

Attendance

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The statewide average for those three grades was higher in two of the three years — 64% for 2021-22, and 74% for 2018-19. Brooklyn had a higher regular attender rate than the state average in 2017-18 — 82% versus 80%.

Attendance data from the 2019-20 and 2020-21 school years are incomplete or unavailable due to effects of the pandemic.

But Greg Mitchell, director of federal programs for the Baker School District, said he believes the declining attendance in the district this past year, compared with the pre-pandemic period, is due in part to something district officials actually encouraged.

Many parents heeded the district's advice to keep their students home if they felt ill, regardless of whether COVID-19 had been confirmed or was suspected, Mitchell said.

He said some parents likely also kept their children home on some days because they were concerned about exposure at school.



Students at Keating Elementary School play soccer during P.E. class on Thursday, Oct. 20, 2022.

Lisa Britton/Baker City Herald

Although the district considers these excused absences, Mitchell said the state statistics for regular attenders count excused and nonexcused absences.

That also affects athletes and students who participate in other extracurricular activities that require them to miss classes, Mitchell said.

That issue primarily affects Baker High School and Baker Middle School. Nonetheless, the high school's regular

attender rate has had a smaller decline than Brooklyn Primary.

BHS had a rate of 60% in 2021-22, down from 69% in 2018-19 and 71% in 2017-18.

Mitchell said district officials continue to encourage students to participate in extracurricular activities, even if that results in lower attendance rates, because those activities are important parts of students' experience.

Weather

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The storm, although not abnormal for late October, was notable largely because it was not only the first of the season, but so dramatically different from weather over the past month.

The first 20 days of October were

much warmer than usual, with the temperature above average every day, topping 70 degrees on all 20 at the airport.

During that period the average high temperature was 75.7 degrees — almost 14 degrees above average for October.

Saturday's high of 48 was 31 degrees lower than just five days earlier.

Although temperatures plummeted, Baker City didn't get as much precipitation as many other places in Northeastern Oregon.

The three-day total at the airport (Oct. 21-23) was 0.23 of an inch.

The Union County Airport near La Grande recorded 1.12 inches.

Meacham had 1.29 inches, Pendleton had 0.85, and the Boise Airport

0.81.

The rapid transition won't be a brief interlude, according to the National Weather Service.

Temperatures are forecast to remain below average — mainly in the 40s during the day — through the weekend, with a chance of rain, primarily on Wednesday, Oct. 26, and next weekend.

Regan

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In an email to the Baker City Herald on Friday afternoon, Oct. 21, Baker City Manager Jonathan Cannon wrote: "Baker City is reviewing the letter from the Department of Justice. It appears from the letter the Department of Justice has declined to criminally prosecute Sgt. Shannon Regan. The administrative proceedings on the matter are not complete. It is in the best interest of everyone involved that we finalize all proceedings before making a change to the status of administrative leave for Sgt. Shannon Regan."

Regan referred questions to her attorney, Dan Thenell of Portland.

Thenell said in a phone interview Friday afternoon that he believes an Oct. 17 letter from Jay D. Hall, senior assistant attorney general, to Greg Baxter, Baker County district attorney, concluding there is a lack of evidence for criminal charges against Regan, "completely vindicates Shannon."

"She's been on administrative leave for 16 months, and it's time to put her back to work," Thenell said. "She's suffered under the publicity of this investigation."

Thenell said he was appointed to represent Regan by the Fraternal Order of Police's legal defense fund. The Fraternal Order of Police has about 360,000 members in law enforcement nationwide, include officers with the Baker City Police, Thenell said.

Baxter also released a written statement on the matter Friday afternoon:

"The Baker County District Attorney's Office appreciates the Department of Justice's investigation into this conflict case for possible criminal charges involving Detective Shannon Regan. Beyond a reasonable doubt is a high standard and the DOJ determined that there was insufficient evidence to proceed with criminal charges. The District Attorney's Office will now move forward with finalizing a decision on whether Detective Regan's actions in the Greenwood case will allow the office to use her as a witness in future criminal cases. That determination has a different standard that must be applied."

Thenell, however, contends that the different standards aren't relevant, and that the Department of Justice's conclusion about Regan should be sufficient to alleviate any concerns city officials might have about her ability to work as a detective, and concerns Baxter might have about being able to use her as a witness in criminal cases.

Accusation that led to administrative leave

Attorney Jim Schaeffer of La Grande sought during the summer of 2021 to have all charges dismissed against his client, Shawn Quentin Greenwood, arguing that Regan, by listening to the phone calls which Greenwood made while in the Baker County Jail, had violated Greenwood's constitutional rights.

Schaeffer argued in court

that Regan's conduct was "egregious" and an "intrusion and violation of my client's constitutional rights."

Although police can legally access and listen to calls that jail inmates make to friends or family, conversations with attorneys are protected by attorney-client privilege.

Judge Matt Shirtcliff of Baker County Circuit Court declined to dismiss all charges against Greenwood. But the judge did rule that Baxter couldn't use at trial any evidence that Regan collected after Sept. 14, 2020, the day her computer was used to access and play recordings of the phone calls.

In early September 2021, prior to a scheduled trial, Greenwood accepted a plea agreement with the district attorney's office in which he pleaded no contest to three lesser charges and was sentenced to 90 months in prison.

Greenwood, of Vale, had been charged with first-degree murder in the January 2020 fatal shooting of Angela Parish in Baker City. He pleaded no contest (which has the same effect as a conviction) to criminally negligent homicide, first-degree burglary, and attempting to elude law enforcement.

Five other counts, including first-degree murder, were dismissed in a plea agreement with the district attorney's office.

Baxter, in a press release at the time of Greenwood's pleas, said: "The Baker County District Attorney's Office offered the plea agreement in this case after it was apparent that many important pieces of evidence would not be available at trial due to the lead police investigator listening to privileged telephone conversations between the defendant and his attorney. The state believed that at trial, that the defense would have focused on the actions of Baker City Police Detective Shannon Regan thereby clouding the evidence concerning the crimes committed by Greenwood."

In July 2021, after Schaeffer filed a motion to dismiss charges against Greenwood, citing the phone calls, Doby and Baxter asked Oregon State Police to investigate and determine whether Regan could be charged with official misconduct.

Thenell said he believes Baxter "panicked" after Schaeffer filed his motion, and

that Baxter overestimated the effect that Schaeffer's claims about Regan's actions had on the district attorney's case against Greenwood.

Thenell contends that Baxter should have recognized that the situation "was not the constitutional crisis he made it out to be."

Oregon State Police investigation

According to the Oct. 17 letter from Hall to Baxter, Sgt. Evan Sether of the Oregon State Police investigated the allegations against Regan related to the phone calls.

The Oregon Department of Justice's Criminal Justice Division then reviewed the results of that investigation.

Although a forensic review showed that Regan's work computer is the only one used to access the five calls between Greenwood and Schaeffer, Sether, the OSP detective, "was able to establish that during the time in which the audio files were played, Detective Regan was engaged in other law enforcement activities, including preparing for a SWAT operation the next day," Hall wrote in his letter to Baxter.

Hall also wrote that Regan was interviewed about calls she listened to, "and to her recollection, she only heard one phone call that might have included an attorney, however she did not recognize the voice of the person speaking with Greenwood. She also indicated she would not have recognized Schaeffer's voice because she was not familiar with it."

Hall also wrote in his letter to Baxter that Shirtcliff had concluded that the district attorney's office didn't receive information about the content of the phone calls between Greenwood and Schaeffer.

In the final section of his letter, under the heading "Legal Analysis," Hall wrote: "In our review of the investigation, there is no clear evidence that Detective Regan engaged in criminal conduct."

Later in the letter Hall writes: "Arguably Detective Regan should have been more careful in reviewing the recorded calls, but her lack of diligence in that regard does not mean that she has committed a crime. Rather, the appropriate remedy in this context would be suppression of evidence if it was unlawfully obtained."

Which is basically what Shirtcliff ruled regarding evidence that Regan collected in the Greenwood case after the date the recorded phone calls were played.

Hall, in the "legal analysis" section of the letter, wrote that although Baxter had decided he could not have called Regan as a witness against Greenwood had there been a trial, the law, on the issue of whether a police officer has violated a defendant's constitutional rights, "is not straightforward."

Hall cited a case, State v. Russum, in which "the court indicated that it was unsettled whether a detective's inadvertent reading of unmarked inmate mail containing attorney-client communications implicated the defendant's right to counsel. Second, the

record would not support a conclusion that Detective Regan knew she was listening to calls from Greenwood to his attorney, that she forwarded the calls to the district attorney, or that she took any action to advance the criminal case against Greenwood."

Thenell, Regan's attorney, said he believes Hall's letter conclusively establishes not only that Regan didn't commit a crime, but that she did nothing that would warrant her continuing to be on administrative leave.

Thenell believes that the reference in Hall's letter to a police officer's "inadvertent reading" of an inmate's letters is important, although in Regan's case the issue wasn't written material but recorded phone calls.

Council

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In 2020 the city completed a housing needs analysis that projected the city will need between 230 and 460 new housing units of different kinds over the next 20 years.

The analysis also found there is a current need for more affordable housing units. It reads, in part: "In order for all households, current and new to pay 30% or less of their income towards housing in 2040, more affordable rental units would be required. This indicates that some of the current supply. ... would need to become less expensive to meet the needs of current households."

City officials are working on a housing production strategy, which is scheduled to be finished in May 2023, that will include options for encouraging the types of housing the city is likely to need.

Information gathered during Tuesday's meeting will help city officials compile the housing production strategy.

Thenell contends that the OSP investigation shows that Regan didn't intentionally listen to Greenwood's conversations with his attorney, and that she took no action that violated Greenwood's constitutional rights.

Thenell said Baker City has hired an investigator to determine whether Regan, separate from the criminal investigation, violated any department policies.

Thenell contends that the Department of Justice's conclusion that Regan didn't engage in official misconduct also is sufficient to determine that she did nothing which would warrant her remaining on paid leave.

"If the city wanted her to show up for work Monday, she'd be there," Thenell said. "She's ready to go to work."

Clay Gyllenberg

May 18, 1959 - October 18, 2022

Clay Scot Gyllenberg, 63, a lifelong Baker City resident, passed away October 18, 2022, at his home. His memorial service will be at 1 p.m., Saturday, October 29th, at the Baker City Church of the Nazarene, 1250 Hughes Lane. Friends are invited to join the family for a dinner reception immediately following the service at the Family Life Center adjacent to the church.

Clay was born to Jack and Janice Gyllenberg on May 18, 1959, the third of four children. He was raised on the family ranch, where he developed his hard work ethic, love of motorcycle riding and passion for mechanical problem solving.

He graduated from Baker High School in 1978. He worked for Mel's Discount Auto parts prior to attending and graduating from Boise State University's Vocational Technical School in 1980. Upon graduation he returned to Baker and pursued his dream of owning his own business. With a few hand tools, he started Gyllenberg Equipment in his granddad's machine shop on 9th Street.

Clay met the love of his life, Christine Ricco, in May 1984. It didn't take long for him to realize this was his lifelong mate and they were married in June 1985. They were blessed with two sons, Cody, born in 1996 and Dusty in 1997. Clay and Chris worked side-by-side running their business, ranch, raising their boys, and serving the community. They were an inseparable team.

Together, they expanded the business to include equipment sales, taking on the Zetor tractor line in 1989. Clay pursued his lifelong dream of having a shop on the freeway and in November 1994, built his shop on E. Campbell Street. He expanded the shop building in 2004, taking on additional lines of Kioti, McCormick, Krone, and Branson equipment.

Clay built his business on the premises of honesty, integrity, quality, and hard work. No job was too unique, and Clay would work on and repair anything from lawnmowers to bulldozers.

His drive for perfection led him to constantly improve and re-engineer most equipment he touched. His hobby was his work. He delighted in enhancing "old beaters," turning everything from a motorcycle, snowmobile, or tractor into a high performing piece, and seeing just how far he could push its performance limitations.

He was also an inventor, designing, fabricating and welding to create everything from new ag equipment to gifts and household decor. One project that rose to the top was his custom built show bike, "Rawhide." It was made out of scrap ag parts entirely, powered by a four-cylinder

Wisconsin industrial engine. The wheels are from an antique manure spreader. Its only chrome was a dented snowmobile gas tank. It took two to ride it to display at the

Hells Canyon Motorcycle Rally, of which he won an award! "Rawhide's Her Name, Redneck's the Game" was part of his bucket list bringing him great pleasure in not only the design, but how it brought such joy to others (including local law enforcement!).

Clay also ran a ranching operation with his family to continue a passion from his youth while allowing his young sons the opportunity to learn how to run a ranch.

Clay passed on many ranching skills such as flood irrigation, equipment operation and techniques on how to put up hay. He received great satisfaction from improving the land and its production, all while working toward his goal of passing on a love for ranching to his sons.

He had a passion for helping others, whether sharing rides on snowmobiles or teaching skills he had learned. He helped teach the FFA Ag mechanics team. He spent his lifetime mentoring many individuals and employees in the field of mechanics.

Clay had a humble giving spirit. He never knew a stranger and his customers developed into his friends. He delighted in joking, teasing and putting a smile on people's faces with his witty humor. He was an encourager and wanted others to feel needed and included.

Clay had a love for music that started with playing the saxophone in high school. He was a member of his brother Brent's traveling gospel band, and was an active member of the Nazarene Church's worship team for over 10 years playing bass guitar. His greatest joy in music was teaching and playing with his sons.

Clay is survived by his wife, Chris of Baker City; sons and daughter-in-law, Cody and Elle Gyllenberg of Richland, Washington, and Dusty Gyllenberg of Boise, Idaho; granddaughters Ada and Josie Gyllenberg; brother Brent (Bitsy) Gyllenberg of Baker City; sisters Neva Parker of Powell Butte, Oregon, and Elissa (Clint) Morrison of Baker City. He was predeceased by his parents, Jack and Janice Gyllenberg. Memorial contributions may be made to the Northeast Oregon Compassion Center or the Baker County Livestock Producers Foundation either online or through Tami's Pine Valley Funeral Home, P.O. Box 543, Halfway, Oregon 97834. Online condolences can be shared at www.tamispinevalleyfuneralhome.com.

Lorraine Gardner

April 30, 1928 - September 7, 2022

Lorraine passed quietly in her residence at Meadowbrook Place in Baker City, OR on September 7, 2022. A celebration of life was held in her honor on September 16, 2022, at the Harvest Church.

On behalf of Lorraine's family, we want to express our gratitude and sincere appreciation, especially to Cindy Carpenter, and the friends and staff who so lovingly served and cared for our dear mother throughout her recent years.

Thank you to everyone for your kind words, help and attendance in celebrating our mother's life.

Sincerely,

Terry Gardner of Moro, OR
Barbara Zinter of Ione, OR
and Dave Gardner, Jr. of Baker City, OR

