

# Procedural errors will delay pot tax

By Steven Mitchell  
Blue Mountain Eagle

Grant County will have to wait before collecting marijuana tax revenue.

Although county voters approved a 3% tax on marijuana products in the November election, Grant County officials did not consider an ordinance to officially adopt the tax until Dec. 30 and neglected to read the ordinance as required by law.

According to Oregon law for adopting an ordinance, "every ordinance of a county governing body shall, before being put upon its final adoption, be read fully and distinctly in open meeting of that body on two days at least 13 days apart." The ordinance can be read by title only if no member of the governing body requests a complete reading of the proposed ordinance.

County officials did not read the ordinance in full or by title when they first considered it Dec. 30, so the county must complete the first reading, wait at least 13 days and then complete the second reading for the ordinance to be properly adopted. At that point, the ordinance would take effect in 90 days because tax-related ordinances cannot be passed as emergencies in a single meeting, according to Oregon law.

Although the county court unanimously passed a motion to approve the ordinance Dec. 30, the text of the ordinance that was not read aloud includes blank spaces that were supposed to be filled in with the dates of two public hearings and the dates of the first and second readings. The commissioners did not sign the ordinance.

County Judge Scott Myers said the county is getting guidance from legal counsel.

This is the second time the county has had trouble with a pot tax ordinance. After passing an emergency ordinance in 2018 to tax pot sales, Grant County officials rescinded the ordinance and returned \$5,000 to the county's sole marijuana retailer, because state law prohibits passing tax-related ordinances as emergencies and requires a pot tax to go to the voters during a statewide general election.

In a 2019 press release, District Attorney Jim Carpenter said that "scrutiny by the Blue Mountain Eagle brought the issue to light, causing a reconsideration of the legality of the ordinance."

Haley Olson of Rocky Mountain Dispensary said she estimates revenue for the county during the first quarter of this year would have been around \$10,000 to \$25,000.

# Legislature returns to Capitol amid COVID-19 spike

By Gary A. Warner  
Oregon Capital Bureau

The Oregon Legislature returned to the Capitol on Monday amid a raging pandemic that has the Salem area under an "Extreme Risk" list for COVID-19 infections.

The 60-member House and 30-member Senate wore face masks and maintained 6 feet of separation while meeting in the chambers in the 1938 art deco Capitol. The agenda was to swear-in members, elect leaders and set rules for the session. The session won't officially get underway until Jan. 19.

The rules turned out to be the main sticking point.

With majorities in both the House and Senate, Democrats pushed to begin the session on time. They argued that the long list of crises — COVID-19, unemployment, recovery from the massive wildfires, police reform and equity issues — was too pressing to delay. Lawmakers would use a mix of virtual meetings and hearings, coming to Salem only for final votes on bills.

"Physical presence is not absolutely crucial," to have public input, said Rep. Paul Holvey, D-Eugene.

Democrats noted the rules include a provision allowing the public into the Capitol when the infection rates drop to safe levels. Marion County, which includes Salem, would have to move into the "Low Risk" category, the bottom of the state's four tiers of risk level. The county is currently in the "Extreme Risk" list, the highest tier. Infection rates skyrocketed in Oregon between September and today, making the threshold for reopening unknown, but distant.

The virus has killed more than 1,600 people in the state out of 126,607 cases of the infection. Nationwide there are over 375,000 dead and over two million killed around the world.

Republicans argued that public hearings in the Capitol were necessary to hear from all constituents, not just those proficient with Zoom meetings.

Rep. Bill Post, R-Keizer, suggested it would be best to move the



Oregon Capital Bureau file photo

**Speaker Tina Kotek, D-Portland and Rep. Paul Holvey, D-Eugene, speak to reporters during last year's session.**

session start date from January to April, with lawmakers meeting into the summer. By spring, lawmakers could be inoculated with vaccines and the virus would hopefully be tamped down from its current spike. Public hearings might be a reachable goal.

"Let's delay the whole session," Post said. "Let's just put this thing off."

In the meantime, the Legislature's Emergency Board, a large committee of top legislators from both chambers and both parties, could deal with anything that needed immediate attention.

Along a party-line vote, the rules were adopted. Democrats also pushed through a rule to fine members \$500 per day for any unexcused absences. It was aimed at the kind of Republican walk-out that killed the 2020 session over a carbon cap bill.

Despite a bruising national election, the partisan split in the Legislature barely budged from the 2018 results.

Democrats lost one seat in the House, but still have a 37-23 edge over Republicans. The super-majority of 60% of the seats allows Democrats to pass taxes and other financial bills without GOP votes.

The Senate retained its 18-12 Democratic super-majority, though one Republican seat is currently vacant and will be filled by appointment soon.

Among the new lawmakers were winners of races that flipped districts from one party to another.

Rep. Jason Kropf, D-Bend, is the first Democrat in a decade to repre-

sent House District 54. Republicans had held the seat in five straight elections despite an ever-growing voter registration edge for Democrats. The streak finally ended in November when Kropf defeated Rep. Cheri Helt, R-Bend.

Underlining the importance of the Democratic foothold east of the Cascades, Kropf, 50, was given the plum assignment of vice-chair of the House Committee on Economic Recovery and Prosperity. Freshmen rarely are assigned a ranking position on committees. The panel will be the main House funnel for recovery from COVID-19 and wildfires that burned over 1 million acres.

Kropf said he got a firsthand preview of the tasks ahead when he drove over the Cascades from Bend. The route to Salem took him past scorched earth and some of the 4,000 homes that were destroyed statewide. He arrived at an empty, locked-down Capitol, which has been closed since March due to COVID-19. Inside were legislators, a skeleton staff, police and journalists.

"It showed how much work we have to do to get the state to bounce back," Kropf said in an interview. "We have to make sure everyone gets healthy."

Kropf said the prosperity part of the committee name means getting businesses back on their feet after nearly a year of on-and-off restrictions. Fixing the hobbled unemployment benefits system and getting children back to classrooms are also priorities.

On the other side of the political aisle is new Rep. Suzanne Weber,

R-Astoria. She won the north coastal House District 32, last held by Rep. Tiffany Mitchell, D-Astoria, who did not run for re-election. Weber, the former mayor of Tillamook, defeated Democratic candidate Debbie Boothe-Schmidt, capturing the coastal district for the GOP.

When her name was read in the first roll call, a happy Weber answered, "I'm here!"

In an interview during the lunch break of her first day in office, Weber said learning the ways of the Legislature was "challenging but exciting."

Weber said she supported Post's idea of delaying the session until spring and continue through summer.

"There's nothing so earth shattering that we need to do right away," she said.

Weber said she hoped that lawmakers won't depend on virtual public hearings for the entire session.

"When we went to online learning in Tillamook County, we lost a lot of kids," she said. "Not everyone has access to the internet. I think if public hearings are all online, we'll have the same problem. People without access to the internet won't be able to testify. That doesn't sound like government 'by the people and for the people,'" she said.

Weber, 74, is also among a significant number of legislators who because of their age are in at-risk categories for severe illness or death if they become infected with COVID-19. No Oregon legislator was infected during three short special sessions at the Capitol during the pandemic. But the longer regular session will mean more exposure.

Nationwide, 138 state lawmakers have tested positive for COVID-19 and seven have died through last Friday, according to a list compiled the political website Ballotpedia.

Weber said she plans to introduce legislation to improve broadband internet service, and overhaul the Employment Department so that future logjams of benefits won't happen again.

## COPS AND 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.*

### Grant County Circuit Court

Travis M. Bryers, 21, pleaded guilty on Jan. 7 to a count of third-degree criminal mischief committed on Oct. 5. He was sentenced to 12 months of bench probation, and to pay \$125.60 to Sean C. McGee in compensatory fines. A count of menacing was dismissed.

A count of menacing constituting domestic violence, a count of second-degree disorderly conduct and a count of second-degree criminal trespass against Thomas R. Taylor allegedly committed on June 5 were dismissed on Jan. 7, 2021, based on a motion by District Attorney Jim Carpenter stating the victims in the case have become uncooperative and are actively supporting the defendant to the extent that they appear to

commit perjury on his behalf. Also, two counts of harassment against Taylor allegedly committed on Dec. 24, 2019, were dismissed on Dec. 30, 2020, based on a motion by Carpenter stating the victim is actively supporting the defendant and is no longer working with the state.

### Grant County Sheriff

The Grant County Sheriff's Office reported the following for the week of Jan. 7:

- Concealed handgun licenses: 8
- Average inmates: 11
- Bookings: 9
- Releases: 6
- Arrests: 2
- Citations: 0
- Fingerprints: 3
- Civil papers: 13
- Warrants processed: 5
- Assistance/Welfare check: 1
- Search and Rescue: 1

### Grant County Justice Court

Violation of basic rights: Jennifer L. Nonweiler, 41, Bend, Dec. 8, 70/55 zone, fined \$140; Rossella J. Pogue,

56, Kimberly, Dec. 15, 75/55 zone, fined \$165; Henry Choy, 51, Foster City, California, Dec. 10, 73/55 zone, fined \$165.

Exceeding speed limit: Tiffany D. Ratchick, 38, John Day, Dec. 10, 37/25 zone, fined \$165; Tori J. Iske, 57, Canyon City, Dec. 24, 39/25 zone, fined \$165; Jordan D. Davis, 32, Portland, Dec. 29, 42/30 zone, fined \$165; Chance O. Goertzen, 32, Baker City, Dec. 3, 48/35 zone, fined \$165; Thomas D. Meyers, 74, Belgarde, Montana, Dec. 8, 58/45 zone, fined \$165.

Driving while suspended: Levi W. Fine, 26, La Grande, Dec. 22, fined \$440; James E. Jewell, 38, Prairie City, Feb. 18, fined \$440, March 30, fined \$440, April 9, fined \$440, Sept. 30, fined \$440; Cameron R. Escobar, 22, Mt. Vernon, Dec. 17, fined \$440.

Driving uninsured: Levi W. Fine, 26, La Grande, Dec. 22, fined \$265; James E. Jewell, 38, Prairie City, March 30, fined \$265, April 9, fined \$265, Sept. 30, fined \$265.

Failure to drive within lane: Robert R. Waasdorp Jr., 64,

Hines, Dec. 23, fined \$265. Registration sticker expired: Levi W. Fine, 26, La Grande, Dec. 22, fined \$115.

Operating without proper fenders: Matthew D. Ogan, 21, Sisters, June 1, fined \$165.

Failure to install interlock ignition device: James E. Jewell, 38, Prairie City, Feb. 18, fined \$440, March 30, fined \$440, April 9, fined \$440, Sept. 30, fined \$440.

Open container of alcohol: James E. Jewell, 38, Prairie City, Feb. 18, fined \$265.

### Oregon State Police

Dec. 28: A state trooper assisted Grant County deputies in contacting Lucas M. Klum, 42, of Redmond for a felony warrant for his arrest in Mt. Vernon. Klum initially hid in a bathroom, and other occupants of the house denied police entry into the residence. Klum eventually came outside and was detained by deputies. The OSP trooper took custody of Klum. OSP dispatch confirmed the warrant out of Deschutes County. OSP transported Klum to the Grant County Jail where he was lodged.

Jan. 2: A state trooper responded to a noninjury roll-over crash near milepost 197 on Highway 26. A small pickup was eastbound on Highway 26 when the driver lost control on the slick pavement. The pickup crossed the oncoming lane on a corner and rolled. The pickup came to a stop against a large tree. The driver and passenger were uninjured and were given a ride into John Day by a passerby. The vehicle was towed by Frontier Equipment to John Day.

### Dispatch

John Day dispatch worked 145 calls during the week of Jan. 4-10, including:

#### • John Day Police Department

Jan. 4: Advised of a theft at a business on West Main Street.

#### • Oregon State Police

Jan. 4: Dispatched to an incident of a vehicle versus horse.

Jan. 5: Requested for a deer stuck in a fence on Humbolt Street.

#### • Grant County Sheriff's Office

Jan. 5: Received a report of criminal mischief on Sunset Road.

Jan. 6: Received a report of theft on West Ninth Street.

Jan. 8: Received a report of theft on North Fork John Day River Road.

Jan. 9: Dispatched to a report of theft on South Adams Road.

Jan. 9: Along with OSP, responded to a report of a party in Long Creek. Miranda Cook, 19, of Monument, Matthew Upton, 18, of St. Helens, and one juvenile were cited for minor in possession of alcohol on East Fourth Street.

#### • John Day ambulance

Jan. 6: Paged for a 30-year-old man with chest pain and difficulty breathing.

Jan. 10: Responded for a 53-year-old with a possible diabetic issue on Humbolt Street.

Jan. 10: Requested for an 86-year-old woman who had fallen.

#### • Seneca ambulance

Jan. 7: Along with John Day ambulance, responded for a patient with an injured knee on B Avenue.

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