

Local

County: Mining, McCarty and EMS services

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The Baker County Board of Commissioners held its second, regular session of the month on Wednesday, April 20, 2016, 9 a.m., in the Commission Chambers, of the Baker County Courthouse.

Present from the Board were Commission Chair Bill Harvey, Commissioners Mark Bennett and Tim Kerns, and Executive Assistant Heidi Martin.

Attendance also included Baker County Assessor Kerry Savage, Baker County Emergency Management Deputy Director Gary Timm, Baker City Manager Mike Kee, Baker County Facility Maintenance Foreman Dan McQuisten, Chris Arvidson and Jay Wilson of Med Transport, Inc., Bruce Morrison, Ed Hardt, Ken Anderson, Joelleen Lindstrom, Kody Justus, John and Ramona Creighton, Dave Hunsaker, and Mary Miller.

The session was called to order, followed by the optional Invocation, and the Pledge of Allegiance. Shortly thereafter, noting a couple of changes, the agenda was adopted, with a motion from Kerns, and a second from Bennett.

Citizen Participation included comments from Morrison, Hardt, Anderson, Ramona, Mary, Hunsaker, and Lindstrom.

Morrison expressed his desire to see the Board issue a statement to the public, regarding the total cost to the County, of the Baker County vs. David McCarty, aka, Columbia Helicopter case, including legal counsel, and private investigator fees, etc.. Harvey made a note of that request.

Hardt spoke about a meeting that was held in the Geiser Grand Hotel's Cellar Meeting this Tuesday, hosted by the Oregon Department of Geology and Mineral Industries (DOGAMI), on the topic of proposed permit fees, associated with placer mining. He provided the Board with copies of the proposal and discussion, which states, in part, that there would be an application fee of \$150 for metal placer mining operations that disturb less than 1,500 cubic yards, in a period of 12 consecutive months. Operations disturbing more than 1,500 cubic yards in that time frame would pay an application fee of \$400. He said he'd like to see the Board draft a letter in opposition to the fees, because he fully disagrees with the proposed fees. The deadline for the public to comment on the proposed rules is Friday, April 29, 2016.

Anderson emphasized the need to stimulate mining in the local area, including recruiting younger individuals.

Ramona thanked the Board for its involvement in addressing the issues with Federal overreaching of authority.

Miller expressed con-



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Joelleen Lindstrom speaks out.

cerns about the cost to join the American Stewards of Liberty, which the Board had discussed at an earlier session. This was also echoed by Hunsaker, who strongly opposed the idea of the County joining that group. Harvey said that the amount needed to join the group, \$1,000, was raised privately, and is not taxpayer-funded (a decision has not been made yet to join the group). Miller also said the Board should have notified Union Pacific Railroad before the deadline, of the intent to renew the lease for the Train Depot property, and Harvey explained the effort to renegotiate once the error was discovered, and also that departments have a responsibility to notify the Board of upcoming contract deadlines.

Lindstrom voiced her disappointment with County legal counsel Dan Van Thiel's comments associated with the McCarty case, and with the delay in resolving the case, resulting in a total cost to the County of over \$325,000. She said that doesn't include what the County paid to Van Thiel for his services, and that the County needs to make that total available to the public.

She said she's very disappointed with the whole process, and she said she knows Harvey was not involved when it began, but, if it all could be cleared up, that would be a positive step. Harvey responded that the Board wishes to settle the issue, but there is a process, and the total owed to McCarty for legal fees and costs, needs to be specified.

The minutes from the Wednesday, April 6, 2016 regular session were adopted, with a motion from Bennett, and a second from Kerns.

Savage provided an Assessor Department update, and discussed a 2016-2017 Property Tax Grant Application. Some of the details include: there were no County Tax Collector office staffing changes noted in the current 2015-2016 budget, and no changes in the coming

2016-2017 budget year; the County Clerk office didn't have any funded positions unfilled for 2015-2016, and was fully staffed for 2016-2017; there were no significant Tax Collector office budget changes for 2016-2017; the County Clerk office has no staffing changes for 2016-2017; there were 240 new construction appraisals in 2015-2016, with 271 projected for 2016-2017; and \$1,009,158 is the amount to be considered for the grant. After some discussion, the grant application was approved, with a motion from Bennett, and a second from Kerns.

The Board discussed a 2016 Oregon Department of Agriculture (ODA) Wolf Compensation and Financial Assistance Grant Agreement. The total awarded to Baker County, per the agreement, dated April 4, 2016, is \$22,288, for the following award types: prevention, i.e., assistance for implementing methods that limit wolf-livestock interaction (\$10,000); administration, i.e., reimbursement for qualified expenses incurred by the county for implementing the county program (\$495); and missing livestock, i.e., compensation for missing livestock, or working dogs, resulting from wolf depredation (\$11,793). The grant agreement was approved, with a motion from Bennett, and a second from Kerns.

Arvidson and Wilson discussed the idea of a backup, ground ambulance service (the topic at an earlier session), which would be provided by Med Transport, Inc., for the sole purpose of inter-hospital transfers in Baker, Union, Umatilla, and Wallawa counties. The service would be utilized to lighten the workload of local EMS resources, and to provide patients with healthcare options. This included comments to the Board and attendees from Timm, who discussed the topic, adding that he supports the idea, as long as local, existing services can be maintained. There were concerns and issues discussed, includ-

ing non-competition (the service would not compete with local services), and the need to update the local ambulance service agreement, which Timm said he is working on. At this time, without an agreement in place, the discussion is still ongoing.

Professional Services Agreement Addendum No. 1, between Baker County, and St. Luke's Regional Medical Center, Ltd., for an interim Health Officer, Eric Lamb, M.D., was approved, with a motion from Bennett, and a second from Kerns. Jon Schott, M.D., had originally been listed, according to the agreement, but he has accepted another position within St. Luke's Regional Medical Center, and will no longer be able to provide the services as Health Officer.

Order No. 2016-128, Appointing A Member To The Northeast Area Commission On Transportation (NEACT), was approved, with a motion from Bennett, and a second from Kerns. Jodi Tool was appointed, her term set to expire on July 31, 2017.

The Board ratified Amendment No. 3 to the Oregon Military Department (OMD) Exchange Agreement, between OMD, and Baker County, with a motion from Bennett, and a second from Kerns. This agreement covers the establishment of a final and binding lot line adjustment, etc., for partition purposes.

The Board discussed an offer made on the County's approximate 2.75-acre property, in the Industrial Park area, located behind Powder River Precision. The offer is from an established, local business (no name was mentioned at this time), looking to expand its operation. The decision was made to continue the discussion at the next, regular session, with a motion from Kerns, and a second from Bennett.

The next, regular session is scheduled for Wednesday, May 4, 2016, 9 a.m., in the Commission Chambers of the Baker County Courthouse.

Candidates forum

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Nelson hoped to be more involved in the County's economic development efforts. Justus was able to list the four or five committees on which the elected individual would serve.

Arvid Andersen asked all three candidates whether they would support Commissioner Bill Harvey's push for Coordination.

Justus and Nelson both said absolutely yes.

Nichols responded that increased timber harvests were good, but never directly answered the question.

Kate Rohner asked if the men would view fellow elected officials as peers or subordinates. All three answered, "Peers."

Terry Schumacher stood up and asked, "How do you feel about being proactive in bringing back local control as much as possible to our county so that things like Harney County don't happen here?"

Nichols asked Schumacher to explain what he meant by local control.

Schumacher said, "In a way that holds Federal agencies accountable ... in a way that they have to Coordinate through the County as the County is our elected officials and they are not ... I realize we can hide behind the laws and such, but we need to start looking at ways we can change these laws."

"Okay, basically we are a nation of laws," said Nichols. "That's what the Constitution is about." He then advised people to vote to change the "atmosphere in D.C."

Nelson again said he'd advocate and organize people to communicate with lawmakers. "I don't agree with doing it by force." He pointed out, however, that the Bundy's standoff did help many points rise to the surface in the media, though he personally would take a different tact.

Justus said, "I believe we have a moral obligation to make people feel like their rights are protected to avoid what we had in Harney County. You know, when you see people, when they think they have nothing to lose they become desperate people and they make desperate decisions. All elected officials have a moral obligation to provide a buffer between the people and anything that's trying to encroach upon their rights."

Micah Huyett's question audibly struck home with many in the room, when he asked what they would do if the Forest Service closes roads without citizens consenting. He stressed for Nichols not to answer the question "hypothetically" as he had with Crawford's question. He continued, "Or would you just say, 'Eh. The law's the law. We have to live with it?'"

Nichols said, "We do have to follow the laws but yes as a County Commissioner I agree we have to get involved with road closures if it's contrary to the needs of the County. We have to voice your concerns all that we can. But as a manager of the County we can only go so far." He suggested trying to change laws.

Nelson said, "I'd personally be mad as hell if they did that. I'm an advocate for the roads. I promise you I'd not only be talking to the Federal and State agencies ... I'd be on the computer and the phone and have a group of volunteers doing the same thing."

Justus said, "It's not as much of a hypothetical question as you might think. The Forest Service added Travel Management in 2005 and the goal of that was to close roads. Through public input it was realized that there were discrepancies between what they'd been governing themselves by ... and so they scrapped the Travel Management Plan and started working on the Blue Mountain Forest Plan. The law is that anything that existed prior to FLPMA going into existence is a preexisting right of way ... is actually a County road."

Tork Ballard, seemingly unsatisfied with the response given to Andersen's question, asked again if the candidates would support Harvey's Coordination efforts or rather, cooperation.

Nelson and Justus again stressed their support of Coordination. Said Justus, "It's the only thing that gives the County equal standing."

Nichols said, "Coordination ... I don't know. I've yet to see the real benefits of it."

Suzie Dyke asked if the candidates would take their ultimate directive from the Constitution or the Supreme Court. Justus and Nelson said the Constitution is the guiding document and hoped the courts followed that. Nichols agree with them, then stated the court system interprets laws "so we take direction from that."

A question from the Baker County Republicans was then given asking if they supported the transfer of public lands to state or county levels and if they believed it doable. Justus stated it was absolutely doable and he was in favor. Nelson stated he would like to see control of those lands brought back to the county, but just to the state level would make him happy. Nichols' opinion differed again in that he questioned the State's effectiveness and was against transfer to a county level entirely.

Other questions from the audience involved Payment in Lieu of Taxes (PILT) money, case law for Coordination, the Boardman to Hemingway power line, and a final question asking if the County took back management of its forests, how they'd maintain it?

During closing statements, Nelson graciously commended his opponents. Nichols then turned to Justus and took a closing potshot. Nichols said, "Kody I think is very good at Coordination ... He needs to stay right where he's at on the committee he's on. I think that would be the best benefit the County."

Justus gave his summation and added that auditing was not a function of a County Commissioner as that service was contracted out.

The candidates then made their way out into the audience for an informal meet and greet as people dispersed.