

Litigation

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with the action.

Statements attributed to county officials also proved damaging to the county’s case.

Daniel Burdis, president of AFSCME Local 3694, claimed that he was told by Ken Granat, Josephine County Human Resources officer, that privatization would not have been an issue if not for the strike. Granat’s testimony that he had no recollection of such statements was found inadequate by ERB because Burdis had precise notes of the conversation.

The board further stated that such testimony “does not deny that the event occurred; it simply means that the witness cannot remember what happened.”

Mike Thor, who was chairman of the privatization Bargaining Committee for Local 3694, alleges that county Mental Health Director Joe Adair had made similar statements. Adair’s denials were discounted by the board and found to be “internally inconsistent and inconsistent with other documentary evidence.”

Perhaps most devastating to the county’s case is the fact that the county Mental Health Dept. actually brought money into the county budget. Because mental health services are funded through state and federal money as well as grants, the surplus could be moved to the general operating budget.

It was brought to light during the hearing that the privatization actually cost the county nearly half a million dollars in funds at a time when the budget was in crisis due to the loss of federal timber funds.

CJ ‘jail’ site

(Continued from page 1)

time for patrolling and other law enforcement-type work.

Those who want to be considered for volunteer openings should contact the sheriff’s office. A “grand opening” with a ribbon-cutting is anticipated for late-November.

Deputy Keith Hubbard and Gilbertson are among those who have volunteered time to prepare the site.

Civilians who have donated their expertise, labor and materiel to the grass-roots effort are Roger Brandt, Mary Orton, Paul Simon, Tom Green, Jackie Wright, Gary Buck, Precision Glass, Jerry Work/The Dovetail Joint, and Kathy Lombardo and Amelia Benson, of Illinois Valley Garden Club.



A biodiesel-powered automobile owned by Tim Talty is shown by him to his eighth-grade science class at Lorna Byrne Middle School. The modified Mercedes uses regu-

lar diesel fuel at startup and shut down, switching to used cooking oil when warm. Talty states that he needs to fuel his car only once per month. (Photo by IVN)

Sewer line repair stirs big stink in CJ

By **WALLY AIKEN**
For IVN

The city of Cave Junction faces a civil suit in Small Claims Court seeking \$2703.50 in connection with repairing a sewer line at 581 W. River St.

The suit was filed by H. D. Patton Jr. Construction, of Grants Pass. Who is responsible for the repair is the issue to be decided.

City workers discovered the leaking line April 20, and because Patton had been building a new subdivision development at the location he was told by the city to repair the leak. The city believed the line to be Patton’s, but could not verify this as Patton had not submitted the “as built” drawings, a detailed schematic showing the locations of his new lines, according to a city spokesman.

Patton says that he then assembled all the elements needed to repair the line expeditiously. This meant he had a plumbing crew, as well as a paving crew from Copeland Paving.

When the crews arrived, the line was uncovered, and

it was found that it was not Patton’s line, but instead belonged to the home owner, Kari Dillon. Since Patton had already assembled the crews, he repaired the line and billed the city for his work.

To further complicate the issue, it was discovered that the original owners of the property, Dennis & Mary Kenny, had installed the line without the proper permits or inspection as required by Josephine County, the city said. It was this improper installation, according to the city and Patton, that led to its failure.

According to a letter from to the city dated July 24, 2007, Josephine County Building Official Robert Rice stated that a house had been relocated to that address and that the sewer line installed in 2002. But, he added, neither the contractor nor the home owner had notified the county. Therefore “no permits or inspections were done by our department.”

The county’s position is that since it wasn’t notified

of the work during 2002, it has no responsibility even though the county is responsible for all inspections.

City officials believe that since they did not have the “as built” drawings and legitimately believed the line to be Patton’s responsibility, he should have stopped the work as soon as it was discovered not to be his. This, even though Patton had been instructed to repair the line.

Patton says he acted in “good faith” to complete the repairs at the direction of city employees. He further stated that the cost of uncovering the line would have been comparable to the complete repair because he had to pay all the repair crews to be in place to insure a prompt repair.

Patton said that the city “failed in every step of the way” because it did not inspect the original installation.

Dillon feels that since the line was improperly installed to begin with by the previous owners, she should not be held responsible for the costs of repairs.

Gated community home said defective in lawsuit

A lawsuit claiming at least \$400,000 in connection with complaints about their home in Cedar Brook Estates in Cave Junction, and various promised amenities, has been filed in Josephine County Circuit Court by Kirk Taylor and Olivia Taylor-Young.

The suit was filed Friday, Oct. 26, and the plaintiffs are represented by The Aldrich Law Office PC of Portland.

Defendants are Cedar Brook Homes LLC; Larry T. Osborne, a developer from California; Admiral Construction Inc., of Oregon; Anthony Morgan fka Rogue Valley Protection; Harris & Taylor Inc. dba Century 21 Harris & Taylor; and James Frick, a broker and Realtor.

The 18-page complaint lists numerous defects and problems with the plaintiffs’ home. Additionally, it notes that various promises were made as to facilities that would be available for Cedar Brook residents, and which were delayed or are not yet available.

Overall, the suit contains complaints of misrepresentation, fraud, failure to disclose, violations of the Unlawful Trade Practices Act, breach of fiduciary duties, breach of contract, negligence, and negligence per se.

A jury trial is requested by the plaintiffs.

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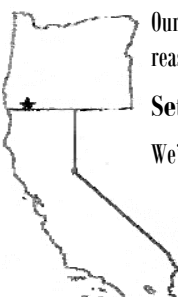
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MONDAY, NOV. 12 VETERANS DAY
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TUESDAY, NOV. 13 *Daily Favorites
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