

John Day to suspend police department Oct. 31

Federal grant to fund police remains possibility; city also looks at deal with Grant County for police services

By BENNETT HALL
Blue Mountain Eagle

JOHN DAY — The John Day Police Department will cease to exist by the end of the month — even though the city has yet to work out an agreement with Grant County to provide law enforcement services through the sheriff's office.

The John Day City Council voted on Tuesday, Oct. 12, to suspend the department's activities at midnight Oct. 31 in the face of an insurmountable budget shortfall. The vote was unanimous, with Councilor Gregg Haberly absent.

The decision came in the wake of a failed ballot measure during the summer that would have raised enough money to fund the department for the next five years. The proposed local option levy actually attracted more yes votes (284) than no votes (169). But the Aug. 17 special election required a double majority for the levy to pass — a majority of votes cast plus a majority of registered voters casting ballots — and a low turnout doomed the measure.

The council referred the measure to the voters after determining the city did not have enough money to continue funding police services and still balance its budget.

"This is a sad day," City Manager Nick Green told the council at the Oct. 12 meeting. "We fought and fought and fought and we tried and tried and tried, but with the budget the way it is, we just can't sustain operations."

City officials had hoped to keep the department going at least until the end of the year while they pursued a three-year grant from the Department of Homeland Security that would



Steven Mitchell/Blue Mountain Eagle, File

A sign in John Day supports voting to approve a five-year levy to fund the John Day Police Department. The Aug. 17, 2021, ballot measure, which required a double majority, failed due to low turnout even though it got more yes votes than no votes.

provide partial funding for law enforcement services in the city limits. But the grant decision has been delayed, Green said, forcing the city to move up the timetable for halting law enforcement operations even though it's still in the running for the federal funds.

"There's a lot of uncertainty around that," he said. "That's the reason I'm using the term 'suspend' instead of 'dissolve' or 'disband.'"

The department already was down to about half-strength, with just two full-time officers and no chief (Chief Mike Durr retired earlier this year).

The department's two remaining full-time employees, Sgt. Scott Moore and officer

Travis Piercy, will transition into new jobs with the Public Works Department.

Moore, who attended the meeting, said he and Piercy had been working long hours to patrol the city but couldn't keep up that pace indefinitely.

"It's just reality right now," he said. "With just the two of us, it's just not feasible. ... It's just not safe."

Several councilors expressed dismay that the city could no longer keep the department running.

Heather Rookstool said she didn't want to suspend the police department but didn't see any alternative. With such a small force, she

said, officer safety is compromised.

"I hate this, but with only two (officers), I don't see this as something we can do," she said. "I don't want to be the reason for something bad happening to one of them."

Grant County Sheriff Todd McKinley also was in the audience at the meeting. He said suspending the police department would place a heavy burden on his deputies, who would have to take on added patrol duties.

"I understand the spot you're in, but you're also putting us in a spot because you're going to put us down four officers as soon as you do this," he told the council. "I look at my people and it's going to saddle them with a nightmare ... so thank you."

Mayor Ron Lundbom said city officials had done everything they could to persuade voters to support the levy and predicted many residents who voted against it or didn't vote at all would be appalled at the sudden reduction of law enforcement services.

"I think they've got no one to blame but themselves," he said.

Councilors Shannon Adair and Paul Smith said the city and county now have to work together to find a way to provide adequate law enforcement resources for all of Grant County, including John Day.

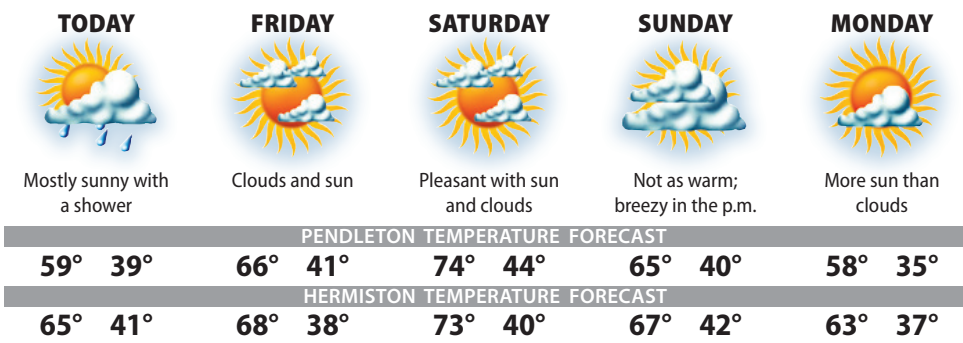
Green said "conversations are progressing" toward a law enforcement services agreement with the county, but no deal has yet been reached. He said the city had offered to turn over its entire share of property tax revenues, around \$300,000 a year, to the county.

"That's more than enough to cover three of four officers," Green said.

But County Commissioner Sam Palmer, sitting in the audience, responded the county would have to shoulder other costs besides salary and benefits, such as training, vehicles, firearms and other equipment.

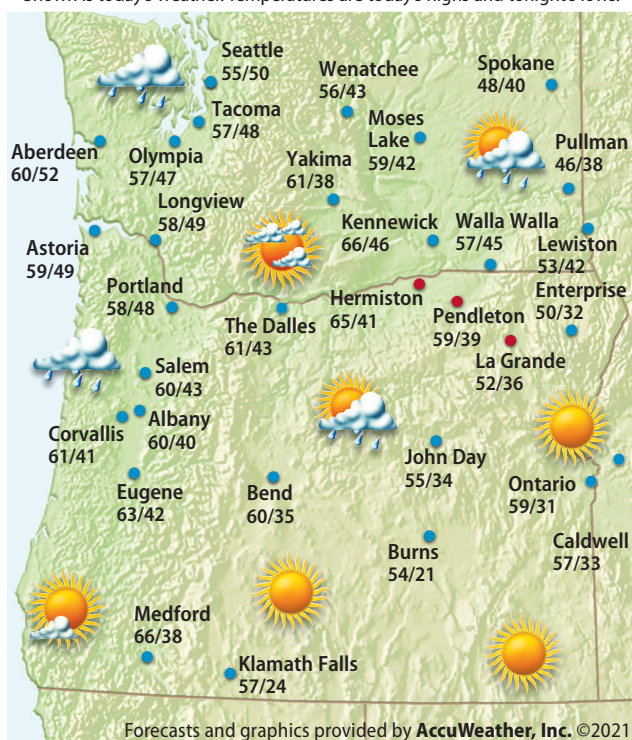
"It's going to cost a lot more than \$300,000 to take it over," he said.

Forecast for Pendleton Area



OREGON FORECAST

Shown is today's weather. Temperatures are today's highs and tonight's lows.



ALMANAC

PENDLETON through 3 p.m. yest.

TEMP.	HIGH	LOW
Yesterday	54°	41°
Normals	66°	42°
Records	83° (1898)	22° (1899)

PRECIPITATION

24 hours ending 3 p.m.	0.04"
Month to date	0.06"
Normal month to date	0.41"
Year to date	5.06"
Last year to date	9.26"
Normal year to date	9.62"

HERMISTON through 3 p.m. yest.

TEMP.	HIGH	LOW
Yesterday	60°	44°
Normals	68°	40°
Records	80° (2015)	18° (1928)

PRECIPITATION

24 hours ending 3 p.m.	0.04"
Month to date	0.04"
Normal month to date	0.29"
Year to date	2.71"
Last year to date	2.00"
Normal year to date	5.96"

WINDS (in mph)

Today	Fri.
Boardman WSW 7-14	SW 4-8
Pendleton WSW 7-14	W 4-8

SUN AND MOON

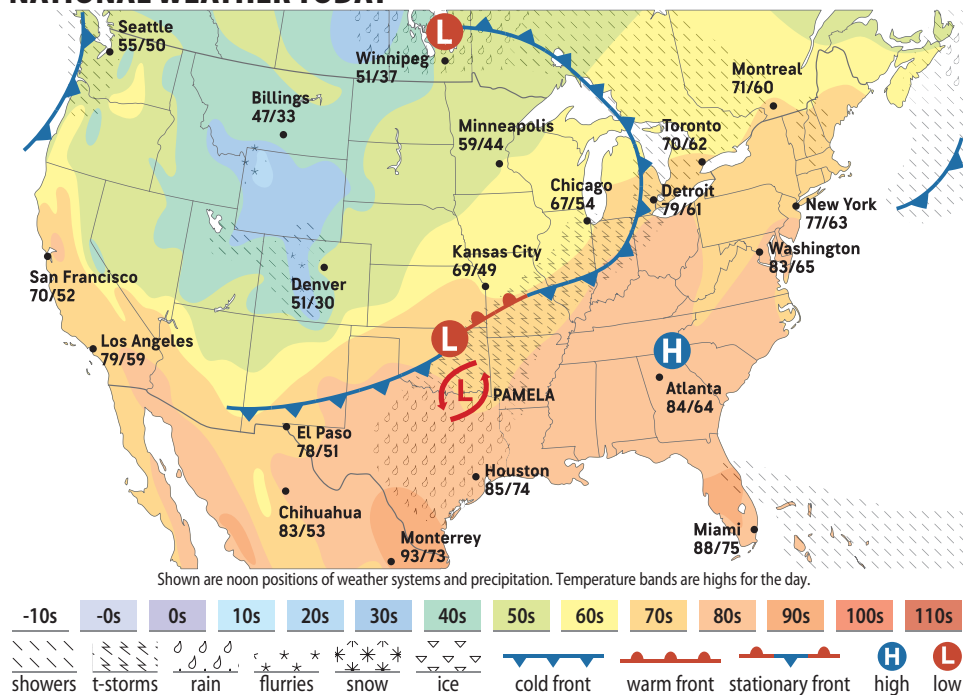
Sunrise today	7:10 a.m.
Sunset tonight	6:11 p.m.
Moonrise today	4:09 p.m.
Moonset today	12:15 a.m.

Full Last New First
Oct 20 Oct 28 Nov 4 Nov 11

NATIONAL EXTREMES

Yesterday's National Extremes: (for the 48 contiguous states)
High 97° in Zapata, Texas Low 7° in Potomac, Mont.

NATIONAL WEATHER TODAY



Feds sue Oregon over Upper Klamath Lake water releases

By MATEUSZ PERKOWSKI
Capital Press

KLAMATH FALLS — The U.S. government is challenging an order from Oregon water regulators that forbids water releases from Upper Klamath Lake to boost flows in the Klamath River.

The legal dispute pits the enforcement of state water rights against the federal government's obligation to operate the Klamath irrigation project in compliance with the Endangered Species Act.

To improve stream conditions for threatened salmon in the Klamath River, the U.S. Bureau of Reclamation releases water through its Link River Dam under an operations plan for the irrigation project.

In April, the Oregon Water Resources Department issued an order prohibiting Reclamation from making releases that would drain water from Upper Klamath Lake to which irrigators hold water rights.

Since then, OWRD has

twice issued notices of violation to the federal government for releasing water contrary to the order. The federal government claims officials from the state agency also threatened to impose civil penalties or take other enforcement actions.

The U.S. government is now seeking a declaration in federal court that OWRD lacks the authority to stop water releases from Upper Klamath Lake, as well as an injunction against the state agency's enforcement of the order.

"As an Oregon state body, OWRD has jurisdiction that extends solely to the administration of Oregon state water rights," according to the federal government. "OWRD has no jurisdiction or authority to determine the existence, nature, or extent of a federal agency's obligations under any federal law or regulation, or to issue an order or directive that limits or interferes with a federal agency's ability to comply with any federal law or regulation, including but

not limited to the federal ESA and its implementing regulations."

Aside from preventing Reclamation from operating its facility consistently with the Endangered Species Act, the state agency's order would interfere with the water rights of the Yurok and Hoopa Valley tribes downriver in California, the federal government claimed.

Under legal precedent set by the U.S. Supreme Court, the federal government must conform with state water law — however, state water law "must cede to federal authority" when it conflicts with federal statutes, such as the ESA, according to the federal government.

By forbidding Reclamation from releasing the stored water, "the Challenged Orders are contrary to the ESA and therefore preempted under the Supremacy Clause of the United States Constitution," the federal government alleges.

Representatives of OWRD could not be reached for comment as of press time.

IN BRIEF

Former Baker City business co-owner convicted of theft

BAKER CITY — A jury convicted a former Baker City man of felony theft for stealing money in 2017 from a local assisted living center he co-owned.

Jeremy Gale Thamert, 49, was convicted on Oct. 8 of three counts of first-degree theft, a Class C felony, and one count of second-degree theft, a Class A misdemeanor, after a five-day trial in Baker County Circuit Court.

The jury also acquitted Thamert, who moved from Baker City to Prineville in 2017, of one count of first-degree theft and one count of second-degree theft.

One count of first-degree theft and one count of second-degree theft were dismissed. Circuit Judge Russell B. West, who presided over the trial after Judge Matt

Shirtcliff recused himself due to a conflict, sentenced Thamert on Oct. 8 to 10 days in the Baker County Jail and two years of probation, and ordered him to pay \$10,565 in compensation and restitution to his former business partner, Robert Whitnah of Baker City.

Thamert, who waived a delay in sentencing, also has to pay \$300 in court fees and fines.

Thamert was charged in August 2019 with stealing about \$100,000 from Beehive Homes, the Baker City assisted living center he formerly co-owned with Whitnah.

Thamert and his former wife, Traci, were business partners with Whitnah and his former wife, Krischele Whitnah. Beehive Homes opened in 2014.

Robert Whitnah is now the sole owner of the business, which he renamed Memory Lane Homes.

—EO Media Group

CORRECTIONS: The East Oregonian works hard to be accurate and sincerely regrets any errors. If you notice a mistake in the paper, please call 541-966-0818.

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