to comment on the question of the legality of submitting the matter to a public vote.

Coun. Rhodes urged support of the motion.

Coun. Deines reminded Council that a negative vote would result in Mr. Jordan appearing in court the following day.

A vote was taken on the motion. Couns. Rhodes, Kirkpatrick, and Deines voted aye; all other Councilors present voting no, the motion failed.

There was a brief recess, during which Couns. Berkman and Burton left the meeting.

4. GENERAL DISCUSSION

4.2 Regional Transportation Plan

Mr. Cotugno and Coun. Bonner reported on the current status of the Regional Transportation Plan, explaining that it was desirable to extend the schedule for some months in order to explore a number of issues more deeply. These include: 1) What should the transit system look like in terms of size, ridership, physical layout and cost? 2) How important is carpooling, and what kinds of programs would best promote it? (This involves consideration of air quality, vehicle inspection, and other industrial or vehicular controls.) 3) What are the financial implications of the plan for the highway system? 4) Does the RTP actually meet the objectives it lays out?

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Mr. Jon Frewing felt that the major policy issue was the extent to which land use policy would become involved in solving transportation problems. He called attention to the frequency with which cities allowed development that is incompatible with longstanding transportation plans.

Several members of the Council expressed interest in exploring the possibility of coordinating transportation planning with land use and development. It was suggested that the Regional Planning Committee might be an appropriate mechanism for providing such coordination.

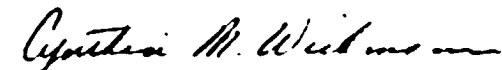
Council was reminded of the joint RPC/JPACT meeting on October 13, to take public testimony on the second draft of the Regional Transportation Plan. It was announced that the meeting of October 15 had been cancelled.

4.1 Legislative Concerns

Mr. Regenstreif guided the Council through a continuation of their discussion of legislative concerns, as outlined in the materials distributed at the Council Retreat on September 28.

There being no further business, the meeting thereupon adjourned.

Respectfully submitted,



Cynthia M. Wichmann
Clark of the Council