

Local

Coordination workshop

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As he worked through the ranchers' case he came upon the coordination process he found was mandated in a number of federal statutes. Grant successfully invoked coordination between Owyhee County and the BLM and, 25 years later, he reports no significant loss of grazing to the ranchers of Owyhee County.

Once Grant had helped those Owyhee County ranchers, he entered a path that would define the past 20 years of his law career. Grant was educated at one of the great legal universities, University of Chicago Law School, and had an esteemed career as a high-paid criminal defense attorney. Yet, he turned away from the high-profile, highly paid career focus to help those he refers to as his friends.

"For the past 20 years, Fred Kelly Grant has fought for the rights of farmers, ranchers, loggers, miners, and those who use the great outdoors for recreation," as written in Grants biographical information. "Pursuing those efforts he discovered that the law requires federal and state governments to 'coordinate' with local governments—and requires that they make every practicable effort to make their policies and actions consistent with local policies. He has worked with the coordination process to produce victories in twelve states for counties, cities, towns, hamlets, soil conservation districts, fire districts, irrigation districts, and school districts in defending against arbitrary regulatory agencies."

Grant cited a list of Oregon State and federal laws that require state and federal agencies to coordinate project and regulations with local communities. "US Senator Mark Hatfield introduced coordination in the 1970s when Congress decided to keep the western lands," Grant explained.

Coordination as a legal process is based on the rights granted under the Tenth Amendment to the US Constitution, accord-

ing to Grant. The Tenth Amendment gives rights to the states and to the people when not specifically given the federal government.

In its entirety, the Tenth Amendment reads, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people."

Grant wrote, "In 1992, the Tenth began its re-emergence with the opinion written by Madame Justice O'Connor (New York v. United States). The Court ruled 6-3 in favor of the State, thus began a streak of cases decided under the guidance of Mr. Chief Justice Rehnquist, which returned the Tenth Amendment to its rightful place as guarantor of state and local authority."

The power of the coordination process, according to Grant, hinges on three main concepts:

First, coordination requires federal and state agencies to provide local government prior notification of any plans, projects, or proposed regulations to allow local input from the very beginning.

Secondly, it orders federal and state agencies to be apprised of the content of county resource and land use plans.

And, thirdly it requires that conflicts between federal or state plans and local plans are recognized and resolved.

Grant agrees that the practical application of the coordination process in Baker County could be to protect against forest road closures during the pending United States Forest Service Travel Management Plan in the Wallowa-Whitman National Forest, to route the Idaho Power, Co., 500-kV transmission line away from private land and onto public lands, or to protect cattle grazing interests during the listing of an endangered species such as the Greater sage-grouse.

In fact, Grant cites 19 times coordination has been used by local governments across the western states to protect local interests by forcing federal

and state plans and regulations to remain consistent with local plans. Several examples where coordination has been used by local governments include Shasta County, Cal, to keep forest roads open, by Modoc County, Cal., to protect cattle grazers, and by Owyhee County, Idaho both to protect cattle grazers and to route the planned Idaho Power transmission line off of privately owned agricultural land and onto public land.

Grant says the stopping of the Trans Texas Corridor was probably the biggest victory for local citizens using coordination. A group of Texas citizens led by Terri Hall, mother of nine children with one on the way, took their concerns about the Trans-Texas Corridor to five small Texas towns.

Those towns, along with several school districts and irrigation districts demanded and eventually entered into coordination with the Texas Department of Transportation.

Hall came to Baker City and gave her portion of the Coordination 101 workshop on Friday, Aug. 21, explaining in detail the Trans Texas Corridor plan and the way her grassroots campaign put a stop to a multi-billion dollar international project planned on the soil of her region of Texas.

Hall cites a long list of television appearances and has become a well-known political activist throughout the southwest. "She is the best grassroots organizer I've ever seen," Grant said as he introduced Hall.

"The Trans Texas Corridor would have been the biggest land grab in US history," began Hall. "It would have turned 580,000 acres of private property over to the hands of a foreign owned company."

The Trans Texas Corridor was a highway project proposed by Cintra, Co., of Spain and it was pushed by then Texas Governor Rick Perry. Hall explained that the 1,200-foot wide highway was to be built by Cintra, Co., without a competitive bidding process. Additionally, once



Brian Addison / The Baker County Press

Texas grassroots organizer Terri Hall answers a question posed by Jim Iler during the Coordination 101 Workshop, Friday, Aug. 21. Hall was instrumental in defeating the Trans Texas Corridor project using the process of governmental coordination.

built, Cintra, Co., had a 52-year contract to own and operate all retail businesses along the corridor including all restaurants, gas stations, and hotels.

Hall claims that Rick Perry's campaign run for Texas governor had received a \$1 million contribution from Cintra, Co. and those involved in the Trans Texas Corridor project.

Taxpayers of Texas were to be responsible for funding the corridor to the tune of \$90 million and would then be burdened with backing the \$18 billion project, according to Hall.

Motorists using the Trans Texas Corridor would have been levied a toll fee of 83-cents per mile, Hall said of the contract. And, the speed limit on the corridor was set to run at 85-mile per hour while parallel highway routes would have been limited to 55-mph, unfairly encouraging more motorists to use the faster route, said Hall.

Hall said the corridor would have run from the Texas/Mexico border to the Canadian Border and was planned to truck "a massive wave of imports from China through a port in Mexico from the Panama Canal." She said it was a plan conceived by WalMart and China to exploit the NAFTA trade agreement.

The Trans Texas Corridor construction project was set to begin when Hall and Grant demanded coordination between the Texas Department of Transportation

and those five small Texas towns, school districts, and irrigation districts.

"The Corridor would have bisected the towns and there would have been overpasses only where the corridor was intersected by existing highways," said Hall. She explained that would have meant the Trans Texas Corridor would have run through 600-miles of Texas with only five overpasses. Long established school districts and bussing routes too would have been split.

Grant was forced to threaten a lawsuit against the Texas Department of Transportation when the agency refused to coordinate with the local governments. The threat to sue was enough to push the Texas Department of Transportation into coordination and to consider local impacts of the project.

When it became apparent that the Trans Texas Corridor project was not compatible with interests of the towns, school districts, and irrigation districts, Texas lawmakers passed legislation in 2011 to repeal the Trans Texas Corridor project, according to Hall.

"When politics fail, coordination succeeds," Hall concluded.

Grant cites Texas state statute that required the Texas Department of Transportation to deal in a government to government relationship through coordination with the local governments.

"It was the state statute

that did the job in Texas and Oregon has those, too," he said.

On the final day of the Coordination 101 Workshop, participants were presented an exercise to solve six local issues using the process of coordination. Each of the problems helped define exactly how coordination could protect the economic, and the social and cultural interests of northeastern Oregon. Mining, logging, and ranching interests could be represented and then protected through coordinating a local resource plan with any federal or Oregon state planning project or regulation including forest plans, endangered species listings, or forest travel plans. Through the problem solving exercise Grant showed how social and cultural interests and the western way of life are protected through coordination.

Grant used the platform at the workshop to present Dr. Michael Kaufman, who has stage-four cancer, with a lifetime achievement award. Kaufman will be given a 13-star American flag in recognition of his service to the American people.

Ken Alexander of the Eastern Oregon Mining Association presented Grant with a silver medalion as a token of thanks for coming to Baker City.

When asked if it's ever too late in the game to coordinate, Grant said, "It's never too late."

City Council

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Resolution #3759 Amending the 2015-2016 Budget

Lee addressed council regarding proposed amendments to the 2015-2016 budget. As per ORS 294.463 Cities can make changes to the budget by resolution if unforeseen conditions that could not be anticipated occur.

In July the variable frequency drive that controls the operation of three irrigation pumps at the golf course stopped working. It was necessary to make it a priority to replace the part as quickly as possible in order to prevent potential loss of the greens in extremely dry conditions and high temperatures.

Bill Tiedeman and Merlin Gath addressed Council about this transfer of money. It was asked why they did not just reallocate money already in their budget to cover

this expense. Explanations followed advising council how that money needed to stay in their budget for grant purposes.

The golf course needs to update their irrigation system and an engineering firm will need to be hired to perform surveys and make recommendations for the project, it is a large expense.

Grants are being pursued to cover costs however they are primarily grant matches and the golf course must be able to show they can cover their portion in order to receive funds.

Mosier stated, "I know I've been pretty vocal about wanting to hold the golf course accountable for its spending. I took quite a lot of time at the budget time talking about how much the City has given to the Golf Course over the course of the last ten years and made the comparison to our parks and noting that our City parks are used for free by anyone of any social status, and the golf course is used by a group of individuals that can afford to be there. It

should be noted that if we make this transfer, the City is giving to the golf course. We borrowed money from the Public Arts budget to put in the Parks budget to get additional playground equipment in our City Parks. We don't just throw around money easily. The Parks had to nab \$1,000 for the Arts."

Kee advised council that even if the money is allocated to cover those expenses there are still grant opportunities being pursued and should a grant be made available the money may need not be transferred to cover existing expenses.

During the final contract negotiations with Idaho Power for the purchase of power from the City's hydroelectric generator the City was advised of the requirement to have a certification from an engineer regarding the Pelton wheel generator. Idaho Power has agreed to modify certain requirements due to the generator's age.

The City has chosen to contract with Power Engineers, Inc. out of Meridian, Idaho to provide

certification services. Costs for their services are approximately \$12,000. The City is estimating \$70,000 in revenue from the sale of this power to Idaho Power in the 2015-2016 fiscal year.

Councilor Downing motioned to approve amendment of the budget to while a second was made by Councilor Thomas. A 5:2 vote resulted with Councilors Abell, Downing, Thomas, Langrell and Augenfild in favor and Mayor Mosier and Councilor Merrill opposing.

City Manager/Director Comments.

Kee told Council He and Human Resources Manager Luke Yeaton had conducted a second interview of a Building Manager candidate and the job was offered to this person. Councilor Langrell voiced concern that this person was not the individual recently dismissed from the City of Enterprise.

Kee assured him that it was not and said, "He comes very highly recommended." Kee also told council he had conducted an annual performance re-

view of Human Resources Manager Luke Yeaton. "He obviously did okay, he's here," Kee joked. He then highlighted a large task Yeaton has undertaken in the year he has been employed revamping personnel files. "Should we be audited by the state for any reason regarding personnel records, for example an ADA complaint, we are organized and have the info readily available. He's done a great job."

Each employee has three files that are colored coded to accommodate things like resumes, applications and other general information, payroll and insurance information and emergency or medical information. It was obvious a lot of work had gone into the implementation of this new system.

Owen also commented saying she was pleased with the level of cooperation and patience the city had shown the recent chip and fog seal projects and expressed her thanks to everyone.

Yeaton told Council newly hired school resource officer Lance Woodward

was sworn in that morning. Woodward and Chief Lohner had been at the meeting but had to leave before Woodward could be formally introduced to Council.

Council Comments,

Abell Spoke before the meeting was adjourned reminding everyone of some important upcoming events in our community.

"On September 12 at 10 a.m., the Forest Service is hosting a meeting and in lieu (sic) of recent events, I think as many as possible should attend.

"On September 2, at 8 a.m. HBC is hosting a meet and greet event at The Little Bagel Shop on Main Street. HBC is trying to host these events once a quarter and at different times, day and night to accommodate more people.

"Then on October 3, HBC is hosting the Fall Festival, Taste of Baker from 4:00-7:00 p.m. in Court Plaza. Restaurants from all over Baker will be represented not just Main Street."

With that Mayor Mosier adjourned the meeting.