

Local

County adopts \$25.7 million budget, agrees to purchase ODOT buildings

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The Baker County Board of Commissioners met on Wednesday with all the Board present. The attendees included Planning Director Holly Kerns, Planner Eva Ceder, District Attorney Matt Shirtcliff, Administrative Service Director Christena Cook, Powder Basin Watershed Council (PBWC) Executive Director Johanna Sedell, PBWC Chair Nancy Rorick, Ed Hardt, Lorrie Harvey, John and Ramona Creighton, Ken Anderson, Wanda Ballard, Alice Knapp, Lea Hoover, Bruce Morrison, and Mark and Yvonne Wood.

Citizen Participation.

Hardt took the floor first, mentioning concerns about Order No. 2015-124, Petition for the Vacation of a Portion of Robinette Road. This item was on the agenda, but was postponed until the July 1 session. Hardt discussed vandalism along that road, stating specifically that there are issues with some there and along other roads, and that vandalism shouldn't be the cause for road closures. He mentioned green trees were purposely being felled by contractors working with the U.S. Forest Service across roads in order to block traffic, and questioned whether this practice is legal.

Morrison said that more law enforcement is needed at night in Baker County, also talking about vandalism and theft, among other issues.

Ramona Creighton suggested installing some cameras for security purposes, and Bennett responded that Baker County Sheriff Travis Ash is working on addressing issues with vandalism, theft, etc.

Resolutions.

Resolution No. 2015-1009, Appropriation Transfer Within The 2014-2015 Budget Within The Non-Departmental Department Of The School Based Clinic Fund, was adopted, with a motion from Bennett, and a second from Kerns. The changes in expenditures are as follows: a \$5,000 increase in Mental Health Support Staff, a \$1,000 increase in Group Insurance, a \$1,000 increase in Retirement, and a \$1,000 increase in Social Security, and an \$8,000 from Contract Mental Health.

Resolution No. 2015-1010, Appropriation Of Unanticipated Funds To Be Expended In The Non-Departmental Department Of The County Health Fund, was adopted, with a motion from Bennett, and a second from Kerns. The changes in revenues are as follows: a \$10,000 increase in Public Health Administration-MAC. The changes in expenditures are as follows: \$2,500 increase in Repair/Maintenance Vehicles, a \$2,500 increase in Travel/Training, and a \$5,000 increase in Public Health Administration.

Resolution No. 2015-1011, Appropriation Of Unanticipated Funds To Be Expended In The WIC Department Of The Count Health Fund, was approved. The changes in revenues are as follows: a \$1,784 increase in WIC

OR Health Grant. The changes in expenditures are as follows: a \$1,784 increase in Office Supplies.

Planning.

The findings of the County Planning Department concerning Zoning Map and Comprehensive Land Use Plan Amendment, PA-15-001, were adopted, with a motion from Bennett, and a second from Kerns. This Plan Amendment was requested in order to re-zone a single parcel of land from Primary Forest (PF) to Timber-Grazing (TG). The location is Tax Lot 100 of Township 10 South, Range 39 East, Section 29, off of Highway 7, east-southeast of Sumpter. Prior to adoption, Yvonne Wood testified in favor of the Amendment, discussing details about the property, and the desire of the owner, Leona Jones, to rebuild a cabin which had previously been lost due to fire.

Ordinances, Orders and Resolutions.

The first reading of Ordinance No. 2015-03, Amending The Zoning Map Adopted By Ordinance 84-1, by title only, was completed, first with a motion from Bennett, and a second from Kerns. As this is part of a hearing process concerning the aforementioned property, Bennett moved, with a second from Kerns, to continue the hearing to July 1, 2015, at 10 a.m.

Eastern Oregon Community Based Services Hub Bylaws, drafted in May 2013, and amended in May 2015, were approved, with a motion from Bennett, and a second from Kerns. The purpose of the Hub, which includes Baker, Malheur and Wallowa Counties, is to "...support families to help their children attain positive goals and a successful life, while bringing local communities together to provide a more streamlined, efficient system, to interact and share successful practices and be collectively responsible for the outcomes of Eastern Oregon's children."

Order No. 2015-125, Re-Appointing Members To The Early Learning Regional Council, was approved, with a motion from Kerns, and a second from Bennett. Andrew Bryan and Gwen O'Neal were re-appointed, with terms through June 30, 2017.

Bennett moved, with a second from Kerns, to resume discussion on Order No. 2015-126, Designating A Paper Of Record, at the July 1, 2015 session, because more information from area newspapers concerning publishing rates, etc. needed for a decision.

Tax Resolution No. 98-01 was approved, with a motion from Bennett, and a second from Kerns. The excess total of \$2,540.77 in real and personal property taxes will be refunded to: Daniel Christensen, \$584.78; Steven Nagy, \$387.29; Aaron Still, \$316.96; Del Stout, \$305.57; Leaf Financial Corporation, \$286.28; Howard and Sandra Britton, \$219.33; John McLean, \$215.23; Sid Prowell, \$150.55; Patricia Matheson, \$58.67; Wells Fargo Leasing, Inc, \$9.50; and Cascade Utilities, \$6.61.

Resolution No. 2015-1005, Appropriation Transfer Within The 2014-2015 Budget Within The Non-Departmental Department Of The County Clerk Records Fund, was adopted, with a motion from Bennett, and second from Kerns. The change in expenditures was \$3,000 increase in Equipment, from Capital Outlay.

The Re-Promulgation of the Baker County Emergency Operations Plan was adopted. According to the staff report, "The Emergency Operations Plan is an all-hazard plan that describes how Baker County will organize and respond to emergencies and disasters in the community. It is based on, and is compatible with, Federal, State of Oregon, and other applicable laws, regulations, plans, and policies, including the National Response Framework and the State of Oregon Emergency Management Plan. Baker County has adopted principles of the National Incident Management System and the Incident Command System."

Resolution No. 2015-1008, Appropriation Transfer Within The 2014-2015 Budget Within The Non-Departmental Department Of The Fair Board Fund, was adopted, with a motion from Bennett, and a second from Kerns. The changes in expenditures are as follows: a \$3,000 increase in Fair Manager, and a \$500 increase in Workers Compensation, from Repair/Maintenance/Supply (\$2,000), Repair/Maintenance Vehicle (\$500), and Travel (\$1,000).

A Professional Services Agreement between Baker County and contractor Pat Heriza was approved. This agreement is for services as a Court-Connected Domestic Relations Mediator, at the rate of \$100 per hour. An agreement between Baker County and contractor Heather K. Wood for the same services and pay rate was also approved, with a motion from Bennett, and a second from Kerns.

Agreement No. 30542, between Baker County and the Oregon Department of Transportation (ODOT), was approved. The agreement provides financial support for special transportation services benefiting seniors and individuals with disabilities, and the budget is listed as \$160,000.

2015-2017 Intergovernmental Agreement # 147781, for the Financing of Community Addictions and Mental Health Services, was approved.

A Memorandum of Understanding between the City of Baker City/ Baker City Fire Department and Baker County was approved. This memorandum, according to the document, "...sets forth the terms and understanding between the Baker City Fire Department and the County of Baker to share resources to improve response capabilities for the Baker City Fire Department and to improve and expand the program responsibilities of the Baker County Fire Division Manager."

Resolution No. 2015-1006, Declaring The Ad

Valorem Property Tax And Categorizing The Property Tax Limitation For Baker County For 2015-2016, was adopted, with a motion from Bennett, and a second from Kerns. The adopted tax rate is \$3.7286 per \$1,000 of assessed value, and \$90,000 in Local Option tax for weed control operations.

Resolution No. 2015-1007, Adopting The 2015-2016 Baker County Budget And Making Appropriations There Of, was adopted, a total of \$25,720,687.

The classification of Museum Assistant was approved, with a motion from Bennett, and a second from Kerns. This will be a half-time or less position, without eligibility for benefits. This was requested because the contractor who performed the work previously relocated.

The classification of Natural Resource Coordinator was approved, with a motion from Bennett, and a second from Kerns. This position will be half-time, with pro-rated benefits, with a starting salary of around \$20,000.

Shirtcliff discussed public meeting notice requirements, reading Oregon Revised Statutes (ORS) 192.640, and giving his recommendation to the Board, which includes publishing an agenda at least by the Friday previous to the next scheduled meeting. He also recommended that, if there are anticipated or controversial topics to be presented during citizen participation, these could be added to the agenda and notice given when possible.

Sedell and Rorick gave the Board a presentation regarding the PBWC, and its 2014 Annual Report. This report is associated with a request for in-kind support. The mission of the PBWC is to "...promote, restore, and enhance the health of our watersheds through the cooperation of all stakeholders."

The Board was provided with an invoice from Andy Rieber, who was contracted to review and make recommendations on the revision of the Baker County Natural Resource Plan. Rieber, from Adel, Oregon, was expected to originally need 10 hours to complete this service, however, she actually spent 42 hours in total. At an hourly fee of \$100, her invoice totaled \$4,200. With a motion from Bennett, and a second from Kerns, payment of the invoice was approved.

After a break, Harvey called to order an executive session to discuss details of property purchases in relation to the old ODOT building, with Facilities Maintenance Foreman Dan McQuisten. After closing that session, and again back into the regular session, Kerns moved, with a second from Harvey, to purchase property at 13th and E Streets, for \$55,000 plus closing costs. This property adjoins property the County already owns. After some further discussion, Harvey moved, with a second from Kerns, to purchase the old ODOT building for \$100,000, pending approval from ODOT.

Sumpter lawsuit

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After hearing Leuenberger assert reasons to proceed to a trial on 10 separate motions and hearing counter-arguments from defendant's council Vale attorney Carol Skerjanec, Judge Baxter likened the conflict to a marital divorce.

"What is it that you want?" Baxter compelled the plaintiffs to ask themselves. "What will you do from this moment forward?" He advised that both sides of the conflict share a vested interest, that being the welfare and future of the City of Sumpter.

Leuenberger, in response, said the plaintiffs request the court to make a declaration that the City of Sumpter be run legally.

Before considering the legal merit of each of the 10 motions, Judge Baxter made an initial court order that the two sides try to reach a settlement. "Another judge will come to try and see if a resolution can be made," said Baxter. Baxter scheduled a settlement hearing in front of a visiting judge on Aug. 7, 2015.

Current Sumpter Mayor Melissa Findley, who sat on the side of the plaintiffs, echoed the concern of Judge Baxter, "After three years and the divisiveness within the City of Sumpter, you're hopeful that once this is done we'll be able to move on and at least be nice to one another," she said.

Among the list of motions, and one of the most serious, filed against the plaintiffs allege unlawful practices by City of Sumpter in dealing with the Oregon Department of Environmental Quality. City maintenance worker David Sanders was charged with a felony for falsifying records submitted to the DEQ on June 1, 2011. The charge was downgraded to a Class A misdemeanor and Sanders pled guilty on March, 11, 2015 to Providing False Information to an Agency and was sentenced to 24 months probation to the court.

Leuenberger claims the issues between City of Sumpter and DEQ include an unauthorized irrigation system, and allowance of waste to get into the City water system. "The City was fined \$9,000, which may be on appeal, but the citizens who fit the bill had nothing to do with it," Leuenberger said. "David Sanders and John Young are responsible and the citizens shouldn't have to pay."

Several times during the hearing Leuenberger referred to the operations of City of Sumpter as "slipshod."

The two sides, through legal counsel, listed and argued the legal merit of each of the list of 10 different motions for summary judgment.

In Motion 1 plaintiffs claim that Recreational Vehicles (RVs) have been allowed to park for camping in the city park in violation of state law and Sumpter City zoning ordinance.

Defendants argue that the allowance of RVs in the city park for camping during the flea market has been a practice for 30 years and is a practice that has been "grandfathered in." Attorney Skerjanec said flea market vendors camp near their booths for security purposes. "If the vendors can't stay with their booths, will they come at all?" attorney Skerjanec asked. "And if the vendors don't come then the public won't come and the city businesses will suffer."

In Motion 2 plaintiffs allege a failure of the City regarding open meeting conduct and inadequate meeting minutes. "The minutes provided are poor and one-sided," said Leuenberger.

Skerjanec argued that meeting minutes were approved by City Council and the Mayor.

Motion 3, 4, and 6 involve violations of public purchasing law and improper project bidding procedure with Leuenberger once again claiming the City of being a "slipshod operation."

Motion 5 involves an alleged violation of public meeting law when the City Council met outside the geographic boundary of Sumpter.

Motion 7 alleges a violation of local budget law involving an interfund loan that plaintiffs claim was not paid back properly.

Motion 8 alleges a violation of oath of office by what Leuenberger referred to as, "numerous violation of city purchasing law, the RV park and violations of city zoning ordinance, and operating in a slipshod manner."

Skerjanec argued back, "They are all volunteers and not career politicians. These defendants did the best they could."

Motion 9 involves the issues related to unlawful dealings with the DEQ.

Motion 10 alleges mishandling of funds raised through the sale of vehicles belonging to the estate of a deceased resident.

Judge Baxter now has the duty of deciding if any or all of the motions hold legal merit to proceed to trial.

The next hearing in the lawsuit to present a Motion to Compel has been scheduled for June 29, 3:30 to 5 p.m.

Bingham gets new heart

Fifteen-year-old Sierra Bingham of North Powder received the call at Lucile Packard Children's Hospital in Palo Alto, California Tuesday that her new heart was on the way. The transplant, her second, was completed Wednesday. Sierra and two of her siblings, Gage and Lindsey suffer from a rare cardiomyopathy. Sierra's first transplant was in 2006 and Lindsey's was in 2013. Gage has a pacemaker. Donations to help with medical expenses can be dropped of c/o Dale Bingham at Bingham, Bingham and Watt CPAs on 2nd Street in Baker City.