

First lady's \$118,000 fellowship overlapped state energy policy work

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SALEM — Oregon first lady Cylvia Hayes was paid \$118,000 for communications work for a clean economy organization at a time when she was advising the governor's office on similar topics.

The job is another instance in which the first lady's paid private sector jobs overlapped with her role as a policy adviser to Gov. John Kitzhaber, a situation that prompted ethics complaints against both Hayes and the governor.

Hayes appears to have been the only paid fellow at the nonprofit Washington, D.C.-based Clean Economy Development Center. It's unclear what Hayes did for the organization because neither the first lady nor its executive director responded to requests for specifics.

Kent Redfield, a political science professor at the University of Illinois Springfield, said tangible evidence of Hayes' work for the Clean Economy Development Center is important, because there

are examples across the U.S. in which entities sought to influence public officials by offering no-show jobs to the officials or their family members.

"If there's no work product and you've got a situation where you're hiring the governor's spouse or someone with a close personal relationship with the governor, then you can certainly have fraud," Redfield said.

The Clean Economy Development Center's stated purpose is to help public officials launch renewable energy and efficiency projects that create jobs, but it also worked to shape public policy. In 2014, the group conducted polling and organized a coalition to push for an Oregon low-carbon fuel standard. That policy has the support of Kitzhaber and Democratic state lawmakers.

Experts on government ethics and the intersection of politics and nonprofits said Hayes' job in particular rais-

es questions, such as whether her compensation was reasonable given the amount of work she did and whether Hayes' employer sought to use the connection to influence state policy.

Hayes was on the Clean Economy Development Center's payroll from 2011 to 2012, at the same time she served as an unpaid adviser to the

governor on energy and economic development policies. For example, the first lady was a named member of the governor's policy team that produced a 10-year state energy action plan in December 2012. The plan lists the affiliations of other private sector advisers, but it does not mention Hayes' connection with the Clean Economy Development Center.

Redfield said Hayes' employment with the Clean Economy Development Center could create a real or perceived conflict of interest, even if Hayes and Kitzhaber already agreed with the organization's policy positions.

"It may have been the positions were already there, but you should avoid creating situations where people question whether you're doing something because it's good public policy or because it benefits you financially," Redfield said.

While Hayes is vague as to the details of her work, she lists the fellowship in her official state biography and included the center's logo in her email newsletter through early 2013.

In a response to emailed questions in December, Hayes wrote that the nonprofit paid her \$30,000 in 2011 and \$88,000 in 2012, and that her "primary work was to implement communications strategies promoting clean economy development."

A spokeswoman for the governor also did not respond to questions about whether Hayes used the governor's mansion for an event associated with the Clean Economy Development Center. On April 9, 2012, a "Clean Economy dinner meeting" was scheduled at the governor's mansion, according to public records.



Hayes



Kayla, Elijah, Ezra and Casey McKinstry pose for a family photo several months before Ezra had a stroke and was rushed to a Phoenix hospital.

Contributed photo

EZRA: 'Within 10 minutes, he was moving his right arm'

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The family, which also includes 23-month-old Elijah, moved from Pendleton to Phoenix this summer to be near a pediatric vascular surgeon who specializes in very young children. Ezra had been diagnosed prenatally with hypoplastic right heart syndrome, which means his right ventricle and atrium are extremely underdeveloped. The little boy has already endured one open heart surgery.

In recent months "he'd been doing great," Casey said. "When you have a child with a heart condition, you are aware of it all the time, but he was gaining weight and acting healthy — it was easy to forget. This is a reality check — anything could happen at any time."

With Sunday's stroke diagnosis, the couple could

only hope and pray.

"I realized the last time he said 'Mama' could have been the last time," Kayla said.

Ezra's neurosurgeon said the window was still open for use of a clot-busting drug known as tPA (tissue plasminogen activator), which if administered within several hours can improve chances of recovery by restoring blood flow to the affected part of the brain. About 25 minutes remained in Ezra's window.

Casey McKinstry described what happened next in a gravelly voice that reflected his lack of sleep.

"It was pretty crazy," he said. "There were all sorts of specialists in the room and about 12 or 13 people in all."

Neurologist Dr. John Condie explained the risks of hemorrhaging and internal bleeding. When the drug works, however, it is a mir-

acle of science. Casey and Kayla gave the go-ahead and the drug was immediately given intravenously to an unhappy Ezra. The drug worked quickly.

"Within 10 minutes, he was moving his right arm," Casey said. "In 15 to 20 minutes, he started sucking his binky. Everything was looking a lot better."

"Seeing that was a miracle," Kayla said.

The 30-plus electrodes stuck to Ezra's head and monitoring his brain activity delivered encouraging data. Both medical personnel and parents breathed sighs of relief. When the danger was past, Dr. Condie shared a shocking bit of news. To his knowledge, Ezra was the youngest person ever to get tPA in the state of Arizona.

The whole experience left Casey and Kayla both shellshocked and grateful. They

are only now starting to relax.

"We're breathing a little easier now," Casey said. "It was probably one of the most terrifying moments of both of our lives."

Ezra's health issues have stressed the family financially. Casey, a contracted post office carrier in Pendleton, now works for the 2M Company, a wholesale supplier of irrigation equipment, turf, wells and other water-related products. Kayla, who once did home daycare, keeps busy taking care of her boys.

Those who wish to donate to the McKinstry family can visit www.gofundme.com/kv8hcg. The GoFundMe site, created by family friend Emily Beason, has so far raised is \$825.

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PARKS: Fetter suggested adding a picnic shelter to Riverfront Park

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piece of property next to Sunset Park on Northeast Fourth Street, one of only three small parks east of Highway 395. Fetter said his department plans to use the property to double the park's size, add play equipment, a picnic shelter and half-court basketball.

"Typical of Hermiston, I wouldn't be surprised if a service club wants to help out," Fetter said.

He said the parks department tends to get a good amount of volunteer help not only from service clubs but also from the Boy Scouts, who perform four or five Eagle Scout projects a year for the department. The most recent one was a wooden bridge to cover a pipe stretching across the canal in Belt Park.

Fetter said the department has a few ideas for new park locations. A piece of land near Theater Lane and Eighth Avenue has been promised to the city as part of a new housing development. Fetter said the land is not flat and not conducive to ball fields or a playground, but could provide 7 acres of wildlife viewing and nature trails.

Another option is 10 acres of property for sale along the bank of the Hermiston Ditch behind Wal-Mart.

On the west end of the city, Fetter said the irrigation district has been interested in getting rid of part of a 40-acre parcel off Elm Street near the Umatilla River and the north end of the Oxbow Trail. The old Steelhead Park property south of Riverfront Park, now owned by the Department of Fish and Wildlife, could also

be an option.

There is a demand for play equipment and more soccer fields in Hermiston, but Fetter encouraged the city to look at specialized parks as well.

He said a good skate park like the ones in Pendleton and Irrigon can be a "point of pride" and create a sense of ownership for a population that sometimes clashes with the city. A high-visibility area like the gravel parking area across the street from the fire station and police department would discourage crime and vandalism.

Fetter said there is also a demand for a dog park where people can play with their dogs or let them run loose without running afoul of leash laws.

"When they're managed well they can be very attrac-

tive," Fetter said.

He said the city also needs to build more picnic shelters and suggested adding a large one to Riverfront Park.

"We have four of them and they're booked starting in January for some of the more popular times in the summer," Fetter said.

Mayor David Drotzmann thanked Fetter for his work on putting together the presentation and said as the city headed into budget-planning season it was important to keep in mind how new parks and improved amenities could benefit the community.

"The Parks and Recreation department is such a critical component to the success of our city," he said.

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WOLVES: Phase II allows ODFW to consider killing after two livestock predations

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producer's own property or allotment.

Non-lethal deterrents are still emphasized first and foremost by ODFW. Ranchers are not allowed to bait wolves, and must report any lethal take within 24 hours while making all reasonable attempts to preserve the scene for investigation.

Todd Nash, a Wallowa County rancher and chairman of the Oregon Cattlemen Association wolf committee, said it is highly unlikely for producers to actually catch a wolf causing trouble in the pasture. The rule does, however, make them feel a little more empowered than they were before.

"We didn't want wolves to begin with," Nash said. "We're trying to get along as best we can in the political climate we live in."

Another change in Phase II lowers the requirement for ODFW to consider lethal control of problem packs.

Previously, the department needed to confirm four attacks on livestock within a six-month period, and each of those incidents had to satisfy an additional set of criteria in order qualify. No pack ever reached the threshold, though the Umatilla River wolves came close last year.

Instead, Phase II allows ODFW to consider killing wolves after just two livestock predations without a set time limit. Nash said lethal control is critical for livestock producers as the wolf population continues to grow.

"Dealing with problem wolves is an absolute must moving forward," he said.

Ranchers are currently compensated by the state for livestock losses caused by wolves. The Oregon Department of Agriculture awarded \$150,830 in 2014 — along with \$63,125 from the U.S. Fish and Wildlife Service — as part

of the Wolf Depredation Compensation and Financial Assistance County Block Grant Program.

But Nash has previously said compensation is a Band-Aid for ranchers, and not a solution to the problem. The Cattlemen Association passed a resolution at its annual meeting in December that supports lethal control of wolves in three cases: livestock losses, human health or safety and when game populations dip below management levels.

Rob Klavins, northeast Oregon field coordinator for the conservation group Oregon Wild, said moving into Phase II of the wolf plan is a positive sign of the species' recovery, while the population remains "relatively small."

Oregon had 64 wolves at the end of 2013. The 2014 population will be updated in ODFW's annual wolf report, slated for March.

And, despite reaching the conservation benchmark for breeding pairs in Eastern Oregon, Klavins said that does not mean their work is done.

"We should look at these numbers in context, and realize wolf recovery is moving in the right direction," he said. "I think, at this point, killing wolves should still be an option of last resort."

The transition into Phase II also marks the initiation of de-listing wolves in the eastern third of Oregon. Wolves remain federally protected in western Oregon.

ODFW will begin conducting a full status review and present its findings to the Fish and Wildlife Commission in April. The commission could make its decision as early as June, following input from the public.

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MARIJUANA: Kitzhaber opposed Measure 91

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Recreational use will be legal July 1, although OLCC licensing of retail sales is expected in another year or so, after it starts accepting applications Jan. 4, 2016. A special House-Senate committee also will focus on legalization, which voters approved as Measure 91 on Nov. 4.

Kitzhaber said he favors a merger of systems for medical marijuana and recreational marijuana.

Measure 91 made no changes in the 1998 law allowing marijuana for medical uses, but some lawmakers have said they want to consider changes.

"I think you need to put them together," Kitzhaber said. "It's easier to ask questions when you do not have two separate systems operating."

Kitzhaber said lawmakers have since expanded the list of conditions that qualify for medical marijuana use. Among the conditions in the initial law were glaucoma and nausea associated with chemotherapy.

"It's strayed quite a bit," said Kitzhaber, a former emergency-room physician.

Of the almost 70,000 patients registered with the Oregon Medical Marijuana Program as of Jan. 1, more than 64,000 use it for severe pain; 9,379 for nausea, 3,633 for cancer and 1,074 for glaucoma. There are

other qualifying conditions under the law and patients can indicate multiple reasons for medical use.

Kitzhaber supported the 1998 ballot measure but opposed Measure 91. Although he called legalization "inevitable," Kitzhaber said during the campaign that Oregon should await lessons from Washington and Colorado, where voters approved legalization measures in 2012.

Among the questions Kitzhaber will raise is the number of plants the law allows someone to grow for personal use — four — weighed against the eight ounces under the law that someone can possess at home. Public possession is limited to one ounce.

"Allowing homegrown simply seems to be out of sync with a regulated market," he said.

Kitzhaber also wants OLCC and lawmakers to show how a regulated market will reduce the black market for recreational marijuana, and what can be done to devise a test — comparable to a breath test for alcohol — for determining whether a driver is under the influence of marijuana.

Supporters have said the state tax set by Measure 91 should be low enough to encourage conversions from the black market, and that the measure requires officials to set under-the-influence testing requirements.