

County in liability crosshairs with agreement

Pact with OHA protects state, but not county

By **BILL BRADSHAW**
Wallowa County Chieftain

ENTERPRISE — In their efforts to maintain state services for Wallowa County, the county commissioners felt pressured into signing an intergovernmental agreement for a variety of auxiliary services at their Wednesday, Feb. 17, meeting.

The one-year agreement with the Oregon Health Authority is for community mental health; addiction treatment, recovery and prevention; and problem gambling services. But it puts the county in the liability crosshairs if any problems should arise.

Commissioner Susan Roberts said she wanted it in the record that, “while the state manages to avoid liability, counties like Wallowa can’t.”

She cited a case in Lane County’s mental health court where there was a massive lawsuit against the county after a person murdered two people, tried to murder a third and the families of the victims sued the county.

“There’s everything in there that protects the state; there’s nothing in there that protects the county,” Roberts said.

She said she felt that in order to obtain the state services, Wallowa County has no choice but to sign the agreement.

“We have started looking at every one of these (contracts) and we would prefer



Hillock



Nash



Roberts

that the state not hold itself harmless but put all of that penalty on the counties that we can ill afford to pay — a \$5 million lawsuit or more,” she said. “With almost every one of these contracts, the state takes itself out of the realm (of liability) but leaves the county in the firing line but ... we’ve had some discussion about this and we’re just letting the public know that these things are hanging out there for our counties, that we’re not protected ... we’re not given that protection from the state when we

sign these contracts. We don’t have much choice if we want to give these services to the people in our community. We sign them, but we’ve got our fingers and toes crossed that nothing will occur that will come back to punish us.”

Commissioner John Hillock said some counties are able to find an alternative.

“A lot of counties have opted out of doing it and ... could then put in their own provider,” he said.

Roberts acknowledged that was a possibility for wealthier counties, but said it

wasn’t feasible for Wallowa County.

“We have tried in the past to get out of this and there doesn’t seem to be a way,” she said. “They provide their own; they hire and contract their own. That’s the difference. I just wanted to get that in on the record.”

Hillock agreed the county is caught in the middle in a variety of areas.

“It seems like everything we do, whether it’s this or the sheriff’s office or whatever, there’s a certain amount of liability that comes back on the county,” he said. “It’s no different than running any of our businesses or spraying on weeds. There’s always liability.”

In other matters, the commissioners:

- Approved members to

the county Board of Property Tax Appeals. Claressa O’Connor and Ross Rooper were the members approved.

- Approved three resolutions appointing members to Wallowa County Weed Board. Those appointed were Jean Jancaitis, Samantha Bernards, Mike Beachy, Teresa Smergut, Kelly Birkmaier, Kris Crowley, Beck-ijo Smergut Wall, Mike Hale and Chris Cunningham.

- Approved a resolution appointing 45 members to the Wallowa County Natural Resources Advisory Committee. The members were appointed along with their affiliations and alternates to various terms. Commission Chairman Todd Nash declined to read the entire list, but said it was available for public review to anyone who wished to see it.

Thunder: Sponsors donated more than \$15K

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ple, forbade the Thunder Room’s indoor dances and socializing, those kinds of activities could probably be moved outdoors. Jones also was upbeat about holding the Back Country Bash, a music event at the rodeo arena the week following CJD.

“Even if regulations are what they are now,” he said, “we could hold it because it’s outside.”

The exception to holding all the “normal” events might be the Nez Perce friendship gathering and feast.

“The Nez Perce have been hit hard by the coronavirus,” Jones said. “Many of the people who participate in that feast are elders. We don’t want to create a situation that would be bad for them, or anyone who attends.”

The CJD board will consult with those who usually attend, including tribal elders from Lapwai, Idaho; the Umatilla Reservation; and Nespelem, Washington, before making a decision about that event.

Jones credited the generosity of the community for providing the financial foundation to move forward positively in planning this year’s CJD Rodeo.

“We refunded a ton of ticket money,” Jones said.



Ellen Morris Bishop/For the Wallowa County Chieftain

Carol Ward, manager of Wheatland Insurance in Enterprise, holds one of the 2020 rodeo buckles that were presented to event sponsors who chose to donate their 2020 sponsorship payment to Chief Joseph Days Rodeo. Wheatland sponsors the all-around events and award.

“But there were a lot of generous people who donated their 2020 ticket purchase to the rodeo rather than taking refunds. That’s appreciated more than anyone will know.”

Many sponsors also donated their 2020 sponsorships to CJD at a time that was financially difficult for some of them. Their donations totaled more than \$15,000 and provided fund-

ing for scholarships, repairs to the arena and other facilities and helped the rodeo get set up for this year, Jones said.

As a thank you to those businesses and individuals, the CJD Board gave each sponsor donor a framed CJD buckle that bore the 2020 date.

“It would have cost \$100 per buckle to have the dates on the buckles changed to

2021,” Jones said. “So we ordered display cases for the buckles instead and gave the buckles to the donors as a thank you. We tried to match the event on the buckle to the donor’s interests. People were very appreciative. We’re starting to feel really positive about this year’s rodeo. We are moving ahead with the 75th CJD Rodeo planning just as we do every year.”

Recycling:

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we have a problem with plastics. Cardboard, tin, paper, aluminum, it’s a pretty clean process. Paper comes in, it gets turned into the paper processor and into new paper products. Tin, aluminum, etc., too,” he said. “Most of the plastic that is being accepted now is all being turned into a new plastic product. The challenge is that all the plastic that is produced isn’t accepted by processors, which is actually the majority of the plastic.”

He has noted in stores that many of the plastic items — often food containers — are not the No. 1 and 2 plastics.

“I realize how big a percentage of plastics are not recyclable in today’s world,” he said. “They’re recyclable, but nobody makes enough money to do it to make it worthwhile for them. That’s a problem beyond our ability here in the county to collect and process as much as we can.”

There also is a problem with plastic six-pack holders such as beer and soda come in. Ferré said they’re labeled No. 2, but processors won’t take them as such.

Nash said that could come under a “truth in labeling” bill before the Legislature.

“If there are those arrows on the bottom, it’s misleading people into thinking it’s recyclable when it’s oftentimes not,” the commissioner said. “I’d appreciate your response on what pieces of legislation have merit and ... we would be glad to advocate for those that seem responsible.”

Ferré agreed.

“The truth in labeling one

is a huge one,” he said. “From the research I’ve done, those arrows really aren’t recycle arrows ... what’s confusing about it is so many of those numbers are, nobody’s processing them.”

Baling twine also is an issue in the county, with all the beef cattle feeding on baled hay. Nash, who raises cattle, said there used to be a woman who collected the twine a couple times of the year, but she’s no longer doing it.

Ferré said the woman stopped because Agri-Plastics, the processor, decided the value is so low the firm can’t afford to pay for it.

“I’ve talked to them and they will still take baling twine ... and we’re going to start doing that again in some capacity,” he said.

But that brings up the transportation dilemma, which affects many of the recyclables.

“Since there’s no money in it, we need to find a way to get it to the west side in the back of my pickup truck or somebody else’s where it’s not going to be a liability issue for the county,” he said.

Ferré and Jandt said they’re also working to educate the public, both in general and at schools and businesses. They speak to individuals at the center and have seen success. The plastics accepted at the recycling center have proved a problem in the past, with people discarding unacceptable plastics or not removing the lids from acceptable ones. But that’s improved dramatically, they said.

“It’s interesting because if you just look in the plastics window you see very few lids on anything,” Ferré said, noting that the lids on plastic bottles must be removed. “We’re just really appreciative of the (people in) the

county who are very deliberately taking lids off of bottles.”

On the budget side of things, he said, the task force, through the county, also is seeking grants to be able to more efficiently cover baled recyclables and possibly even purchase a more efficient baler. Already it has increased its revenue by about 42%, going from \$4,293 in 2019 to about \$6,600 in 2020.

“I think that’s meaningful,” Ferré said. “It’s still not enough money, but it’s 42% more money than we did in the entire prior year. So, each step along the way, we’re getting closer ... we’re making a difference ... 42% is 42%.”

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