

Cases: DUII debate has been a polarizing, and often personal, divide in Astoria

Continued from Page 1A

the city had apparently wasted the money spent successfully defending against Marquis over the years.

The Oregon Court of Appeals ruled last year that Astoria has discretion over which court to send DUII cases for prosecution.

Marquis, who brought the legal challenge against the city seeking jurisdiction, was preparing to appeal to the Oregon Supreme Court. A brief urging the court to review the appeals court ruling is due this week and, Marquis said, has the financial backing of the state Attorney General's office and the Oregon District Attorneys Association because of the legal principles involved.

After learning of the City Council's vote late Tuesday, Marquis said he might reconsider an appeal.

"I am not interested in pursuing litigation with the city of Astoria, or causing either my office or the city to spend more money on a lawsuit that I never wanted to bring in the first place," the district attorney said.

"So if the issue is resolved, it may very well resolve the litigation."

Brett Estes, the city manager, said after the council meeting that he would work with Brad Johnston, the police chief and assistant city manager, to implement the council's direction to "promptly amend police department policies" and file DUII citations in Circuit Court.

For more than a decade, the DUII debate has been a polarizing, and often personal, divide in Astoria.

Astoria is the only city in Clatsop County to assign misdemeanor drunken-driving prosecutions to Municipal Court.

Marquis and others have long argued that Circuit Court offers a higher standard of justice, but direct comparisons between the courts have been elusive and often anecdotal, influenced by several high-profile drunken-driving cases.

It has also been difficult to separate the policy from the politics. Willis Van Dusen, Astoria's popular former mayor, who led the city for 24 years before opting not to run for re-election last year, defended the city's handling of DUIIs in Municipal Court.

Van Dusen's stand, however, was second-guessed by critics because of his own struggles with alcohol. The former mayor had three drunken-driving arrests before publicly acknowledging after his last arrest in

2006 that he needed help and would seek treatment.

Earlier this month, when LaMear hinted that she was open to a fresh look at the issue, she questioned whether there is a significant difference between how Municipal Court and Circuit Court handle DUII cases.

A breakdown of DUII cases in Municipal Court over the past five years, provided by the city to The Daily Astorian through a public-records request, offers some insight.

Of the 146 DUII cases in Municipal Court since 2010 that ended in conviction, dismissal or diversion, 41 — or 28 percent — were convictions; 25 — or 17 percent — were dismissals; and 80 — or 55 percent — were diversions.

Drunken drivers are generally eligible for diversion for a first offense or if they have not had a DUII arrest or diversion in the past 15 years.

The newspaper has asked the Clatsop County District Attorney's office, which handles significantly more DUII cases than Astoria, for similar data and is awaiting a response.

LaMear said Tuesday night that it is her duty as mayor to unify and lead the community. She said the city should concentrate on important issues such as waterfront development, the completion of a sewer improvement project, the restoration of Heritage Square and the renovation of the Astoria Public Library.

"Instead of dwelling on the DUII issue, let's concentrate our efforts on these projects which will make Astoria an even better community in which to live," she said.

LaMear had sensed a shift on the issue with the election last year of new Councilor Cindy Price — who is married to Marquis and had made the transfer of DUII cases to Circuit Court a priority — and new Councilor Zetty Nemlowill.

"I'd just like to thank the mayor for showing leadership on this issue," Price said, adding that she would be "delighted to have this put behind us."

Councilor Drew Herzig, who had campaigned on transferring the DUII cases to Circuit Court when he was elected in 2012, described the change as a "great relief."

But Warr, the lone dissenter, said the city had prevailed before the state Legislature and the courts.

Warr said the city had been "tried and convicted in the court of false statements and innuendos."

Sea lions: Port has explored several options to rid dock of marine mammals

Continued from Page 1A

"The consensus of these experts is allowing the sea lions to continue to inhabit our docks is counterproductive to the species," said Evert, "and that their preference is to see the sea lions on the breakwaters, on the rock breakwaters, because otherwise we wind up in a situation where we're domesticating these animals."

In an effort to keep sea lions off the docks, Evert said the Port has explored several strategies, including:

- Galvanized pipes placed 18 inches high running along the Port's docks.
- Colorful surveying ribbons, which irk sea lions with their noise, color and wind action. The strategy proved temporarily successful last year. Evert added that the Port's looking into the use of banner rope with attached pennants.
- Matting created by the Smith-Root Fisheries Technology that carries a low electrical current uncomfortable for sea lions.

It's also applying for Oregon State Marine Board grants to replace and repair docks. Evert said the Port has spent about \$100,000 on repairs to damaged floats, as



JOSHUA BESSEX — The Daily Astorian

A sign at the East End Mooring Basin warns people of sea lions on the dock.

well as moving some floats from the basin to North Tongue Point.

"In the process of protecting Port property, we're pushing the problem off to someone else," said Knight.

But the Port doesn't want to be wildlife

managers, he said, and it needs to empty the docks, market them to potential tenants and create what he, Evert and Dave Densmore, a commercial fisherman who moors at the basin, mentioned as one of the best deterrents to sea lions: human activity.

Rooftop: Mayor makes 14 new appointments

Continued from Page 1A

"The bank just has this wonderful opportunity to set a standard for new building in downtown Astoria," Price said. "And I am not a person who wants to live in Disneyland. I don't want all of our buildings to look alike."

"But I think that some consistency in design elements is useful and will go well in our downtown."

In other action

Mayor Arline LaMear, meanwhile, announced Tuesday night that she had made 14 new appointments and 11 reappointments to a host of city boards and commissions.

Some on the City Council had wanted LaMear, who as mayor has discretion over appointments, to consider submitting appointees to the advice and

consent of the council.

While LaMear said the council may discuss changes to the appointment process in its goal-setting session Friday, the mayor said she made the appointments so the boards and commissions would have the quorums necessary to function.

"Some of these boards and commissions need appointments now as they either do not have

a quorum or have the minimum number for a quorum," she said.

The City Council also agreed Tuesday night to a modified power purchase agreement with PacificCorp related to a new hydroelectric generator at Bear Creek Dam.

The city hopes to use the power generated by the turbine for the city's water treatment system and sell the excess power produced to PacificCorp.

K-9: He will be the only narcotics dog in county

Continued from Page 1A

He will be the only narcotics dog at a Clatsop County law enforcement agency since the county sheriff's office lost its narcotics dog early last year when its handler moved to Bend, said Paul Williams, chief deputy at the Sheriff's Office.

Gunner likely will work with other law enforcement agencies, perhaps even in Tillamook County, Schermerhorn said.

Although Gunner's training in Cannon Beach and Washington County will be ongoing, he is expected to be certified and in service by March. Gunner, whose radio call sign is 709, is considered the department's "ninth officer." He lives with Gregory and his family.

"He's a really good dog. He's got a great temperament. He's smart. He's doing really good with the trainer so far," Gregory said.

'Cash' trouble

Gunner doesn't exactly have a tough act to follow.

The department's previous would-be K-9 officer, Cash, never made it through the training with the Washington County Sheriff's Office. Though he initially showed much promise when the department acquired him in August, Cash turned out to be rather jumpy, afraid of heights and, when he detected drugs, was inclined to bark aggressively rather than lead Gregory straight to them. Cash was returned to Schultz, his original owner, in early October.

"We really liked Cash,"

Schermerhorn said. But Gunner is already "leaps and bounds" ahead of his predecessor, "very hard working" and "more able to concentrate on the job at hand."

Gregory doesn't foresee running into any Cash-esque difficulties with Gunner, who is a "totally different dog," he said. "I feel really confident with him."

Top Dog, top dollar

Last year, the department raised \$29,417 for the K-9 offi-

cer program, and money is still trickling in, Schermerhorn said.

"In fact, we've had people ask if they can continue to make donations," he said. But whereas Schultz donated Cash, the department paid \$6,200 for Gunner, who was purchased from Top Dog Police K-9 Training and Consulting in Modesto, Calif. That amount also paid for a one-year warranty on Gunner's health that will include a total refund or replacement if Gunner's constitution isn't fit for the job.

Still in place are the community donations from Dogs Allowed Cannon Beach, which has pledged to provide free dog food for the life of the program, and Dr. Robert Remensnyder, a veterinarian at the Seaside Pet Clinic who will administer Gunner's routine checkups free of charge.

Gregory said he is sorry it's taking so long to make the K-9 officer program work, but "everything happens for a reason," he said. "Sometimes these things take time."

FREE! Fun for the whole family! Community Health Fair

February 14, 9am-2pm
Clatsop County Fairgrounds
92937 Walluski Loop, Astoria, OR

Join the CMH/OHSU Cardiology Clinic on Valentine's Day for a fun and informative, heart-friendly Community Health Fair.

- ♥ Get basic health screenings.
- ♥ Get advice from experts on heart health, medication interactions, orthopedic surgery and more.
- ♥ Learn about local health & fitness programs.
- ♥ Talk with local medical specialists.
- ♥ Test your strength and balance.
- ♥ Win prizes hourly! Fun for the whole family!!



2111 Exchange Street, Astoria, Oregon • (503) 325-4321
www.columbiamemorial.org • A Planetree-Designated Hospital

PUBLIC NOTICE

CMH ENT/Cosmetic Surgery Clinic to close Feb. 20, 2015

After two years of dedicated service, Dr. Christopher Nyte will be leaving Astoria and the CMH ENT/Cosmetic Surgery Clinic will be closing.

Dr. Nyte will continue to keep scheduled appointments until Feb. 20, 2015, and will ensure that his patients have alternative options if they have been under his care. Any patients who have seen Dr. Nyte in the CMH ENT/Cosmetic Surgery Clinic in the past 2 years will be able to access their records through the CMH Medical Records department; the phone number is 503-338-7528.

