

Executive session rules under review

By Hillary Borrud
Capital Bureau

SALEM — Government officials across Oregon could get a clearer idea of when they can meet behind closed doors in 2016, when the Oregon Government Ethics Commission plans to begin a process to clarify state law on executive sessions.

The Legislature passed a law earlier this year to give the ethics commission authority to write administrative rules that will spell out how the state should apply the law on executive sessions. Oregon open meeting law requires city councils, county commissioners and other government decision-making bodies to conduct

business in public sessions, with a few exceptions. These include discussions of litigation, real estate transactions and employee discipline.

Ron Bersin, executive director of the commission, plans to hire a new employee next month to draft the rules and present a series of proposed rule changes to the commission for approval throughout 2016.

"Really, it's about clarifying the bigger issues that come before the commission," Bersin said.

For example, Bersin said public employees have filed complaints alleging that public bodies such as city councils and county commissions violated the law by failing to provide adequate notice before

holding executive sessions to discipline the public employees. State law allows public bodies to hold closed-door meetings to discipline or fire employees, but the employees can also request the meeting be held in public.

Public bodies are supposed to provide sufficient advance notice for the employee to request an open meeting, according to attorney general's public meetings manual. However, Bersin said the vagueness of the law on this issue makes it difficult for the Oregon Government Ethics Commission to determine whether a city council or county commission provided enough notice to employees ahead of disciplinary meetings.

Another section of the law that governing boards and commissions often rely upon to hold closed-door meetings allows executive sessions so the officials can consult with their attorneys about "current litigation or litigation likely to be filed." Often, these meetings concern sensitive or controversial issues on which the boards or commissions might expect a lawsuit in the future, but no one has yet filed or given notice of intent to file a lawsuit.

Bersin said there are also questions about whether public bodies can construe consulting with their lawyers to apply to meetings in which they read a document from the lawyer, but the lawyer is not present.

"These are the things that

the statutes don't give great clarity to, and the (attorney general) tries to give some clarity through its publication," Bersin said. "But we hope to give better clarity so that people don't run afoul with us. This rule making is really an educational effort. It's not an enforcement effort."

One controversial proposal that never made it into the legislation that authorized the new rules, Senate Bill 294, would have tasked the ethics commission with writing rules on who qualifies as a journalist in Oregon, at least as it pertains to public meeting law.

Oregon's unique law allows members of the media to attend most executive sessions and during the last decade, city

councilors and other public officials in Oregon struggled to figure out whether to allow bloggers into closed-door meetings. In most states, journalists are excluded from executive sessions along with other members of the public.

During the legislative session, the Association of Oregon Counties also proposed an amendment that would have allowed cities and counties to adopt ordinances to define who qualified as representatives of the media. However, lawmakers did not adopt that amendment and the bill the Legislature eventually passed specifically prohibited the ethics commission from adopting rules to define who qualifies as the news media.

COPS & COURTS

Arrests and citations in the Blue Mountain Eagle are taken from the logs of law enforcement agencies. Every effort is made to report the court disposition of arrest cases.

Circuit Court
CANYON CITY – The Grant County Circuit Court reported the following fines and judgments:

- Jessica Hunt failed to complete inpatient treatment. Her sentence was revoked and reinstated, and she was ordered to report daily to the Grant County Sheriff's Office.

- Jeffrey Lutey, Edgewood, Wash., was cited for driving uninsured and failure to signal for turn, lane change or stop. He was fined \$260. He pleaded guilty to driving under the influence of intoxicants, and was sentenced to jail for 15 days and bench probation for 24 months, and fined \$2,000. His driver's license was suspended for one year. The court dismissed one count for recklessly endangering another person.

- Cory Alan Grabeel, 42, was found guilty by jury verdict and sentenced on several counts. For driving under the influence of intoxicants, he was sentenced to 18 months bench probation and 80 hours community service, and fined \$1,100. His driver's license was suspended for one year. On each of two counts of recklessly endangering another person, he was sentenced to 18 months bench probation and 40 hours community service, and fined \$500. For reckless driving, he was sentenced to 18 months bench probation and 20 hours community service, and fined \$250. His driver's license was suspended for 90 days, to be concurrent with the first count. He was found guilty by court verdict of driver failure to report an accident, and fined \$220.

- Oregon State Police
Sept. 24: At about 8:10 p.m., cited Shelby Michael Pickenpaugh, 23, Mt. Vernon, for DUII-controlled substances, reckless driving and possession of methamphetamine.

- Sept. 26: At about 1:30 p.m., investigated a single motorcycle injury crash versus deer on Highway 395 at Meadowbrook Pass. The driver, Scott Edward Clark of Bend, was taken to Blue Mountain Hospital.

- Sept. 26: At about 9:44 p.m., arrested Anthony

Scott Steele, 50, Prairie City, on several charges: eight for possession of meth, eight for delivery of meth, two for manufacture of meth, menacing and harassment. He was lodged in Grant County Jail.

Grant County Sheriff
CANYON CITY – The Grant County Sheriff's Office reported the following for the week of Sept. 25-Oct. 1:

- Concealed handgun licenses: 10
- Average inmates: 13
- Bookings: 10
- Releases: 8
- Arrests: 1
- Citations: 1
- Fingerprints: 9
- Civil papers: 12
- Warrants processed: 7
- Asst./welfare check: 15

Dispatch
John Day dispatch worked 120 calls during the week of Sept. 28-Oct. 5. Along with the various traffic warnings, trespassing, injured animals, noise complaints and juvenile complaints, these calls included:

- **John Day Police:**
Oct. 1: Theft reported at Meadowbrook Apartments; cited a John Day man for driving while suspended.

- Oct. 3: Report of shots fired at Seventh Street Complex.

- Oct. 4: Cited a Halfway man for speeding.

- **Grant County Sheriff:**
Sept. 28: Trespassing report in Granite.

- Sept. 29: Theft report in Granite.

- Oct. 1: Trespassing reported in Monument.

- Oct. 2: Arrested a Dayville man for assault.

- Oct. 3: Cited a Canyon City driver for no proof of insurance.

- **John Day ambulance:**
Sept. 28: Dispatched for an elderly man with chest pain.

- Oct. 5: Responded for a 63-year-old man who fell; responded for a 49-year-old man with chest pain.

Justice Court
CANYON CITY – The Grant County Justice Court reported the following fines and judgments:

- Violation of the basic rule: Eileen Annette Evan, 49, Redmond, 83/55 zone, fined \$160; Angelo E. Dogali, 36, Springfield, 76/55 zone, fined \$260; George W. Sintay, 77, John Day, 72/55 zone, fined \$135

- Driving uninsured: Lori Jean Mallonee-Taylor, 43, Burns, fined \$260; Ashley Hicks, 28, Prairie City, fined \$260; Travis James Freniere, 29, John Day, fined \$260.

- Violation of the speed limit: Michelle J. Marchand, 35, McMinville, 60/35 zone, fined \$260; Israel Charles Jeremiah Roth, 40, Aptos, Calif., 54/45 zone, fined \$95.

- Following too closely: Israel Charles Jeremiah Roth, 40, Aptos, Calif., fined \$220.

- Pass in a no-passing zone: Israel Charles Jeremiah Roth, 40, Aptos, Calif., fined \$220.

- Driving while suspended-violation: Ashley Hicks, 28, Prairie City, fined \$435; Travis James Freniere, 29, John Day, fined \$435.

- Dog as a public nuisance: Melinda Moss, 36, John Day, fined \$260, with six-month diversion to be dismissed if there are no further convictions before March 29, 2016.

- Using a cellphone while driving: Travis James Freniere, 29, John Day, fined \$160.

- John Botond Cook, Prairie City was convicted of minor-in-possession of alcohol/violation, and fined \$260, and MIP-marijuana/violation, and fined \$260. His driver's license was suspended for one year.

- Hayden John Young, Canyon City, was convicted of MIP-alcohol/violation, and fined \$260. His driver's license was suspended for one year.

- Jason Wayne Wainwright, Long Creek, was convicted of driving while suspended/misdemeanor. He was sentenced to 18 months probation and 40

- hours community service, and fined \$1,225.

- Tyler John Gifford, John Day, was convicted of probation violation for failing to meet financial obligations and complete community service. His probation was revoked, and he was sentenced to 30 days in jail, consecutive to any Circuit Court sentence.

- Matthew Dogali, Springfield, was convicted of MIP-marijuana/violation, and fined \$260. His driver's license was suspended for one year.

OCTOBER IS DOMESTIC VIOLENCE AWARENESS MONTH

An average of three women in America die each day as a result of domestic violence. One in four women, and one in thirteen men, will experience domestic violence in their lifetime.

If you or someone you know is the victim of domestic violence, the Heart of Grant County at 541-575-4335 or the 24 Hot Line at 541-620-1342. Services are free and confidential.

COMING SOON

Open House at the Outpost
Oct. 17th, 10am-4pm

Lots of Vendors:

- Pampered Chef
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FALL FAMILY FROLIC

WHO - All families!

WHEN - Sunday, October 25th from 3PM to 5PM

WHERE - Grantville Theatre, Canyon City Community Hall

WHAT - Interactive Children's Music
Brain Building Activities for Children
Active Parenting opportunities
Local Authors Read: Kandice Bowe and Bryn Fleming
Create Your Own Book
More Music & Refreshments
Plus...

A GRAND PRIZE DRAWING FOR AN IPAD MINI!

and
Book raffles, free books, autographed books, door prize books, great information and materials!

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