

Recall: Directors defended their actions

Continued from Page 1A

"We would like to thank all of the good citizens that supported a united effort to recall three fire board members," Neuwirth said in a statement, adding that she was "outplayed and outspent." "God bless the firefighters, volunteers and police who protect us. Sorry we let you down. The people have voted. Enough said."

A volunteer for 30 years before becoming chief and a longtime member of the Cannon Beach Police Department, Balzer was locked out of his office, met with a police escort while he gathered his belongings and sent home walking in the rain, Neuwirth said in January. She and other signatories objected both to the firing and the manner in which it was done.

The dismissal

Directors defended their actions, pointing to Balzer's lack of administrative and leadership skills.

The board members stated that the board had a "fiduciary responsibility to those who elected them to provide a high



Audrey JoHanson, left, stacks ballots before counting them at the Judge Guy Boyington Building on Tuesday.

level of oversight, particularly in matters of management and administration."

Balzer was dismissed "when the majority of the directors, elected by district voters, became concerned about his ability to perform the administrative skills required of

the head of a public agency," according to their statements.

Smith had described Balzer's firing as "strictly business, not personal."

In December, Balzer filed a civil suit in Clatsop County Circuit Court against the fire district, seeking more than

Joshua Bessex/The Daily Astorian

\$525,000 in damages and his reinstatement as fire chief. He later amended the lawsuit to seek more than \$677,000 in damages and the reinstatement of his employment benefits.

That suit is scheduled for a jury trial in October.

Weed: Tax will be on the ballot in November

Continued from Page 1A

There are already limitations in place, City Attorney Tammy Herdener said at previous meetings. Dispensaries must be located more than 1,000 feet from schools. The prohibition does not apply to day care facilities or institutions like the Christian Conference Center.

Marijuana will be on the ballot in November in any case, as councilors also voted 4-1 to approve a 3 percent tax on its sale, a tax that must be endorsed by voters.

"Because we can tax doesn't mean we should tax," Vetter said in opposing the levy.

Vetter, the sole dissenter, said it was unfair to single out or "burden a potential business

even more" with an additional tax.

"We're not doing it to fatten our budget," Cadwallader said. "The council would look for the 3 percent to be used for treatment and enforcement."

Initiative ahead?

Among those who opposed lifting the ban was Marlene Laws, who led a petition drive

to ban marijuana sales in Cannon Beach. Laws and others have pointed to the health risks, public safety concerns and impact on tourism.

Along with a vote on the tax, if advocates of a ban can gather enough signatures, it could force a new vote, this time to override the council's decision.

"We will do an initiative," Laws said after the meeting.

Seidel: 'I don't accept them monitoring me'

Continued from Page 1A

don't want to prevent you from participating in the democratic process."

Seidel, an activist who is suspicious of government and authority figures, had told the judge before sentencing that he preferred jail to probation. "I don't accept them monitoring me," he said.

Seidel strongly objected to the mental health evaluation. He referred to doubts about his mental state as "gaslighting," a term for psychologically manipulating someone into thinking they are insane that originated with the 1944 classic movie "Gaslight."

But Matyas told Seidel that he appeared disorganized at times and might benefit from an evaluation.

Unusual trial

The sentence followed an unusual trial where Seidel acted as his own attorney and Mayor LaMear, Police Chief Johnston and City Councilor Zetty Nemlowill testified as witnesses for the prosecution.

At the City Council meeting last June, Seidel wanted to speak about a plan to move an aging communications tower off Coxcomb Hill near the Astoria Column. He believes the city was too cozy with the influential Friends of the Astoria Column and Verizon Wireless on the deal, but has not been able to substantiate his convoluted claims of corruption.

Seidel missed the portion of the meeting that dealt with the communications tower, and when he tried to speak as the council was about to discuss the Riverfront Vision Plan, LaMear cut him off.

Seidel announced he was making a citizen's arrest of LaMear, and then Johnston, and was wrestled to the ground by Johnston after refusing to leave.

Deputy District Attorney Steve Chamberlin played jurors an audio recording of the council meeting and a video Nemlowill had taken on her smartphone that documented the disruption and arrest.

Constitutional rights

Rather than aggressively cross-examine the witnesses or present his own



Joshua Bessex/The Daily Astorian
Zachary Seidel gives closing remarks to the jury during his trial at the Clatsop County Courthouse Tuesday. Seidel acted as his own attorney with legal advice from attorney Tatjana Queener (not pictured).

'There's a limit on what you may do on behalf of decorum.'

Zachary Seidel speaking to the jury

evidence, Seidel, who was advised by attorney Tatjana Queener, instead argued that his constitutional rights to free speech, assembly and to petition government were violated and questioned whether LaMear had the authority to order him to leave the meeting.

LaMear, as the mayor, presides over council meetings and has the discretion over the agenda and public comment. Typically, the public is allowed to speak on individual agenda items and on broader topics at the end of meetings. The council has adopted, but does not always enforce, a three-minute time limit.

Seidel insisted that he did not pose a violent threat and should have been allowed to finish his remarks even if they were out of order.

"There's a limit on what you may do on behalf of decorum," he told the jury.

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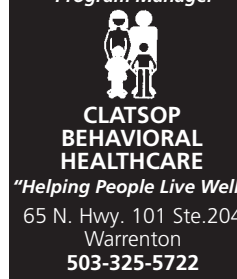
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(Source: Web site: <http://www.adaa.org/about-adaa/press-room/facts-statistics>)

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Road repairs: Review could cost \$300,000 to \$500,000

Continued from Page 1A

the committee Tuesday afternoon. Baney said a contractor might complete the review by December, although she added that "we may need to buy a bit more time."

The Oregon Department of Transportation estimated last year the review could cost \$300,000 to \$500,000.

Brown asked the Oregon Transportation Commission in November to launch the performance review, with the goal of reassuring lawmakers about ODOT's capabilities as the Legislature prepares to negotiate a transportation funding package in 2017. That legislation could send hundreds of millions of dollars in additional funding to the agency.

Concerns about ODOT's management were in the spotlight last year, as Brown and a group of eight lawmakers negotiated a deal that would have raised the state gas tax and vehicle registration fees. The legislation would have generated a total of \$202 million annually for state and local roads and repaid \$400 million in bonds for specific highway projects listed in the bill.

The proposal died soon after it was unveiled, when ODOT director Matt Garrett said during a hearing the plan would not reduce carbon emissions by the amount initially promised.

Lawmakers had raised concerns about the agency's management even before that hearing, and the 2015 funding package would have required a performance audit of ODOT by the Secretary of State's Office.

The Legislature questioned some of the agency's spending decisions, such as \$65,000

spent since 2003 to send a staffer to Washington, D.C., Brussels, Barcelona, Singapore and the Gold Coast of Australia to research alternatives to the gas tax, as reported by Wilamette Week. The state shared the tab for some of those trips with conference sponsors.

State Sen. Betsy Johnson, D-Scappoose, was at the meeting Tuesday, where a panel discussed transportation spending and funding ideas for 2017. Johnson said the management review would address concerns she frequently hears from businesses and lawmakers.

"It was, what are you buying with the money, and do we have the capacity to deliver?" Johnson said.

Johnson said that given the current pace of contracting for the review, the finished product might arrive too late for lawmakers.

"I'm not being disparaging, but it's a complicated

undertaking," Johnson said of the management review. "(Lawmakers) come back in February and the package needs to start moving on the first day... We're damn near out of time."

State Sen. Lee Beyer, D-Springfield, agreed it is important to finish the review in order for a transportation funding package to proceed.

"That's really important to get done hopefully by the start of the legislative session in February, and I think you're pushing it," Beyer said. Both Beyer and Johnson were in the group of lawmakers who negotiated the 2015 transportation package with Brown.

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Betsy Johnson



EO Media Group

A review of the Oregon Department of Transportation in November by Gov. Kate Brown has yet to begin. Legislators say if the review is incomplete before the next session it could hamper work on a transportation plan.

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