

## 911

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Grant County Judge Scott Myers said the meeting lasted about 90 minutes and he mostly listened to the presentations and discussion. He told the Eagle that, if the city of John Day can no longer cover the costs of operating Grant County's 911 dispatch center and for paying its staff, then something has to be done to resolve the situation.

"The county is ultimately responsible for the health and safety of its residents," Myers said, adding that funding from the state legislature will keep John Day's dispatch center operating through the current biennium.

"But something has to be

in place by the end of two years," he said.

## Declining finances

Green, who is heading up an effort to resolve the 911 dispatch center issue, emailed a 21-page PowerPoint presentation with background information to officials from both counties on Jan. 10.

"Good news is we both run really lean 911 centers, and we're doing the best we can with what we have," Green said in the accompanying email.

The problem facing John Day is that the chief source of funding for 911 dispatch — based on a 75-cent per month fee on telephone bills — is insufficient to handle mounting personnel costs, especial-

ly payments to the Oregon Public Employees Retirement System and health insurance.

John Day's 911 center "is financially unsustainable under current tax structure," Green said in his presentation. Dispatch costs tabulated over a 20-year period rose two times faster than revenue, creating a \$150,000 annual operating deficit in a declining economy.

According to Green's presentation, 911 tax receipts for John Day fell steeply from about \$325,000 in 2008 to about \$275,000 in 2009 and then continued downward to about \$250,000 in 2015 before climbing again. This represented seven years of declining tax revenue. The gap had been filled using the city's general fund, but the city received \$420,000 from

the legislature for the current biennium.

The John Day City Council on Nov. 14 voted unanimously to terminate its 911 dispatch center by June 30, 2019, after a countywide local option tax ballot measure for 911 dispatch funding was defeated.

## Future options

The council's three remaining options include consolidating with Frontier Regional 911, a company in Condon that contracts with four counties; establishing a new agency in Grant County to provide 911 dispatch service; or creating a joint 911 dispatch center with an adjacent county.

In his presentation to Harney County, Green addressed a solution that is not one of

John Day's three options: a significant increase in the statewide 911 tax on telephone bills.

The Association of Public Safety Communication Officials has organized a financial task force to recommend 911 funding options, Green said. The task force has proposed a tax increase, but it will need the support of the governor's office and a slew of organizations representing counties, cities, sheriffs, fire chiefs and police chiefs.

A tax-increase proposal could soon become entangled in other legislative issues, including costs for upgrades to NextGen 911 systems and efforts to reform PERS. APCO has begun compiling information from 911 dispatch centers "to start building justification for the tax in-

crease," Green said.

The current 911 telephone tax will sunset on Dec. 31, 2021, Green said, so much of the tax-increase planning is for the 2021 legislative session, and the outcome is uncertain. In the meantime, John Day and Grant County need to find a solution.

According to Green's presentation, Grant and Harney counties share many socioeconomic, cultural, geographical and historical conditions. Their 911 dispatch centers are also similar, with both operating "below optimal efficiency for 911 call volume," he said.

"A two-county agency would have a sustainable financial trajectory, likely with budget surpluses that allow for capital investment and improved service delivery at less cost to users," Green said.

## ELLIOTT

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Mr. Elliott responded by saying, 'Let's just quit then.' Officer Durr then asks Mr. Elliott if he wants to proceed with the interview or go with what had been stated up to that point. The interview then continues."

Baughman's motion argues that Elliott "was in full custody or under a compelling circumstance at the time of the interrogation" and should have been read a Miranda-like warning prior to questioning explaining his Fifth Amendment right against self-incrimination.

"All statements made by Mr. Elliott after he stated he was not talking anymore must be suppressed because he unequivocally invoked his right to remain silent," Baughman's motion states.

The motion also argues that Elliott's statements were obtained in violation of his Fifth Amendment right to remain silent, which police must "scrupulously honor" according to case law in *Michigan v. Mosely*, the motion states.

## Courtroom security

Elliott's bail was reduced from \$750,000 to \$500,000 during a Nov. 9 hearing that included emotional testimony from the victim's family.

The courtroom was packed Jan. 18, and sheriff's deputies wearing bulletproof vests and carrying handguns and Tasers were present inside and outside the courtroom. Visitors were segregated into Elliott and Berry groups and then funneled through a metal detector at the top of the courthouse stairs.

Colin Benson, an Oregon Department of Justice attorney assigned by Grant County District Attorney Jim Carpenter to prosecute the case, told the court that he had received a lengthy medical report on the shooting just that morning. Benson added that the state forensic laboratory might draft a new report containing additional evidence. Benson also noted that he might convene another grand jury to hear additional charges.

Cramer spent part of the 25-minute hearing describing the difficulties a small, rural circuit court faces when handling complex manslaughter cases, and he said he wanted the process to go smoothly and efficiently.

Noting that he serves as judge in both Grant and Harney counties, Cramer said he was willing to bump some cases to make room for this one, if necessary. He ordered all pretrial motions to be filed by March 2, all responses to be made by March 23 and a hearing for all pretrial motions to be held April 6.

Cramer said he would set a trial date at the April 6 hearing for sometime 90 days or more later, but he acknowledged that the attorneys might want to hold a settlement conference with a different judge during that time.



The Eagle/Richard Hanners

Window walls at Humbolt Elementary School will be reinforced as part of the seismic upgrade project.

## UPGRADE

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"Humbolt Elementary fit the bill — for age and structural deficiencies," he said.

According to a 2007 report to the legislature on public safety, earthquakes and seismic rehabilitation by the Oregon Department of Geology and Mineral Industries, both Humbolt Elementary, built in 1956, and Grant Union Junior-Senior High School, built in 1934, were considered "automatically qualifying schools."

The report looked at 2,369 school buildings in Oregon, including some at community colleges, to determine how many school buildings needed retrofitting to withstand a catastrophic earthquake.

The Oregon Legislature provided \$205 million to the Seismic Rehabilitation Grant Program in the current biennium, following lobbying by former Sen. Ted Fer-

rioli on behalf of schools.

The Grant County School District used its facilities fund to hire Zbinden-Carter-Souders Engineering to provide a preliminary engineering report to apply for the state grant, Shelley said. The school district can use \$5,000 from the grant to cover the cost of the engineering report.

ZCS Engineering has worked on numerous seismic projects. Shaun Wilson, a structural engineer at ZCS Engineering, spoke to the school board about the Humbolt Elementary project Jan. 17.

The project, which will involve only the lower-level building north of the gym, is expected to take place this summer and be completed in time for the first day of school next fall.

"We've completed a lot of testing — concrete, asbestos and others — and we hope to have boots on the ground in May," Shelley said.

In addition to a new roof at Humbolt Elementary, window

walls will get new infill without diminishing the amount of viewing space, numerous walls will be faced with plywood and then dry-wall to create shear walls and new connections will be made between walls and the roof and walls and the foundation.

"School buildings built that long ago just weren't built to handle earthquakes," Shelley said.

Two construction companies submitted bids for the project based on hourly rates and an estimate for total hours needed. School board trustees Haley Walker and Kelly Stokes joined Shelley, Athletic Director Jason Miller and Business Manager Heidi Hallgarth on a committee to evaluate and score the companies. Walker said the amount of experience each company had was a major determining factor.

Kirby Nagelhout Construction Co. of Portland, Bend and Pendleton scored highest, and the school board unanimously approved a motion of intent to award

the contract to them. The bid will be awarded after a routine 14-day protest process is completed, Shelley said.

With 31 years experience, Kirby Nagelhout has about 150 employees and works on about 75 projects each year. They have completed several seismic upgrade projects in the past. Local projects handled by Kirby Nagelhout include the Department of Forestry building in John Day, the Grant County Regional Airport and the John Day Fire Department.

School administrators will ask the construction company to take a look at some work outside the seismic project while they're on site, Shelley said. That work — especially older bathrooms at Humbolt Elementary — must be paid for using other funds, he said. He also wanted to emphasize the scope of the seismic project.

"We're not getting a new school," he said. "We're getting some new structural infrastructure and a new roof."

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Born and raised in John Day, Attorney Donald Molnar is honored to return home and serve the residents of Grant County. Mr. Molnar is a graduate of Grant Union High School, Lewis and Clark College, and Lewis and Clark Law School. He has been an attorney in private practice since 2005.

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