

O EAST OREGONIAN PINION

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OUR VIEW

Doing the people's business

A new law that mandates governing bodies to make most public meetings accessible remotely is a good idea, but lawmakers need to focus on ensuring voters have person-to-person admission to the capital building when the Legislature is in session.

The new law, passed by the Legislature in its 2021 session, is the result of the pandemic. When the pandemic began and coronavirus restrictions shut down the state, the only reasonable way for voters to participate in the business of government was through remote channels.

In a sense then, as now, the remote access to our lawmakers was a temporary fail-safe but it was far from ideal.

The new law is good because it places into statute a way — in case the worst occurs — for voters to be involved.

Yet, make no mistake. Remote access isn't good for government long-term. The American way of government rests of a variety of principals but one of those is essential: Voters must be able to personally petition their lawmakers, to lobby and count on access to the house where the people's business is conducted.

Clearly the risks of the pandemic created a scenario where access had to be curtailed. The virus was contagious and, in some cases deadly, and so a switch to a remote type of access for voters made sense.

It was, clearly, a stopgap move to bridge a chasm created by a virus. However, lawmakers — and the governor — must be focused now on finding as many ways to keep the capital open as possible.

As Americans, we expect to be able to interact with those who we elect to represent us. Observing a government meeting in person, rather than remotely, creates a completely different atmosphere than watching the session on a computer screen. The sense of immediacy, of participation is wholly different in person than through a remote venue.

The reality is the COVID-19 virus is going to be with us — in one way or another — for the foreseeable future. Lawmakers must find a suitable work-around regarding restrictions to ensure the public can access the capital on a regular basis.

The ability to switch to remote-access is a good tool to have in the toolbox, a way to guarantee that in the worst-case government can still move ahead but it is only a necessary expedient, not a future way to do the people's business.



Communicate with neighbor over tree branches



BLAINE CLOOTEN

ASK AN ATTORNEY

Q. My neighbor's tree has branches that drop its leaves all over my yard. Can I cut off the branches that are on my side of the fence?

The property owner may cut the tree to the property line but must exercise reasonable care so as to not harm the remaining portion of the tree on the neighbor's property. It's best to coordinate the trimming with the neighbor and used a certified arborist.

If you are having trouble communicating with the neighbor or have questions about the property line, it's recommended that you talk to an attorney before any trimming or cutting.

Q: Is rent-to-buy furniture a good idea?

I am not permitted to give financial advice. So, when it comes to the terms of purchase, meaning the interest rate and purchase price, you'll have to do your own due diligence. I will note that in my experience, a large percentage of people filing for bankruptcy also had rent-to-own furniture agreements.

Most people I talk to that end up with rent-to-own furniture use this route earlier on in their rental life and purchase their own furniture as time goes on.

Q: What is an easement? How do I know if the property I want to buy has one? How do I find out if it is abandoned or not?

This is by no means exhaustive, and I'll try not to use legalese, but we need to start with some basic ideas. Easements are nonpossessory interests in land of another, entitling the easement holder to limited use of the other's land. Nonpos-

sessory is a term to describe any of a category of rights held by one person to use land that is in the possession of another.

An easement does not give the holder a right of possession but rather a right to use something from the possessory estate of another.

An easement holder is a person with a legal right to use the easement and may include the owner of the land across which the easement passes.

There are numerous ways of creating easements. The way in which the easement was created will necessarily determine the scope of the easement and the extent of the encumbrance on the underlying real property.

Think of utilities, the most common type of easement, which provides for access to the dominant estate over the servient estate. A utility easement allows for wires, cable, or pipes to be strung over, placed upon, or buried under the servient estate.

A grant of an easement should be drawn and executed with the same formalities as a deed to real estate.

Generally, abandonment occurs only when an easement holder manifests the intent to relinquish the servitude by affirmative conduct.

Typically, when buying a piece of property, you will obtain a title report. The title report should show all easements of record.

The most efficient way to vet out an easement is to have a local real property lawyer in the county where the land is situated to investigate the chain of title and other instruments pertaining to the parcel that are public record.

I would like to take the remainder of this column to make some comments and provide some additional resources.

First, I would ask those reading this column to continue to submit questions.

Submitting questions takes bravery, and your questions help others in similar situations. Please feel free to submit them to me at clootenlaw@gmail.com or the "contact us" portal on my website. You'll notice that I've never used a questioner's name or information.

Second, the feedback I've received through these columns has been so positive that I've dedicated additional time to answering similar questions via podcast available here: apple.co/3JXen3b.

Third, in my September 2021 column, I answered an important question about workplace sexual harassment. With a word count limit, I wasn't able to include everything I wanted. Thereafter, I worked with another attorney who specializes in employment law to write a more complete answer. That article will first be published through the Oregon Trial Lawyers Association Trial Lawyer Magazine, which is published quarterly. Once published in the magazine, I will make the article available through the resources tab on my website: oregonlegalfirm.com.

Fourth, providing legal resources to those with questions is an important responsibility. Writing this monthly column is a great privilege, and I am thankful for the questions received. I will continue to focus on providing the best possible information and content possible. That being said, these column are for general information only and there is no substitute for competent legal advice. Please talk to an attorney for your own legal situation to determine the best solution.

Blaine Clooten is an attorney serving Umatilla County with a focus on family law, estate planning and personal injury cases. Questions answered do not create an attorney-client relationship. Facts and law may vary; talk to an attorney for more information.

YOUR VIEWS

Green energy or greenbacks?

I found the article concerning test drilling for lithium in Oregon very interesting ("Test drilling OK'd for proposed lithium mine," Dec. 23 edition). Especially given the number of green new deal proposals before Congress. It made me wonder if all these proposals were designed to protect the earth or were there alternative motivating factors.

The Biden administration signed an executive order to strengthen the domestic lithium supply. Oregon Department of Geology and Minerals granted Australian-based company Jindalee Resources a permit to dig 39 test holes. The executive director of Jindalee estimated there could be more than 10 million tons of lithium. At \$15,000 a ton that works out to around \$150 billion from just one mine.

In light of what happened in the Ukraine concerning family members of politicians enriching themselves, I

would like to know what politicians own stock in companies dealing in lithium. It appears to be a huge conflict of interest to vote for electric vehicles or renewable energy storage facilities if you own stock in the production and mining of lithium.

Since domestic production of lithium in the United States makes up only 1% of the world supply of lithium, this mine could be a cash cow for the investor. It just seems the push for green energy may be motivated by a push for greenbacks. I think all politicians should declare if they own any lithium stock in advance of any vote concerning green energy proposals. Just my thoughts.

Joe Mesteth
Hermiston

Missing local sports coverage in print

Call me old fashioned, but I really miss what use to happen every Saturday morning in the East Oregonian newspaper.

Stories from the previous night's sporting events covering area youth in Umatilla, Morrow and other nearby counties. Youth sports are an important part of our local communities, but very seldom is there an article highlighting what is happening.

How many of your readers know that the varsity Hermiston High School Lady Bulldogs lost their first basketball game Friday night, Jan. 7, in a nail biter? They are now 8-2 for the season, and I enjoy attending their games. Maybe more people would attend the games if they were aware of how they are doing. Everybody loves to watch a winning team.

I grew up in an era where fans and students packed our gyms on a Friday night. When I'm not able to attend a game or wrestling match, it would sure be nice to have box scores available in the paper. I realize newspapers are struggling to survive, but our youth deserve to be recognized for their efforts.

Bruce Wilcox
Hermiston

EDITORIALS

Unsigned editorials are the opinion of the East Oregonian editorial board. Other columns, letters and cartoons on this page express the opinions of the authors and not necessarily that of the East Oregonian.

LETTERS

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