

Local

County: water rights, prayer

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Health.

Nudd and Andrews presented a slide show, using the County's interactive Smart Board, to display issues and statistics regarding the state of physical and mental health in the county, with a major focus on tobacco use.

Some of the statistics from the 2014 Baker County Fact Sheet: in one year, 2,500 adults were reported to have regularly smoked cigarettes; 919 people developed a serious illness caused by tobacco; 47 people died from tobacco use; \$9.4 million was spent on tobacco-related medical care; and \$7.5 million was reported in productivity losses due to premature tobacco-related deaths.

Also included in the discussion from the statistics: cigarette smoking among adults in Baker County is higher, at 23%, than the rest of Oregon, 19%; cigarette smoking among pregnant women in Baker County is more, at 27%, than Oregon overall, at 11%, and three times as high as the rest of the U.S., at 9%.

During the discussion, which included diseases and negative effects of tobacco use, an unidentified male attendee from Hermiston stated that the statistics are "...the biggest pile of (expletive deleted)," adding some other strong comments, in doubt of the accuracy and source of the numbers.

Harvey responded that Nudd and Andrews were informing the public of the statistics, and the dangers and costs to the public with tobacco use, and what the overall health looks like in the county.

Nudd said that disease and death in the county don't necessarily have a link to tobacco use, and, the point of the statistics is to make the public aware of the state of overall health in the county, and, to look for ways to improve it.

Ramona Creighton commented about her observations regarding smoking in the public parks, and the lack of enforcement to curtail it, and the issue with proper signage involving the restriction on smoking. Harvey said he agreed, and, he would discuss the matter with City Manager Mike Kee.

Prayer Before Meetings.

Martin discussed the last topic of the session, prayer



Todd Arriola / The Baker County Press

Attorney Drew Martin advised County Commissioners that their meeting invocation practices are well within the scope of the law.

before public meetings.

Martin said, "The issue, and the question, of opening public meetings with an invocation or prayer--this issue was fairly recently addressed by the United States (U.S.) Supreme Court, and, over the years, different Supreme Courts have addressed different issues, in what's acceptable, and, what's not..."

He said that it's perfectly acceptable to have an invocation or prayer that's specific to a certain religion, however, it's unacceptable to advocate for or against a specific religion.

Martin's comments were followed by applause from Danser.

In response to Kerns' statement that Martin's report to the Board is that State law differs, and Bennett's question about whether the Board violated any State or Federal law regarding prayer, Martin responded that it hasn't been addressed by the State Supreme Court, and that the Board has not violated the State or Federal Constitutions, with prayers before the sessions.

Dielman, who initially brought the issue to the Board's attention previously, was present at the beginning of the session, and he left shortly thereafter.

However, he provided the Board with a copy of a statement he drafted, titled "Baker County Commission Prayer Policy."

The document as read verbatim by Harvey follows:

"For the past year Baker County Commission has operated under a de facto

Prayer Policy that begins every Commission meeting with a Christian invocation/prayer. This prayer policy is unprecedented, i.e., there is no history of the Commission beginning meetings with an invocation, let alone a strictly Christian prayer.

"Why, after 152 years, do the Commissioners find it necessary to break with tradition by beginning its meetings the past year with a sectarian Christian prayer?"

"The Commissioners thereby take no notice of the religious make-up of the persons attending their meetings.

"The Commissioners have made no attempts to diversify their invocations to include religions other than Christianity. The Commissioners show no consideration for the fact that many Christians do not pray in public.

"The Commissioners cannot know what other religions are represented by the individual members of the audience at their meetings, unless they were to take a poll. But they have another way of determining the make-up of the audience.

"By following the Pledge of Allegiance, during which everyone stands, and then going right into the Christian prayer, persons who do not wish to participate in a sectarian prayer, either remain standing, or they sit down, thereby involuntarily singling themselves out as different from the rest of the audience and signaling to the Commissioners that they differ in their religious

beliefs from the Commissioners.

"A little related recent history: for eight years one of the seven Baker City councilors was a Jewish businessman. During every one of those eight years, Baker City Council began its meetings with a Christian prayer. This is exactly what Baker County Commissioners are doing today with respect to anyone in the audience who is not a Christian or is a Christian who does not believe in praying in public. After the Americans United for Separation of Church and State in Washington, D.C., threatened to sue, did Baker City Council quit having discriminatory sectarian invocations.

"If the Baker County Commissioners are sensitive to the above criticism of their prayer policy, I hope they will do something to change this discriminatory practice that has gone on almost a full year. Gary Dielman 12-9-2015."

Harvey said, in response to Dielman's concerns, that he had previously altered the order, so that the invocation was recited first, and the Pledge of Allegiance second, and, that he states before the invocation that it is optional and those wishing to stand may do so.

"He's not been to our meetings to actually see that in practice," Harvey said, about the accommodations the Board has made to address Dielman's concerns.

Distracted driving

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Sgt. Wayne Chastain agrees.

"It's about dividing attention away from the task of driving," Chastain said. "The driver isn't looking ahead. Driving means divided attention anyway—turn signals, operating the clutch—but when you're texting, you're not even looking ahead out the window."

Fatality accidents are up in 2015 compared to last year—397 as opposed to 324 to date in Oregon.

In Oregon, from 2009-2013 there were 56 fatal crashes, 58 fatalities and 13,188 injuries involving a distracted driver. 13 fatal crashes, 14 fatalities and 1,204 injuries during the same period were caused by drivers using a cell phone at the time of the crash.

"That's nearly twenty percent of all distracted driving fatalities linked to cell phone use," points out Tom Strandberg, The Oregon Department of Transportation (ODOT) Region 5 Public Affairs Director. "Distracted driving is definitely an issue regarding crashes and a concern for the agency."

According to the Oregon-based nonprofit Oregon Impact, distracted driving falls into the impaired driving category right along with drugged driving, drunk driving, and drowsy driving.

ODOT lists the Top 10 Driver Errors resulting in accidents as:

1. Failure to avoid stopped or parked vehicle ahead
2. Failure to yield right-of-way
3. Failure to maintain lane
4. Ran off road
5. Driving too fast for conditions
6. Following too close
7. Inattention
8. Improper change of traffic lanes
9. Left turn in front of on-coming traffic
10. Disregarded traffic signal

Strandberg added, "As an agency we will be putting more effort into distracted driving campaigns in 2016."

Lohner and Chastain added that texting while driving is just as, if not more dangerous than attempting other activities while driving, such as putting on makeup or reading a book.

Strandberg writes in an email, "Distracted drivers pose a deadly risk to everyone on the road. Drivers engage in a range of distracting activities from eating, grooming, reading and talking or texting on their phones."

Lohner said the local saturation patrol would be preceded by press releases to inform the public via media. "The point isn't to give a lot of citations," he said. "It's to try to make people understand why they're doing what they're doing. To self-evaluate."

The patrol would most likely happen for a couple hours at a time on each of a couple days. An officer in an unmarked car would radio ahead to an officer in a marked patrol car, who would then stop the cell phone user. While a citation is possible, in most cases Lohner envisions a warning to the driver and providing written information on distracted driving, particularly texting, possibly in the form of a brochure or flyer.

According to ODOT, in 2014, there were 17,723 convictions for violating the cell phone law—a 23% increase over the previous five-year average.

Strandberg offers up tips to combat distracted driving in general:

1. Turn it off and stow it. Turn your phone off or switch it to silent mode before you get in the car. Then stow it away so that it's out of reach.
2. Spread the word – there's an app for that. Record a message on your phone that tells callers you're driving and will get back to them when you're off the road. You can also sign up for a service or use a cell phone app that automatically notifies callers when you are driving. Visit www.itcanwait.com for phone apps and more.
3. Pull over. If you need to make a call, pull over to a safe area first.
4. Use your passengers. Ask a passenger to make the call or respond to a text for you.
5. X the Text. Don't ever text and drive, browse online or read your email while driving. It's dangerous and against the law in most states. Even voice-to-text isn't risk-free.
6. Know the law. Familiarize yourself with state and local laws before you get in the car. Oregon prohibits the use of hand-held cell phones in addition to texting.
7. Prepare. If using a GPS device, enter your destination before you start to drive. If you prefer a map or written directions, review them in advance. If you need help while driving, ask a passenger to assist you or pull over to a safe location to change your GPS or review your map/directions.
8. Secure your pets. Unsecured pets can be a big distraction in the car.
9. Mind the kids. Pull over to a safe place to address situations involving children in the car.
10. Focus on driving. Multi-tasking behind the wheel is dangerous. Refrain from eating, drinking, reading, grooming, smoking, and any other activity that takes your mind and eyes off the road.

More information is available at www.distraction.gov or www.itcanwait.com.

Lohner said, "A cell phone is a convenience. Having that convenience shouldn't take the place of good planning. We'd like people to realize that there's time to pull over to talk."

Exemptions to Oregon's 811.507 do exist, including among others, cell phone use driving during agricultural operations, for emergency personnel and ambulance drivers, utility workers on the job, or those summoning medical or other emergency help if no other person in the vehicle is capable of summoning help.

OTEC to return capital credits

Start checking your mailboxes because the Oregon Trail Electric Cooperative Board of Directors is pleased to announce the return of \$2.3 million in Capital Credits to its members beginning in December.

"That amount is nearly double from the \$1.2 million returned in 2014," said Werner Buehler, General Manager of OTEC, "it is a great opportunity for the cooperative to give its members 'credit' - in the form of a check - for

continuing to help build, sustain and grow their electric cooperative."

To date, OTEC has retired approximately \$27 million to its members. Current members who have eligible capital credits of \$15 or more will be mailed a check in mid-December.

Members with capital credits of \$14.99 or less will receive a credit in the amount owed to them on their December bill. "Capital Credits distinguish cooperatives from

any other business model in the utility world," said Buehler. "When people sign up to receive electric service from OTEC, they become a member of a non-profit electric cooperative. While for-profit utilities (like Idaho Power and Pacific Power and Light) return a portion of any profits made back to their stockholders, non-profit electric co-ops, like OTEC, operate on an at-cost basis.

So, instead of returning leftover funds to far away stockholders, OTEC

allocates and periodically retires funds (called "capital credits") back to the members who live right here in our community."

OTEC operates in a four county service territory that includes Baker, Burns, Grant and Harney counties. "It is always good for our Board to be able to return Capital Credits during the holiday season," said Buehler. "It brings good cheer and is part of our cooperative principle, to help where we can during tough economic times."