

MINUTES OF THE COUNCIL  
OF THE METROPOLITAN SERVICE DISTRICT

December 4, 1980

Councilors in Attendance

Presiding Officer Marge Kafoury  
Vice Presiding Officer Jack Deines  
Coun. Bob Oleson  
Coun. Charlie Williamson  
Coun. Craig Berkman  
Coun. Corky Kirkpatrick  
Coun. Jane Rhodes  
Coun. Betty Schedeen  
Coun. Cindy Banzer  
Coun. Gene Peterson  
Coun. Mike Burton

In Attendance

Executive Officer Rick Gustafson

Staff in Attendance

John LaRiviere  
Gary Bradshaw  
Walter Monasch  
Denton Kent  
Andy Jordan  
Charlie Shell  
Marilyn Holstrom  
Tom O'Connor  
Isaac Regenstreif  
Jennifer Sims  
Berta Delman  
Sue Klobertanz  
Mike Holstun  
Caryl Waters  
Paula Godwin  
Judy Bieberle  
Michele Wilder  
Sonnie Russill  
Cynthia Wichmann

CALL TO ORDER

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

WRITTEN COMMUNICATIONS TO COUNCIL

Presiding Officer Kafoury read the following letters addressed to the Council: (1) from Coun. Deines, complimenting staff members Merle Irvine and Doug Drennan on their conduct of a public meeting on November 26; and (2) from Mr. Burton Weast, resigning his membership on the Housing Policy Alternatives Committee.

1. CITIZEN COMMUNICATIONS TO COUNCIL ON NON-AGENDA ITEMS

Mr. Don McIntire, speaking as chairman of the Up the Creek Committee, asked the Council to declare its intentions with regard to calling for an election on the Johnson Creek referendum, asserting that under the law Metro was obligated to do so.

Mr. Gustafson announced that he would be asking the Regional Services Committee at their meeting on December 9 to consider a proposal that Metro (1) suspend any action on the Johnson Creek LID until after the close of the legislative session; (2) support legislation requiring a popular vote for LIDs the size and type of Johnson Creek; and (3) commit to abide by the new law. He added that Mr. Radakovich of Multnomah County had indicated that the County would adhere to the Attorney General's opinion and thus would not hold the election.

Mr. McIntire responded that Mr. Radakovich had told him the County could take no action unless Metro called for an election.

Following further discussion, Coun. Kafoury suggested that the Council seek a written response from Multnomah County as to their position in the matter.

Mr. Alan Johnson, Ms. Shirley Ksistros, Ms. Sherry Winters, Ms. Lettie Barrett, and Mr. Jeff Anderson, representing Oregon Fair Share, described current efforts of their organization towards alternative solutions to funding the Johnson Creek project, and asked the Council to:

- 1) Continue as local sponsor for Army Corps of Engineers funding and work to keep Corps funding available.
- 2) Cooperate with Fair Share in exploring new options for funding.
- 3) Support legislation that would require a positive vote on all LIDs.
- 4) Make some assurance that the present LID would not be revived.

Following discussion, Fair Share's questions were referred to the Regional Services Committee for consideration at their December 9

meeting and subsequent recommendation to Council. Fair Share agreed to submit details of their research efforts in order to facilitate the Committee's discussion.

#### 4.1 Bellevue, Washington Drainage Management Presentation

Mr. LaRiviere introduced Hector Cyre, former director of the Bellevue Drainage Utility District. Mr. Cyre presented a slide show, "The Bellevue Experience," and drew parallels between the development of that project and Johnson Creek. He focused particularly on the difficulties of implementing such far-reaching programs and of evolving an effective citizen involvement process. Following his presentation, Mr. Cyre responded to questions from Councilors and citizens.

## 2. RESOLUTIONS

### 2.1 Resolution No. 80-198, For the Purpose of Appointing an Agent of Record for Casualty and Liability Insurance

Coun. Deines described the purpose and background of this resolution, reporting that the Coordinating Committee recommended its adoption, and moved, seconded by Coun. Kirkpatrick, that Res. No. 80-198 be adopted. A vote was taken on the motion. All Councilors present voting aye, the motion carried.

### 2.2 Resolution No. 80-203, For the Purpose of Adopting the Metropolitan Area Water Resources Study

Coun. Williamson moved, seconded by Coun. Peterson, that Res. No. 80-203 be adopted.

Following discussion, a vote was taken on the motion. All Councilors present voting aye, the motion carried.

## 3. MOTIONS

### 3.1 Reappointment of Marjorie Ille to HPAC

Presiding Officer Kafoury explained that this action was necessitated by the resolution passed at the previous meeting reorganizing HPAC.

Coun. Deines moved, seconded by Coun. Burton, that Ms. Ille be reappointed to HPAC. All Councilors present voting aye, the motion carried.

### 4.3 NARC 1981 Washington Priorities

Coun. Kirkpatrick explained the background of this item and asked that a procedure be developed to determine which items are seen as priorities by the Metro Council. Staff was asked to make recommendations. Following discussion, the matter was referred to the Coordinating Committee.

#### 4.2 Proposed Legislative Program

Presiding Officer Kafoury explained that the document under discussion reflected recommendations made by the Coordinating Committee.

There was a brief recess, during which Coun. Berkman left the meeting.

Referring to his memoranda to Council dated Nov. 26 and Nov. 13, 1980, Mr. Regenstreif guided a discussion of the Legislative Concepts under consideration for inclusion in the 1981 Legislative Program. Attention focused on those items which had not been resolved by the Coordinating Committee, as follows:

Transit Development Districts - Mr. Regenstreif reported that the Coordinating Committee suggested holding this item, leaving it to local jurisdictions to take the initiative. The Council concurred.

Vehicle Inspection Program - Mr. Regenstreif explained that the Coordinating Committee would be discussing this program in conjunction with air quality, although they felt that vehicle inspection should remain under DEQ and that Metro was not in a position to suggest, support, or operate a program. Coun. Williamson added that the Coordinating Committee had suggested that it might be necessary eventually to go to an annual inspection program in order to meet air quality requirements.

Transportation Finance - Mr. Regenstreif reported that while Metro was not proposing any legislation in this area, it was important to pursue long range funding for transportation. He will continue discussions with the Governor's office and the Legislature concerning means of bringing various interest groups together on this issue. There was discussion of what is being considered in terms of alternative methods of funding.

Referendum Authority - Mr. Regenstreif reported that there was general agreement that legislation be sought which would enable Metro to refer issues to voters at either general or primary elections. However, no consensus had been reached regarding the desirability of including advisory votes or sub-district votes. He asked for Council direction on those two items.

Discussion focused on the following:

- 1) There were cheaper alternatives available to advisory votes.
- 2) Sub-district votes could be seen as subverting the concept of regional government.
- 3) In those instances where sub-district votes might be necessary, other approaches could be used (i.e., service districts, etc.)

Coun. Williamson moved, seconded by Coun. Kirkpatrick, that legislative establishing referendum authority be sought, excluding advisory and subdistrict votes.

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Following further discussion, a vote was taken on the motion. All Councilors present voting aye, the motion carried.

Miscellaneous Changes to Metro Elections Law - Mr. Regenstreif reported that the questions on this issue centered around item d, Allow Metro to redistrict rather than the Secretary of State. It was pointed out that redistricting was very costly and could probably be done more quickly by the Secretary of State.

Couns. Williamson and Oleson felt that redistricting should be retained as an issue to be addressed in the future, but not at this legislative session.

Following discussion, Coun. Burton moved, seconded by Coun. Peterson, that item d be deleted from this issue. A vote was taken on the motion. Voting no were Couns. Oleson, Williamson, and Berkman. All other Councilors present voting aye, the motion carried.

Administration of Metro - Mr. Regenstreif asked that item a (Require counties to collect assessments) be held over for future discussion. He reported that the Coordinating Committee had recommended deleting item c (Allow Metro to pass ordinance after readings at two meetings only one of which needs to be a regular meeting). He requested Council direction on item d (Remove Metro from APA requirements, but require Metro ordinance to provide for contested case hearings).

Coun. Williamson moved, seconded by Coun. Peterson, that item d be deleted from the legislative package.

Following discussion, a vote was taken on the motion. Couns. Williamson, Berkman and Peterson voted aye. All other Councilors present voting no, the motion failed.

Metro Finance - Mr. Regenstreif suggested that the decision on this issue be postponed. The Council concurred.

Drainage Utility District/Local Improvement Districts - Coun. Burton expressed strong opposition to eliminating LIDs altogether, explaining that he did not wish to support legislation which would jeopardize the ability of local jurisdictions to utilize the LID process. He added that he could support legislation requiring a popular vote on LIDs involving more than 30,000 people, providing that the LID did not cross jurisdictional boundaries.

Coun. Banzer moved, seconded by Coun. Williamson, that no position be taken on this issue until specific legislation is available for comment.

Couns. Kafoury and Deines left the meeting.

Mr. Gustafson remarked that it was his understanding that Metro would not introduce legislation in this area and that interest would be reserved to Metro issues only. He added that the recommendation was to take a general position that the idea of a vote on large LIDs was one that Metro supported.

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Following further discussion, a vote was taken on the motion. Couns. Burton and Peterson voted no. All other Councilors present voting aye, the motion carried.

Emergency Siting of Landfills - Mr. Regenstreif reported a strong feeling in the Coordinating Committee that Metro not submit legislation on this issue. The Council concurred.

Waste Reduction - Discussion centered on whether Metro should prepare legislation at this time, what kind of role Metro should play in this area, and what sort of approach would be most effective in spurring waste reduction efforts. The Council concurred with the recommendation of the Coordinating Committee, with the understanding that it would be possible to submit legislation at a later date if necessary.

Pollution Control Bond Fund - Mr. Gustafson explained that obtaining commitment of these funds from the Legislature and DEQ was vital to the resource recovery project and should carry high priority. Council concurred with the Coordinating Committee's recommendation.

Resource Recovery - Mr. Gustafson commented that because of the impact of pollution tax credit eligibility provisions on the resource recovery facility, this could become the top priority item in the legislative program at some point. He discussed with Council the intricacies of this issue.

Coun. Oleson moved, seconded by Coun. Burton, that Council approve the legislative program as modified above.

Coun. Peterson moved, seconded by Coun. Burton, that the motion be amended to permit the Executive Officer to give the Resource Recovery issue top priority should he find that to be the wisest course. A vote was taken on the motion. Voting aye were Couns. Schedeen, Rhodes, Oleson, Peterson, and Burton. Coun. Williamson voted no; Coun. Kirkpatrick abstained. The motion carried.

A vote was then taken on the motion as amended. Coun. Williamson voted no. All other Councilors present voting aye, the motion carried.

Mr. Regenstreif outlined the procedure for addressing further legislative issues, and asked individual Councilors to inform him of which issues were of particular interest to them.

Coun. Burton asked that Councilors be provided with information on any legislation which could affect their particular districts.

Coun. Peterson asked for an opportunity to address the Council at the meeting of December 18.

There being no further business, the meeting was adjourned.

Respectfully submitted,

*Cynthia Wichmann tj*  
Cynthia M. Wichmann  
Clerk of the Council