

# Public records are public

The county and the sheriff's office were both at fault in recent lawsuits, and county taxpayers will ultimately pay the \$42,000 bill.

We hope both entities have learned from their errors, and we hope all public entities have learned the importance of complying with public records requests.

What began with a simple, albeit thorough, public records request by The Oregonian newspaper to the sheriff's office has cost the county a significant sum, not to mention the time spent on the lawsuits.

The sheriff should have produced the public records when requested, and the county should have provided legal defense to respond to the records request and the lawsuit that was filed when the records were not produced.

Because The Oregonian had to file a lawsuit to compel the disclosure of the public records, a judge awarded the newspaper \$28,000 in attorney fees. Responding adequately to the request would have prevented this debacle.

Because the county did not provide legal counsel for the sheriff's office, the county court opted to settle the lawsuit brought against the county by the sheriff's office for an additional \$14,000. Providing legal counsel for county employees could have avoided this additional cost, but once The Oregonian's lawsuit was filed, it is likely that nothing the

county could have done would have avoided the \$28,000 fee.

Politics appears to have prevented the prudent course of action in both instances.

Placing the entire blame on the county for its actions or on the newspaper for its request, however, misses an important point.

Public records are public. They belong to everyone.

Every person has a right to inspect or receive copies of them, and it is the duty of public officials to accommodate such requests — even if it is inconvenient.

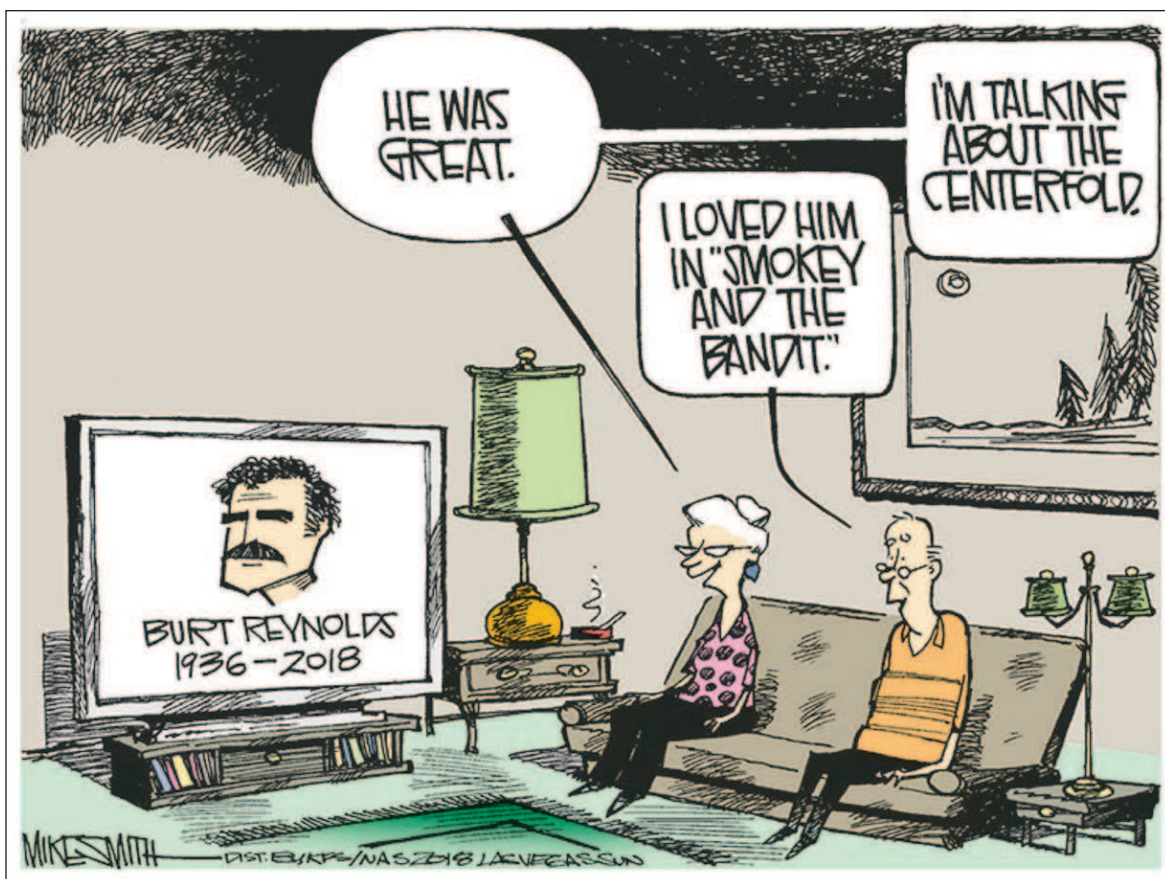
News organizations have the same rights as individuals when it comes to public records, but responding to a request from a newspaper that publishes the information for the masses is far more efficient than responding to requests from the masses individually.

And most records requests do not require litigation or attorneys or fees. All that is generally required is providing the public access to the records — their records.

Without this access, government scandals, like the one that led to former Gov. Kitzhaber's resignation, would rarely come to light.

The public needs this access to hold officials accountable. Newspapers use this access to do just that.

We hope this case illustrates how important it is for public entities to make public records available to the public.



## LETTERS TO THE EDITOR

### The best part of the forest plan

To the Editor:

After 27 years, the United States Forest Service is approaching completion of its new-and-improved Blue Mountains Forest Plan. Wooh-hooh! Pour the champagne and pass out the cigars, because now we (almost) have a new forest plan!

I know what you're thinking. How'd they get it done so quickly? How'd they get it done in only 27 years? All I can say is that the Forest Service is naturally quick like that. The incredible efficiency with which the Forest Service operates allows it to complete many of its projects in as little as three decades.

Once in place, the new plan will magically correct adverse effects produced by decades of neglect, by the agency created with the sole purpose of managing our forests: the U.S. Forest Service. You see, while the Forest Service was busy diligently drafting this new plan, large areas of our forests were dying as the result of bug kill and forest fires and other types of "natural" phenomena. But, rest assured, the new plan will fix everything.

What can we look forward to with this new plan? Massive road closures top the list. These road closures won't only prevent Grant County citizens from accessing some of their favorite places on the Malheur forest, they'll also discourage hunters from visiting Grant County and patronizing many local businesses, which as we all know, already have more business than they can handle.

The new plan will also restore timber harvest on the Malheur forest to a fraction of the level it was when Grant County was prosperous. So around the year 2040 or so, when this increased timber harvest becomes a reality, trees will be cut on the Malheur forest and sent to mills in other towns, still functioning after the decades-long timber harvesting freeze, compliments of the U.S. Forest Service. The best part of the plan, however, lies in its concern for nonhuman entities like wolves, goshawks, pileated woodpeckers and fish never once mentioned in the U.S. Constitution. If no one else benefits from this plan, we can all feel good knowing that they, at least, will.

Gregg Boethin  
Canyon City

### 'I (conditionally) offer to withdraw my legal challenges'

To the Editor:

In a letter last week, Mr. Powell accuses me of attacking Grant County and our "property rights, via disinformation and underhanded manipulation of citizenry" that is "criminal itself." I agree there are individuals in the county who regularly peddle misinformation to manipulate county residents and local government that verges on criminal. I'm not one of these individuals, however.

As evidence, I offer to withdraw my legal challenges provided the following conditions are met. First, the

county court starts enforcing Road Ordinance 2013-01 by directing road department staff (in writing) to open all roads state or federal agencies have closed in violation of the ordinance — e.g., by removing physical barriers that block motorized travel onto these routes.

Second, the county sheriff starts enforcing Ordinance 2013-01 by preventing future closures and protecting road department employees (and others) from state or federal agencies who will challenge the county court's authority and directive to open closed roads.

Third, John George, Judy Kerr and Jim Sproul participate as citizens to open roads closed by state or federal agencies in violation of Ordinance 2013-01. I add this condition because these individuals — staunch supporters of the ordinance and unfettered access to public lands across Grant County — are known for acting on their convictions.

Fourth, no secrecy: All roads opened per Ordinance 2013-01 are to be documented in the road department's daily work-tracking system and shared with the Blue Mountain Eagle for public disclosure. This info must include road location and identify the individuals who opened it. I'll pay for the space to display this information.

And fifth, there must be documented action opening closed roads, per the conditions described above, to share with the public by Oct. 3. It goes without saying that these roads must remain open in the future unless closed per Ordinance 2013-01.

If Ordinance 2013-01 is legit, our elected officials do their respective jobs and John George, Judy Kerr and Jim Sproul act on their convictions, we can expect illegally closed roads will soon be open for use again.

Mark Webb  
Mt Vernon

### ODOT commended for quick action

To the Editor:

Residing on east Highway 26, John Day, most specifically on the outer edges of the city limits, has its definite drawbacks. On a daily basis, we observe drivers not only exceeding the speed limit (35 mph), but also passing other drivers — this, directly in front of our homes. My neighbors and I have been greatly concerned that with the issue of safety for the children and families who live and play in this area.

I commend Shane Giffin of our local ODOT for addressing this safety issue in an expeditious manner; they have painted the double lines once again which was much needed.

Larry G. Burton  
John Day

### Corporate greed leads to trade deficit

To the Editor:

So our trade deficit with China is at an all time high. The reason seems

obvious but is ignored. U.S. corporations used to sell products manufactured by U.S. companies in the USA. Today "Made in China" is the rule, not the exception. The culprit for the deficit is greed by corporate America. NPR gave a perfect example recently: Apple manufactures a new I-Phone in its China factories for less than \$250. It then sells it to the American consumer for a \$750 profit.

Fred Fitzgerald  
Monument

### Questions about ordinance, initiative challenges

To the Editor:

The voters of Grant County have been dealt a slap in the face by "Citizen" Mark Webb, who by financial and political association is linked to various state agencies, environmental and conservancy groups, the Malheur National Forest and the Blue Mountains Forest Partners as executive director (through which he receives financial support).

He seeks to overturn two 2002 county measures (passed by county voters) and one 2013 county ordinance (declared enforceable by county legal counsel), which he declares as being invalid, unlawful, unenforceable and null and void. His complaint refers to unspecified federal laws as a basis for his challenge. You may consider the federal marijuana law after which Oregon decided their own marijuana law, the counties decided their own law and the cities decided their own law. So, what omnipotent federal law overturns Oregon Revised Statutes and the constitution that support rights of local voters to have a voice in their government when the federal government can't enforce jurisdiction over a pot plant?

Complaints that Webb filed last year, as well as the current complaint, erroneously use ordinance statutes as a basis to define and attack initiatives. Measure 12-37 declaring Grant County a "U.N.-free zone" is one of the targets. One should ask why Mr. Webb wants to allow the United Nations to establish a foothold in Grant County and with agendas designed to dominate citizens and confiscate our guns and land. Again, ask why Mr. Webb seeks to overturn measures that have stood for 16 years and a 5-year-old ordinance, all of which were initiated according to Oregon state statutes. Why did he not use the option at the inception of the initiatives to object? Who benefits by the demise of measures passed in 2002 and a 2013 road ordinance, which dealt with county participation in management of our public lands within Grant County borders? Why would he refer to "federally owned" roads (these located on public land and built with timber dollars) in his complaint against the ordinance? So who is Webb really serving? In this situation, financial and political associations point the way.

Judy Kerr  
Canyon City



## WHERE TO WRITE

### GRANT COUNTY

- **Grant County Courthouse** — 201 S. Humbolt St., Suite 280, Canyon City 97820. Phone: 541-575-0059. Fax: 541-575-2248.
- **Canyon City** — P.O. Box 276, Canyon City 97820. Phone: 541-575-0509. Fax: 541-575-0515. Email: tocc1862@centurylink.net.
- **Dayville** — P.O. Box 321, Dayville 97825. Phone: 541-987-2188. Fax: 541-987-2187. Email: dville@ortelco.net
- **John Day** — 450 E. Main St, John Day, 97845. Phone: 541-575-0028. Fax: 541-575-1721. Email: cityjd@centurytel.net.
- **Long Creek** — P.O. Box 489, Long Creek 97856. Phone: 541-421-3601. Fax: 541-421-3075. Email: info@cityoflongcreek.com.
- **Monument** — P.O. Box 426, Monument 97864. Phone and fax: 541-934-2025. Email: cityofmonument@centurytel.net.
- **Mt. Vernon** — P.O. Box 647, Mt. Vernon 97865. Phone: 541-932-4688. Fax: 541-932-4222. Email: cmvtv@ortelco.net.
- **Prairie City** — P.O. Box 370, Prairie City 97869. Phone: 541-820-3605. Fax: 820-3566. Email: pchall@ortelco.net.
- **Seneca** — P.O. Box 208, Seneca 97873. Phone and fax: 541-542-2161. Email: senecaoregon@gmail.com.

### SALEM

- **Gov. Kate Brown, D** — 254 State Capitol, Salem 97310. Phone: 503-378-3111. Fax: 503-378-6827. Website: www.governor.state.or.us/governor.html.
- **Oregon Legislature** — State Capitol, Salem, 97310. Phone: (503) 986-1180. Website: www.leg.state.or.us (includes Oregon Constitution and Oregon Revised Statutes).

### WASHINGTON, D.C.

- **Oregon Legislative Information** — (For updates on bills, services, capitol or messages for legislators) — 800-332-2313.
- **Sen. Cliff Bentz, R-Ontario** — 900 Court St. NE, S-301, Salem 97301. Phone: 503-986-1730. Website: www.oregonlegislature.gov/Bentz. Email: Sen.CliffBentz@oregonlegislature.gov.
- **Rep. Lynn Findley, R-Vale** — 900 Court St. NE, H-475, Salem 97301. Phone: 503-986-1460. Website: www.oregonlegislature.gov/findley. Email: Rep.LynnFindley@oregonlegislature.gov.
- **The White House**, 1600 Pennsylvania Ave. N.W., Washington, D.C. 20500; Phone-comments: 202-456-1111; Switchboard: 202-456-1414.
- **U.S. Sen. Ron Wyden, D** — 516 Hart Senate Office Building, Washington D.C. 20510. Phone: 202-224-5244. Email: wayne\_kinney@wyden.senate.gov Website: http://wyden.senate.gov Fax: 202-228-2717.
- **U.S. Sen. Jeff Merkley, D** — 313 Hart Senate Office Building, Washington D.C. 20510. Phone: 202-224-3753. Email: senator@merkley.senate.gov. Fax: 202-228-3997. Oregon offices include One World Trade Center, 121 S.W. Salmon St., Suite 1250, Portland, OR 97204; and 310 S.E. Second St., Suite 105, Pendleton, OR 97801. Phone: 503-326-3386; 541-278-1129. Fax: 503-326-2990.



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PUBLISHER.....CHRIS RUSH, CRUSH@EOMEDIAGROUP.COM  
 EDITOR & GENERAL MANAGER...SEAN HART, EDITOR@BMEAGLE.COM  
 REPORTER.....RICHARD HANNERS, RICK@BMEAGLE.COM  
 COMMUNITY NEWS.....ANGEL CARPENTER, ANGEL@BMEAGLE.COM  
 SPORTS.....ANGEL CARPENTER, ANGEL@BMEAGLE.COM  
 MARKETING REP.....KIM KELL, ADS@BMEAGLE.COM  
 ADMINISTRATIVE ASSISTANT.....MAKENNA ADAIR, OFFICE@BMEAGLE.COM  
 OFFICE ASSISTANT.....ALEXANDRA HAND, OFFICE@BMEAGLE.COM

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