

Property owners may bear brunt of new fire risk law

Oregon's new approach worries some rural property owners

By **JAYSON JACOBY**
Baker City Herald

BAKER CITY — Wes Morgan is an enthusiastic supporter of the effort to protect Oregon's rural homes from wildfire.

His own, for instance. Morgan, who is chief of the Powder River Rural Fire Protection District, an all-volunteer agency with a station just outside Sumpter, has endeavored to reduce the risk of fire on his property among the ponderosa pines of Sumpter Valley.

He maintains a lush green lawn as an effective fire break.

He prunes the pines to deprive the trees of a ladder that flames could climb into the combustible crowns.

He stacks his firewood a safe distance from his home and makes sure needles and



Wes Morgan has strived to protect his Sumpter Valley home from wildfire by maintaining an expense of lush green lawn, pruning limbs from the ponderosa pines and taking other steps.

other tinder don't accumulate on his roof.

Yet for all that, Morgan is troubled by the prospect of the state compelling property owners, possibly including some of his neighbors, to take similar precautions under penalty of law.

"There are a lot of people

that need to do something" to protect their properties, Morgan said.

"But I have mixed feelings."

His ambivalence stems from a law the Oregon Legislature passed in 2021.

Senate Bill 762 requires, among other things, that the

state create a map that shows a wildfire danger level for every tax lot. That map, which the Oregon Department of Forestry recently released, also shows the boundaries for what's known as the wildland-urban interface — WUI — areas with homes that are within or near forests or range-

lands where wildfires are more likely. Properties that are both within the WUI, and that have a wildfire risk rating of either high or extreme (on a five-level scale that also includes no risk, low and moderate risks) could be required, also under Senate Bill 762, to create the same sort of defensible space that Morgan has around his home.

Such property owners might also have to comply with changes in building codes.

Morgan isn't comfortable with the state mandating the kinds of work he undertook on his property. But he's even more troubled by the process the Department of Forestry has used.

In July the agency mailed letters to 250,000 to 300,000 property owners whose land is within the WUI and has a wildfire risk rating of high or extreme.

Morgan is among the recipients. His letter is dated July 21. "I think this letter caught a lot of us off guard, including

me," Morgan said on Tuesday, Aug. 2. "I think the state got the cart before the horse."

He cites the letter itself. It reads, in part: "You may be required to take actions to create defensible space around your home and adhere to changes to building code requirements. Both of these regulatory processes are still in development."

The problem, in Morgan's view, is that he and tens of thousands of other property owners are left to wonder what they might be required to do, and when.

According to the Forestry Department, the Oregon State Fire Marshal is working on the defensible space requirements. The agency is slated to adopt those in December 2022, and take effect in 2023.

The state Building Codes Division is responsible for the building code requirements mentioned in the letter to property owners.

The agency is scheduled to adopt codes Oct. 1, 2022, and those will take effect April 1, 2023.

Employment Department's woes not just a pandemic problem

Report finds problems went far beyond obsolete computers

By **MIKE ROGOWAY**
The Oregonian

SALEM — Oregon was struggling to deal with complicated jobless benefits claims even before the pandemic hit, according to a new state audit that found some claims went unresolved for years as adjudicators completely lost track of their status.

The long-delayed audit, issued July 27 by the Oregon Secretary of State's Office, attempts to account for the chaos and confusion that beset the Oregon Employment Department during the early days of the pandemic.

The report only briefly reiterates the findings of two prior audits, in 2012 and 2015, that the employment department suffered from frequent turnover in its

executive ranks and a notoriously obsolete and inflexible computer system that dates to the 1990s.

Those failings became acute during the pandemic, blocking aid for tens of thousands of people during the sharpest economic downturn in Oregon history. State audits director Kip Memmott said the employment department would have performed much better during the pandemic if it had made the technological upgrades recommended in prior audits.

Still, the auditors found that in some respects Oregon didn't perform much worse than other states. And they cite federal data indicating the state lost less to fraud than many of its peers.

When it came to complex claims that required formal adjudication, though, the auditors say Oregon's system for managing them had been facing major problems for years and turned into an outright crisis during the pandemic. Adjudication is a

main focus of the new report.

The state lacked systems and procedures to ensure claims were being adjudicated correctly, according to the auditors, and didn't reliably communicate with unemployed workers about the status of their cases.

"Some claims end up taking months or years to adjudicate due to insufficient internal controls in (the department's) antiquated IT systems," the auditors found. And some racial groups, and claimants with lower incomes, had to wait much longer than others to have their cases addressed.

David Gerstenfeld, now well into his third year as the employment department's acting director, said he agrees with all the auditors' findings and said fixes are well underway.

"We needed to operate differently. Nothing that was in there was a surprise," Gerstenfeld said in an interview. He said the department is now adjudicating claims more rapidly than before the

pandemic and has plans in place to implement each of the auditors' recommendations.

"At this point, the agency really is a very different agency than if you look back just prior to the pandemic," Gerstenfeld said.

Some changes won't be in place until 2024, though, when Oregon updates the technology behind its benefits payment system.

The employment department's troubles were a major crisis in the spring and summer of 2020. In a single month, the state's jobless rate soared from historic lows to a record high, 13.3%. Oregon paid more than 580,000 jobless claims that year, amounting to nearly \$7.5 billion in benefits.

The flood of layoffs overwhelmed the employment department, which resorted to manually processing hundreds of thousands of claims because its balky computers couldn't handle the volume of applications or the changes in federal

programs authorized by Congress.

Thousands of laid-off workers had to wait months for their benefits, and the employment department took seven months to pay workers for their first week of unemployment — the very last state in the nation to make that federally authorized payment.

The department initially lacked the capacity to handle email inquiries, and its phone lines were swamped for months by laid-off workers seeking help with their claims or an explanation as to why their aid hadn't arrived. The ancient computers automatically mailed out confusing or incorrect information — notices the department said

it was helpless to correct because of the rigid technology.

The adjudication backlog rapidly emerged as one of the employment department's biggest woes in 2020. The agency said that September that 49,000 people were waiting to have their claims adjudicated, leaving them in a protracted limbo without aid. Critics said the actual number was even higher.

State auditors found the employment department lacked clear, accessible policies governing adjudication decisions. And the department didn't have procedures in place to ensure claims were processed correctly and promptly.

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