

County has tentative schedule for visitor center contract

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Contractors interested in operating a visitors center in Baker City probably will have about two weeks to craft a proposal for submission to Baker County.

Baker County Commissioner Mark Bennett unveiled a tentative timeline for the Request for Proposals (RFP) for visitor services during a joint work session between commissioners and the Baker City Council on Wednesday evening, Aug. 25 at the Baker County Event Center.

County commissioners were initially slated to award a new contract for the visitor center in early 2020, but the process has been postponed multiple times since. The county received two proposals in late 2019, one from the Baker County Chamber of Commerce, the other from the nonprofit corporation that owns Anthony Lakes Mountain Resort.

The current contract, with the Chamber of Commerce, which operates the visitor center at 490 Campbell St., expires Aug. 31 and will not be extended.

Chamber Director Shelly Cutler said earlier this month that the Chamber will continue to operate the center until a new contract is awarded.

The timeline Bennett talked about Wednesday includes these dates:

- Sept. 1: County commissioners will have a work session at 1:30 p.m. at the Courthouse, 1995 Third St., to review and discuss the draft RFP. Commissioners will come to a consensus on final changes.

- Sept. 8: Commissioners will have a special session to adopt the RFP and release it to the public.

- Sept. 24: Deadline to submit proposals.

- Sept. 30: The county's Transient Lodging Tax Committee (TLTC) and advisory group will meet to review the proposals.

The lodging tax committee will make a recommendation to commissioners, who make the final decision.

The committee is involved in the decision because money for the visitor services contract comes from the tax collected from guests at motels, bed and breakfasts and other lodg-



Lisa Britton/Baker City Herald, File

The Baker County visitors center is at the right side of the Baker County Chamber of Commerce building at 490 Campbell St.

ing establishments.

- Oct. 6: Commissioners will choose a contractor from among proposals.

- Oct. 20: Commissioners will approve a new contract for visitor services.

Bennett said this is a tentative timeline, subject to possible change depending on circumstances such as the pandemic.

Both Cutler and Peter Johnson, general manager for Anthony Lakes, said earlier this month that they plan to submit proposals to the county.

During Wednesday's joint work session, commissioners and councilors discussed the draft RFP.

Commission Chair-

man Bill Harvey, and City Councilor Jason Spriet were absent.

Mayor Kerry McQuisten suggested adding a stipulation to the draft RFP stating that any lodging tax committee member who has a friend, relative or business associate who is associated with an applicant will recuse themselves from participating in the committee's discussion regarding a recommendation to commissioners.

"The biggest problem I saw with this past process was that conflict of interest that kept coming up again and again," McQuisten said. "That (stipulation) neutralizes that."

CHARGES

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Shirtcliff ruled that Regan would not be allowed to testify regardless.

Shirtcliff did approve, in part, Schaeffer's motion to suppress evidence.

The judge ruled that any evidence Regan obtained after Sept. 14, 2020, as well as any phone calls Greenwood made after that date, will not be allowed during trial.

As for evidence that Regan collected before Sept. 14, 2020, the judge ruled that the prosecution will have to bring a motion to the court for all such evidence, outside the presence of the jury, and that the judge will determine, on a case-by-case basis, whether such evidence is admissible.

During the Aug. 24 hearing, Schaeffer argued that dismissal of charges against Greenwood was justified due to Regan's "outrageous and egregious" conduct that violated Greenwood's constitutional rights.

Baxter countered that by excluding Regan from the trial, and suppressing some of the evidence she collected, the prosecution could "secure (Greenwood's) constitutional rights."

In his decision, Shirtcliff writes that a key factor in deciding between dismissal of charges and suppression of evidence is whether information from the privileged phone calls between the defendant and his attorney was conveyed to the prosecutor.

Shirtcliff, citing case law, noted that in instances when the prosecution either is involved in obtaining privileged information, or learns of

that information, "the result is usually dismissal."

Baxter argued during the Aug. 24 motion that Regan alone listened to the five phone calls between Greenwood and Schaeffer, and that she alone knows what the pair discussed in those calls.

Baxter called as witnesses during the hearing four employees from the Baker County Sheriff's Office and three from the Baker City Police Department, all of whom testified that they had not listened to the calls and that Regan had never mentioned the calls to them.

Schaeffer argued that the prosecution had not proved convincingly that no one other than Regan might have had access to the calls.

Schaeffer pointed out, for instance, that a computer disc containing recordings of the phone calls was on Sheriff Travis Ash's desk for several months in 2020 and 2021.

But Shirtcliff found Baxter's argument more compelling.

The judge wrote in his ruling that "The state has demonstrated by clear and convincing evidence that the prosecutor did not receive a copy of the contents of the communications of the privileged calls at question in this matter. This court finds that the contents of the calls were not listened to by anyone in law enforcement other than Detective Regan."

The issue of who listened to the calls or had access to their contents is vital, the judge wrote, because not only were the calls privileged, they also contained details about the defense's trial strategy, information which, had it been available to the prosecution, would irreversibly taint Greenwood's right to a fair trial.

SCHOOLS

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Also, masks.

Witty said the district will comply with the state mandate that all students, staff and volunteers wear face masks indoors.

(Masks are not required outdoors for recess, PE classes and other outdoor events.)

Witty said he understands that some people object to the mask requirement.

On Aug. 19, a group that included parents gathered in front of the David J. Wheeler Federal Building and then marched through downtown Baker City to protest the mask mandate in schools.

Witty said he thinks that "by and large most people will still

be compliant," with the mask rule when classes start Aug. 30.

"We will have to see how the day turns out," he said.

If students arrive for school and decline to wear a face mask, Witty said district employees will, "first and foremost, be respectful."

"We will encourage compliance," he said. "We want to work with everybody, but we have to have compliance. This is a personal decision, but in this case a personal decision that affects the people around you."

Witty said there were instances during the previous school year when parents objected to the mask requirement.

Most of those parents eventually decided to keep their kids in school and to have them wear a mask, he said.

Some, however, chose an

online option instead.

"We'll operate on the basis of one family at a time," Witty said.

Vaccine requirement for staff

Another major issue looming as classes resume is Gov. Kate Brown's recent announcement that all school employees, as well as volunteers, will have to be vaccinated against COVID-19 by Oct. 18.

Witty said he knows of only one district employee who has resigned and cited, in a resignation letter, the mask and vaccine mandates.

"There certainly has been some concern from some staff members," he said. "We'll see how that actually plays out."

Witty said he has been having frequent conversations with representatives from the district's two unions, one of which

represents teachers, the other representing other employees.

"I'm asking for patience and calm," Witty said.

He pointed out that the vaccination deadline is Oct. 18; and moreover, the mandate includes the option of employees to seek an exemption for either medical or religious reasons.

According to the Oregon Health Authority, employees can seek a religious "exception" — the agency uses that word rather than the commonly em-

ployed "exemption" — when an individual has a sincerely held religious belief that prevents the individual from receiving a COVID-19 vaccination."

The religious exception form requires that the employee sign the form and include a "statement describing the way in which the vaccination requirement conflicts with the religious observance, practice, or belief of the individual."

A medical exception "must be corroborated by a document

signed by a medical provider certifying that the individual has a physical or mental impairment that prevents the individual from receiving a COVID-19 vaccination."

Although Witty concedes that the pandemic, the mandates and other factors complicate the upcoming school year, his goal is simple.

"I want to keep kids in school," he said. "We know flat out that's the best place for kids to be."

COW TONGUE

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The carcass was undisturbed with one exception — birds had pecked out one eyeball.

He estimated the cow died either late on Aug. 24 or early on Aug. 25.

Ratliff said tracking conditions were "phenomenal," with a large area of dry, soft dirt around the carcass.

He didn't find any predator tracks, but there were tracks from deer, elk, mice, squirrels and birds. There were also human boot tracks — presumably from the ranch manager who found the carcass.

The carcass was near the upper Fox Creek road, east of Lookout Mountain in eastern Baker County.

But Ratliff said the evidence suggests that the cow sustained the fatal injury on or near the road, about 100 yards from where the carcass was found. That evidence, in the main, is blood.

Copious quantities of blood. "Buckets," Ratliff said.

There were multiple large patches of bloody ground, splashes of blood as high as five feet up in nearby trees, and a blood trail between the road and the carcass.

Ratliff surmises that the blood was splashed onto the trees when the cow whipped her head from side to side after the injury.

Tracking conditions were also good at the road, which was dry and dusty. Ratliff found

ATV tracks on the road, but, as at the carcass site, no predator tracks.

Ratliff said that as he cut open and examined the carcass, he considered, and in turn discarded, multiple theories about the cow's demise.

He initially thought the cow might have been shot.

But there was no bullet wound — no wound at all in the hide, come to that.

He wondered if the animal had had an internal tumor that had burst.

But the cows' lungs and heart appeared to have been healthy.

The mystery deepened when Ratliff examined the jaw and, for the first time, saw that most of the tongue was gone.

The wound was jagged, not the clean cut that a knife or other sharp implement would make, he said.

There were no tooth marks or other evidence of a predator.

Ratliff said he can't envision how a person could have removed such a large section of the tongue from a living cow.

Other possible explanations aren't much more plausible, he said.

Cows do curl their tongues around plants they're eating to rip the food loose, and Ratliff speculated that perhaps the cow's tongue had been entwined in vegetation and ripped that way.

But while that could cause a small wound, he said it hardly explains the removal of most of the tongue.

He also considered the possibility that the cow's tongue was caught in a trap.

Or that the cow bit off its own tongue.

Except cows don't have front teeth on the top of their jaw — there's just a hard plate.

(They do have lower front incisors.)

As for the tongue itself, Ratliff didn't find it.

He said he didn't open the cow's stomachs, so he can't say for certain that the cow didn't swallow the tongue.

"I cannot tell you what caused that cow to lose its tongue," Ratliff said.

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