

Mandate

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wear a mask inside the courtroom. Myers responded that, as he told Preston, Rowell would either have to mask up or leave the building.

If Rowell continued to defy the mandate, Myers said, he would call Grant County Sheriff Todd McKinley and have Rowell arrested for trespassing or escorted from the building.

"Don't call my bluff," Myers warned Rowell and Morris.

Morris asked Myers if McKinley would acknowledge the mandate. Myers shot back that he would have them arrested for trespassing.

In a statement issued last month, McKinley said that while the Grant County Sheriff's Office is not enforcing the mask mandate, harassment and trespassing are crimes.

Myers said it was not fair for Rowell and Morris to put him and McKinley in the position of having to enforce the state mandate.

Morris told Myers it was not fair for him to put them in the position of having to defy his order to wear a mask in county court.

Paula Guenther, an employee of the Umatilla National Forest, told Rowell and Morris that they could attend the meeting virtually via conference call.

Myers said many residents participated in the court's meetings virtually for a variety of reasons.

Nevertheless, Morris told Myers she was disappointed that he would enforce the mandate.

Myers said he held out as long as he could when the mandates came back this summer and had not required audience members to wear masks until now.

Myers quoted the state's public meetings manual and said he has the "inherent authority" to command the people in the courtroom about what is acceptable.

"Not wearing a mask today," Myers said, "is not acceptable."

What happens next?

Corvin said Oregon OSHA has jurisdiction over workplace safety and health under the Oregon Safe Employment Act. The state law authorizes Oregon OSHA to enforce statewide workplace safety and health rules.

Corvin said per state law he could not discuss the status or details of an ongoing complaint investigation. However, he can share the basic, pre-investigative complaint information, including the employer's name, location and alleged on-the-job hazards.

"We expect employers to follow requirements designed to help protect workers against COVID-19," Corvin said. "After receiving a complaint, we will often contact employers to see if we can get things straightened out. If we can resolve the issue in that manner, then that is what we will do."

Corvin said Oregon OSHA can issue citations during on-site inspections. The likelihood of an in-person visit from a state investigator, he added, increases when the employer refuses to engage with the agency or provides an inadequate response during an inquiry.

Under Oregon OSHA's rules, Corvin said, a severe violation that is not willful or repeated carries a minimum penalty of \$100 and a maximum of \$12,675. In contrast, a willful violation has a minimum fine of \$8,900 and a maximum of \$126,749.

Corvin said Oregon OSHA does not just conduct enforcement activities. He said it offers employers free and confidential consultation services, specifically surrounding the pandemic, as well as free technical advice and a full range of free online educational resources.

Police

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John Day has maintained a police department since the 1950s, but it's one of the smaller communities in the state to field its own force. Even before the council voted to shut it down, the department was operating at half-strength: Chief Mike Durr retired on Sept. 1 and one of the department's sworn officer positions is vacant, leaving just one sergeant and one officer to patrol the city.

In emotional testimony at the Oct. 12 City Council meeting, Sgt. Scott Moore said he and Officer Travis Piercy have been working up to 18 hours a day to maintain police protection in the city but couldn't keep up that pace indefinitely.

"With just the two of us, it's just not feasible," he said. "It's just not safe."

Who pays for policing?

Since the decision to mothball the police department was announced, Mayor Ron Lundbom told the Eagle, he's heard from a number of John Day residents who say they wish they could go back in time and vote for the law enforcement levy.

But even if the levy had passed, he said, it would only have been a temporary solution. The reality, he said, is that a city the size of John Day can't support its own police force.

"We've been robbing different funds trying to patch it together for the past decade," the mayor said.

"This year we figured it was going to cost about \$500,000 to run the police department and the general fund was right around \$300,000," he added. "We had an expensive car that we couldn't afford."

Noting that no other community in Grant County is providing its own law enforcement services, Lundbom said maybe it's time to ask all county residents to pay more to ensure adequate funding for the sheriff's office — possibly through a countywide tax levy.

"Put a dollar figure on it and put it on the ballot," he said. "If people want policing, they need to pay for it."

What happens next?

John Day is not the first city in Oregon to dissolve its police department. According to data from the state Department of Public Safety Standards and Training, 13 municipalities have pulled the plug on their police departments in the last decade, including the Eastern Oregon communities of Condon, Athena and Lakeview. At least 12 others have disbanded over the years, including the Sisters Police Department, which shut down in 1999.

Once the department shuts down, the primary responsibility for enforcing the law in John Day will fall to the Grant County Sheriff's Office. But that agency already is stretched thin, with just four sworn officers — one sergeant and three deputies — to patrol a far-flung territory with about 7,200 residents spread over 4,529 square miles.

Sheriff Todd McKinley said he's not happy about being put in that position.

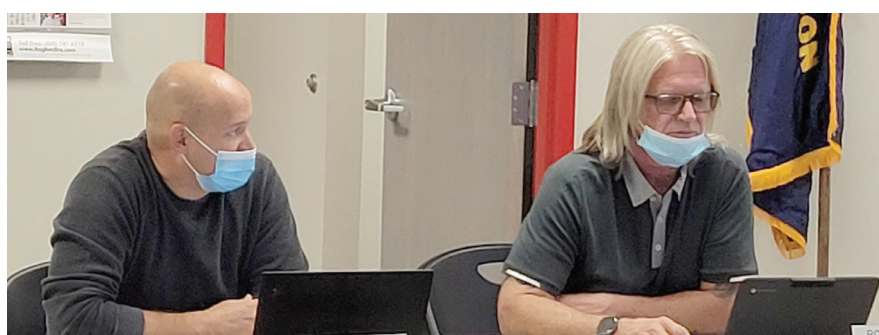
"It's a little interesting to me that somebody can just say, 'We're done doing that (operating a police department), we're no longer going to spend money on it, so you do it for free,'" he said in an interview.

"In essence, it will double our caseload and our call volume."

McKinley said he would need four more deputies and one part-time secretary to provide the same level of service that John Day residents were receiving when the department was at full strength. With training and equipment costs, he estimates it would cost his department between \$750,000 and \$1 million to make that happen — money he just doesn't have.

The Grant County Sheriff's Office will continue to get mutual aid from the Oregon State Police, but that agency is tasked primarily with patrolling state highways, not city streets.

As a result, the sheriff said, John Day



John Day City Manager Nick Green, left, and Mayor Ron Lundbom.

Eagle file photo



County Commissioner Sam Palmer, left, and County Judge Scott Myers.

Steven Mitchell/Eagle file photo

residents will have to get used to a lower level of service — the same level provided to the other seven incorporated communities in Grant County, none of which funds its own police department. Some calls for assistance from John Day residents, he warned, are going to go unanswered.

"If it's for emergent calls, sure, life safety, there is that obligation. But if it's for your neighbor's dog barking ... there are certain things we are not going to be able to deal with," he said. "We just don't have the staffing to do that."

City vs. county

John Day officials say they're willing to turn over 100% of the city's property tax revenues — roughly \$300,000 a year — to the county for each of the next three years to help fund law enforcement services.

But they want something in return: an equal amount of money each year from the county road fund to build city streets to wrap new housing around.

Green delivered the city's proposal at the Oct. 13 Grant County Court meeting in fiery and sometimes confrontational testimony.

It did not go over well.

Green said the county and the city of John Day are in tight financial straits due to a declining population and declining tax base.

"We've not done anything to stop that at the county level," Green said.

Green said the city could not, in good conscience, give up all of its property tax receipts for public safety without an equivalent return in road funds that allows the city to address what it sees as the core problem: a declining population base.

County Judge Scott Myers asked Green if he had a detailed, written proposal. Green answered that he could draw up what he just told the court, but he did not want to have a lawyer put something together the court would end up not approving.

Myers responded that he would not sign anything that had not gone through the county's legal counsel. Green told Myers that what the city and the county wrote down would be what he just said. Myers again insisted he would need a detailed written agreement to take to the county's legal counsel.

Raising his voice, Green asked, "Do you understand what I just said?"

Myers told Green he could leave the room.

At that point, Commissioner Sam Palmer stepped in and said he would like to have the city's proposal in writing. Green agreed and left the meeting.

Looking ahead

In an interview with the newspaper, Green admitted the episode "was not my finest hour." But he also defended his proposal, saying it's in the best interests of both governments.

He pointed to the most recent census numbers, which showed Grant County had lost 212 residents over the last decade — the only county in the state that is shrinking instead of growing. That's a problem, he said, because local governments get most of their funding based directly or indirectly on their population, either through property taxes or other mechanisms such as state revenue sharing.

"John Day's reversing that," he said. "We grew last year for the first time in 30 years."

The key to rebuilding Grant County's economy, Green argued, is investing in new housing and other initiatives such as the John Day Innovation Gateway. He said the county has a significant surplus in its road fund that could help jumpstart that growth by making street improvements in John Day, spurring residential and commercial development that would broaden the tax base for the whole county over the long term.

"It doesn't cost either agency a dime to do the fund exchange," Green said. "Whether you care for me as an individual doesn't really matter — it's what is being offered and is it in the best interests of the public."

Grant County Commissioner Sam Palmer characterized Green's proposal as an "ultimatum."

He acknowledged that the county has between \$55 million and \$60 million in the road fund but said he's skeptical about the idea of using any of that money to fund projects for the city of John Day.

"Nick Green wants in that fund. He's been trying to get in that fund for two or three years," Palmer said.

"I'm always willing to sit and listen and talk and work on solutions, but some are easier than others, and this has been pretty contentious."

Still, Palmer added, when it comes to public safety, the stakes are too high to let personality conflicts get in the way of good policy.

"It's our citizenry that suffers when governments can't get along," he said.

"We'll get through it," he predicted. "We'll make it happen and keep our citizens safe."

For his part, Sheriff McKinley said he's hopeful some sort of solution can be reached soon, although he's not sure what that might look like. In the meantime, he said, his department will do everything it can to fill the void left by the shutdown of the John Day Police Department.

"I am committed to providing law enforcement to the best of our ability," he said. "I will let the (county) court and the city determine how that will look, because they're the ones that provide the financial ability for us to do our jobs."

Reporter Steven Mitchell contributed to this story.

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Vaccine

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but I also think that the people that think the vaccine is necessary and people should get it is OK, too. Like I said, people just want to have a choice in the matter."

On Friday, Hallgarth said

he did not anticipate losing any of his staff over the vaccine mandate.

For his part, Grant School District Superintendent Bret Uptmor said 58% of his district's staff had been vaccinated as of Monday, with 42% being granted medical or religious exceptions.

Like his counterpart in Prairie City, Uptmor said he does not anticipate losing any staff due to the mandate.

Monument School District Superintendent Laura Thomas said all staff within her district

had been vaccinated or were given a religious or medical exception.

Thomas said the district lost one staff member due to the mandate.

Brandon Haberly, Dayville School District's superintendent, did not respond to multiple requests for comment.

Law enforcement

Grant County Sheriff Todd McKinley noted that the vaccine mandate did not apply to his office. He did, however, mention in a session of

the Grant County Court on Wednesday, Oct. 13, that the local Oregon State Police substation could lose state troopers due to the vaccine mandate.

Capt. Stephanie Bigman, government and media relations spokesperson for the Oregon State Police, said Friday that she had no data on resignations due to the governor's executive order, nor did she have data specific to Grant County.

Bigman said that as of Oct. 12, OSP's current staffing was at 1,271. At that point, 68% of troopers were in complete compliance with the mandate.

The remaining 32% of the agency's work force were not fully in compliance with the mandate; she said that works out to 406 OSP employees across all divisions and programs.

Bigman said 2% of OSP employees had submitted a request for a medical exception as of Oct. 12, and 15% had submitted a request for a religious exception. Another 12%, which works out to 152 OSP employees, had not taken any steps to get vaccinated or submit exception paperwork.

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