

## Brown wants transportation meetings closed

By HILLARY BORRUD  
Capital Bureau

SALEM — Gov. Kate Brown's office declined Friday to explain why the governor wants powerful state transportation officials to meet in secret.

Brown has promised to increase government transparency, but this week a spokesman for the governor said it is legal for a majority of the Oregon Transportation Commission to meet privately without any notice.

The commissioners are meeting as part of a committee planning for a review of the Oregon Department of Transportation, which Brown ordered last year. Two of the five members of the Oregon Transportation Commission were at the committee's first meeting in March and a third member was expected to attend, according to a public record released by the state. That would have resulted in a quorum — enough commissioners to make decisions — but the third commissioner ultimately skipped the meeting for reasons that were unclear.

Under Oregon's public meetings law, government committees that make recommendations, oversee

agencies and set policies must hold open meetings. There are certain exceptions, including for groups that advise the governor.

Chris Pair, a press secretary for Brown, said Friday that this exemption applies to the oversight committee because it is working on the review ordered by the governor. Pair declined to comment on why the committee needs to meet behind closed doors.

However, the committee appears to be advising the Oregon Transportation Commission, rather than the governor.

Commission chairwoman Tammy Baney appointed the committee, and it is providing monthly progress reports to the Oregon Transportation Commission.

Transportation commissioner Susan Morgan, the chairwoman of the ODOT review committee, also did not respond to questions about why the committee must meet in private.

Jack Orchard, a lawyer for the Oregon Newspaper Publishers Association who has been involved in public records and meetings issues, said that regardless of whether there is

a quorum of transportation commissioners, the review committee's meetings should be open to the public because the group is deliberating on a topic of public interest: What issues a contractor should examine as part of a review of the Oregon Department of Transportation.

"Something's not right here," Orchard said Friday. "If this group was charged with defining the scope of the review, clearly that's a piece of public business ... The statute's broad enough that it says this group is subject to the public meetings law."

Brown ordered the review to address the concerns of lawmakers and interest groups about the agency's ability to effectively spend hundreds of millions of dollars the Legislature could approve for transportation projects in 2017. The review is important because some lawmakers are only willing to approve higher taxes and fees on drivers to pay for the projects if the Department of Transportation can demonstrate it is operating efficiently.

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

## HEALTH: Serious mental illness costs U.S. \$193.2B in lost earnings per year

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throughout "the entire case load," from family court to serious criminal cases. Perkinson said in criminal court a person can plead guilty by insanity, there is no defense allowing "mental health as a factor in committing a crime."

Davis said the entanglement of mental illness and lawbreaking can become a cycle.

"There are people totally criminally liable that still have mental illness that sent them on this path," she said.

### Evaluations

Deputy district attorney Kate Hansen said mental illness does not preclude someone from understanding when they break the law. Still, the state has an obligation to help a defendant understand the law and legal proceedings so he or she can aid and assist in their defense.

Getting a defendant mental health help comes with obstacles. Davis said a client would need an evaluation from someone with state certification. That takes time and jeopardizes a person's right to a speedy trial, which in Oregon is 60 days, though a judge can extend that another 60.

If a psychologist determines the person can aid or assist in her defense, the prosecution can proceed. Davis said the rub comes when a client needs time and treatment to achieve a level of clarity.

That can often take six months. But that's also the maximum amount of time a person can serve for disorderly conduct, a class B misdemeanor in Oregon. When the treatment takes longer than the sentence for the crime, the state has to let the person go.

Davis said one of her clients has been at the state hospital for two months, another for six, and a third for a year-and-a-half. A 2014 United States Department of Justice report estimated the cost of care at Oregon State Hospital is \$945 per day per person. A full year runs \$344,925.

Serious mental illness costs America \$193.2 billion in lost earnings per year, according to the National Alliance on Mental Illness.

Sometimes a person's mental illness is so severe the state can impose involuntary commitment — putting the person into a mental health treatment facility against their will. Morrow County has about one or two cases a year, according to information from the state courts, while Umatilla County has about 25 such cases annually.

Involuntarily committing someone, though, means meeting the high standard of clear and convincing evidence. Hansen said that standard is just below the "beyond a reasonable doubt" needed to convict someone in criminal court.

The Oregon Court of Appeals in 2010 upheld the standard when it overturned a Multnomah County judge who had committed a man who suffered schizophrenia and stopped taking medication for three months into state care.

Even though the man all but destroyed the room he lived in and came to believe he was in a religious battle that required him to smear his feces on floors and walls and push broken glass through walls, the appeals court found the state failed to show he was unable to provide for his basic needs or was a threat to his own survival. Hansen said involuntary commitment really

means a person is so deranged he or she is likely to die any day.

Few criminal defendants are that mentally ill, Davis said. But the state also does not want people suffering from a mental health episode to be on the street, so that means probation or jail and thus more of the same spinning wheels.

### Another option

Some counties and cities, including Polk County, have created mental health courts.

Roy Blaine is the trial court administrator for the circuit courts of Umatilla and Morrow counties. He said treatment courts, such as drug court or a mental health court, are effective tools.

Rather than the British adversarial model of court, which is what the U.S. adopted, a person comes to a treatment court and tells their story to the judge, as well as to parole and probation officers, treatment experts and court staff. Blaine said the idea is frequent oversight from the court and state pays off when people gain control over their lives.

Drug court is for felons and tries to reduce the number of future felonies they commit, Blaine said. But a mental health court is more on the other end of the spectrum. It helps the frequent, low-level offenders who trespass, cause public disturbances and have problems staying off the street.

Operating a mental health court takes a lot of money and staff. The judge has to spend at least a few hours each week in the courtroom with clients, and a team of professionals has to check that people are taking medications, attending treatment programs and so on.

Local circuit court judges, the district attorney's office, public defense lawyers and police leaders have discussed a mental health court for a while now. Blaine said a lack of money is the hold up.

"I'm not at all opposed to doing that work," he said. "But I need the people to do it."

Davis, too, supports a mental health court. She suggested a new model that puts social workers into public defender offices. She said one firm in southern Oregon is giving it a try, and she likes the idea because she is not the best social worker but often ends up acting like one in her job.

"Having people dedicated to helping our clients just navigate life could be useful," she said. "The program that has been instituted in Oregon so far is promising. What it costs in social workers is partially offset by lowering recidivism and increasing payment of fines and court costs (because of higher employment rates)."

Davis also said everyone — from police on the streets to judges — can better understand mental illness. Some symptoms are obvious, she said, but a monotone voice, a lack of movement or speaking also can be indicators.

"I felt like when I was talking to my clients I was missing some of these problems," she said. It's a driving reason why Davis is working on a master's degree in forensic psychology.

She is not jumping professions, she said, but adding more tools to work with the kinds of clients she — and many other attorneys — sees day in and day out.

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## LANGUAGE: Only a handful of native Umatilla speakers remain

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Four days a week, Jones and two CTUIR volunteers, Quaepts and Linda Sampson, visit each classroom and teach the kids both Umatilla language and culture through the Walk to Language program.

In its first year, the program has not only received praise from the Pendleton School District and the CTUIR, but also Gov. Kate Brown, who observed a lesson when she toured the early learning center in March.

On Thursday afternoon, it was just Jones and Quaepts, who were teaching the children a lesson on salmon.

After teaching students the Umatilla names for the various varieties of salmon like chinook (tkwinat), coho (sinux) and sockeye (kalux), the teachers gave students cotton balls scented with chocolate or cinnamon and asked them to find a similar scent in the classroom, evoking the way salmon use their sense of smell to find the stream where they were born to spawn.

Jones and Quaepts wrapped the lesson by handing out crackers with salmon and a salmon-themed activity book published by the Columbia River Inter-Tribal Fish Commission.

As the students munched on their snacks and colored in the books, Quaepts recalled how different the district approached American Indian language and culture when she was a student at the early learning center, then known as Hawthorne Elementary School.

Quaepts remembered her teacher correcting her vociferously on her first day of school, making her use her American name instead of her Indian one.



Students line up for a sample of canned salmon on Thursday during a Umatilla language class at the Pendleton Early Learning Center.

Quaepts said those memories of feeling alone makes her honored to teach the next generation in a more inclusive way.

Walk to Language may play a part in keeping the Umatilla language alive.

The two other languages of the tribes that belong to the CTUIR — Walla Walla and Cayuse — have died out and only a handful of native Umatilla speakers remain.

Quaepts said it's important for the non-Native students as well.

She said white farmers and ranchers used to learn Umatilla words and phrases to speak with their Indian neighbors, and teaching non-tribal members could similarly expand their cultural understanding.

The children seem to be retaining the Umatilla vocabulary and stoking their cultural curiosity.

Whenever a student runs into Quaepts in the community, they

excitedly greet her with a "Niix pachwy," or its morning or evening equivalent, and begin asking her about other words.

Early learning center faculty say the kids pick up on the language faster than the adults.

"It's the highlight of their week," teacher Joshua McGraw said.

Topics range from lessons on First Foods or winter words to teaching the kids Umatilla translations of Christmas songs like "Jingle Bells" and "The Dancing Christmas Tree," and the teachers all agreed that Walk to Language was a benefit to their classroom.

As Walk to Language winds down its first year, Quaepts said she's already committed to coming back next year to continue the lessons.

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## PGG: Northwest Grain Growers serves 1,600 members in the region

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in early July.

United Grain was formed in 1969 and is owned by the Mitsui Group of Japan. Flagg said the company has traditionally focused on exports, but has started shifting philosophies to work more directly with growers. That has included building shuttle train stations in Montana and North Dakota to haul larger amounts of grain from those fields to a Vancouver terminal that can store more than 7 million bushels.

John W. Adams, a former PGG member who farms roughly 3,500 acres north of Pendleton, said he will listen to offers from United Grain while continuing to do business with Northwest Grain Growers, based in Walla Walla, and Pendleton Flour Mills.

"We're going to be just fine," Adams said.

Northwest Grain Growers serves 1,600 members in the region and General Manager Chris Peha said they are growing. The co-op added two grain piles in Athena in 2014, which Adams said have become an attractive option. Peha did not say whether the co-op intends to invest more heavily in Oregon following the dissolution of PGG.

"We focus on our own business, not what other people are doing," he said.

Adams said it's always good for farmers to have more than one place to market their grain, though where they go depends heavily on their location. Gavilon Grain, another Japanese-owned firm, has also added piles in Athena in recent years, providing another choice on the north end of the county. Gavilon distributes more than 45 million tons of grain every year, making it the second-largest merchandiser in the

country.

Elsewhere, Pendleton Flour Mills has also purchased wheat directly from farmers since the early 1900s. Its main flour mill is located in town, with a satellite elevator in nearby Mission. Then there's Morrow County Grain Growers, headquartered in Lexington, which operates eight grain elevators with a licensed capacity for more than 3.9 million bushels.

Like PGG, Morrow County Grain Growers was established in 1930 and has grown to incorporate multiple divisions including energy, agronomy and its own farm equipment dealership. Grain comes to MCGG from as far away as Idaho, stored at the Hogue-Warner Elevator on Paterson Ferry Road.

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