

Public defense crisis lingers in state courts

By GARRETT ANDREWS
The Bulletin

BEND — Around this time last year, the head of the Office of Public Defense Services, the state agency responsible for paying public defenders in Oregon, announced on a conference call that, after years of scraping by financially, his office was out of money.

Twelve months and three directors later, the office has found ways to balance its budget with the help of emergency funds, and is offering public defenders a new one-year contract featuring modest pay increases. But earlier this month a majority of Oregon public defense groups, an estimated two-thirds, balked at the contract and refused to sign, citing issues including a provision that would have required attorneys to travel to represent clients outside their home counties.

In response to the outcry, a legislative stakeholder group met Thursday, June 16, to discuss altering the contract, and by the end of the workday, a new contract was sent out to lawyers around the state. Key changes include allowing lawyers to perform work on the side, and the so-called neighboring county provision is now a suggestion, not required.

Representatives of public defense



Bulletin, File

January Neatherlin, a day care operator who left her children unattended to go tanning, appears via video in Deschutes County Circuit Judge Beth Bagley's courtroom during a hearing on March 23, 2017, in Deschutes County Circuit Court in Bend.

groups in Central Oregon told The Bulletin they'll take the weekend to read and discuss the new contract. They intend to give feedback to the board that oversees the Office of Public Defense Services budget, the Public Defense Services Commission, before it meets Thursday to consider approving the revised contract.

Peter Deuel, co-administrator of the public-defense provider Bend Attorney Group, said one issue that remains is a serious workload discrepancy between public defenders who work the adult and juvenile systems.

The juvenile justice system is much different than the adult system, a key difference being that cases in the juvenile system take longer than adult criminal cases, often years longer.

Attorneys in the juvenile system say the new contract, which requires them to assume 69 cases in addition to their current caseload, will unfairly burden them.

"We still have some serious concerns with how the latest contract accounts for existing caseloads," Deuel said.

For Bend defense attorney Jamie Gerlitz, who works exclusively in the

juvenile system, cases are coming in faster than they're being cleared. She said the new juvenile contracts will further entrench a system of haves and have-nots in Oregon.

"If a youth is lucky enough to reside in a county with the Parent Child Representation Project, the outlook for that county's youth is actually rosy," she said. "For most of Oregon, however, the outlook is grim."

The Parent Child Representation Project is a hot topic in public defense.

In 2014, the Office of Public Defense Services began a pilot program to reform juvenile public defense. The Parent Child Representation Project was a pet project of newly elected Gov. Kate Brown, herself a former juvenile public defender.

The project favors a "workload" model over "caseload" model. Attorneys work a maximum caseload of 80 cases and have access to a full-time legal assistant and a social worker.

The pilot program led to positive outcomes in the pilot counties of Yamhill and Linn, including a 20% reduction in foster care placement and faster rates of family reunification.

The project was expanded to five counties, with a plan to reach every county in Oregon by 2022. Deschutes was scheduled to get a Parent Child Representation Project

in 2018, for a cost of \$1 million per year. But after five counties, the project ran out of money and other justice issues drew widespread focus. The project's standards never came to Deschutes County and most of the state.

In 2019, a bombshell study was released by the 6th Amendment Center, finding that the Office of Public Defense Services' complex bureaucracy hindered justice for defendants. The study reported the case-load model had incentivized public defenders to take on more cases than they could handle. The study recommended a workload model instead.

With the new contract period beginning July 1, and little money to go around, it's not expected the contract will contain major reforms. The head of the Office of Public Defense Services, Stephen Singer, emailed public defense contractors Thursday explaining the difficult situation.

"We hear you," Singer wrote. "We agree that an open workload model, as what exists in the Parent Child Representation Program, is the most accurate, sustainable, and responsible way to contract. Your concerns are completely valid. The unfortunate reality is that obtaining the resources, building the infrastructure, and implementing that kind of fundamental change will take some time."

Critics fear new fire safety regulations

By MATEUSZ PERKOWSKI
Capital Press

SALEM — Oregon forestry officials are bracing for controversy after approving statewide hazard ratings that encompass up to 300,000 properties with elevated risk of wildfires.

Many of those tracts are expected to face new defensible space and building code requirements under "wildland-urban interface" criteria recently enacted by the Oregon Board of Forestry.

Critics anticipate the two regulatory actions will result in sweeping and unworkable restrictions for rural communities when a map of affected areas is released later this month.

Blowback from rural residents against the new requirements is expected by the state forestry officials due to objections they've encountered during the rule-making process.

"We have to recognize there will be people and organizations that will continue to



Stayton Fire District/Contributed Photo, File

The Oregon Department of Forestry has approved mapping rules that critics fear will cause over-regulation of rural properties.

push against this and attempt to embarrass the department and related agencies," said Jim Kelly, the board's chair, during a recent meeting. "It will enter into the governor's race and all that. I think we all need to be prepared."

The Oregon Department of Forestry received roughly twice as many comments opposed to the mapping regime than in favor of it, mostly because people thought the wildland-urban interface was too expensive, said Tim Holschbach, the agency's fire prevention and policy manager.

The agency will send out written notices to 250,000-300,000 landowners affected by the rules. They can appeal their classifications if they're subject to regulation, he said. Periodic audits will review the effectiveness of the rules, which can continue to be modified.

As the rollout of the wildfire map gets underway, ODF realizes it will be in a "fish bowl" of public scrutiny and it expects that revisions will be necessary, said Mike Shaw, the agency's fire chief.

"The agency's work is not

done. The work will continue through this year. We know we're not going to be perfect," Shaw said. "There will be adjustments in the future. This is a great first step."

The Oregon Farm Bureau has worried about adverse impacts to agriculture since lawmakers began negotiating comprehensive wildfire legislation last year.

The Legislature ended up passing Senate Bill 762, which the Farm Bureau criticized for its "top-down" approach to wildfire mitigation. The group favored a "bottom-up" strategy of consulting with rural communities proposed in another bill.

To get the bill over the finish line, lawmakers eliminated SB 762's definition of wildland-urban interface, or WUI, and instead directed the Board of Forestry to set the parameters based on "national best practices."

However, the Farm Bureau and other critics believe the board's WUI criteria are nonetheless overly broad. The vast acreage likely included in the designation will leave people "shocked," said Lauren Smith, the group's director of govern-

ment and national affairs.

"Our legislators will be very surprised when they start getting constituent calls," she said. "When you get a WUI that is nearly the size of the State of Oregon, it sort of defeats the purpose."

Properties will be subject to regulation only if they're both within the WUI and have a hazard rating of "high" or "extreme" wildfire risk.

Roughly 250,000-300,000 properties fall into the "high" and "extreme" risk categories, but ODF doesn't yet have an estimate of how many are also in the WUI.

The Farm Bureau expects a great deal of overlap, which will have a drastic effect on rural areas, Smith said.

"You'll see large swaths of entire communities pulled into high or extreme risk WUI," she said. "There's a lot of regulation going on focused on this map and all these rural communities, and not a lot of representation by them."

The defensible space regulations require fire-prone fuels to be cleared from 50-100 feet around certain structures, depending on the hazard rating.

Drought persists despite rains

By MATEUSZ PERKOWSKI
Capital Press

SALEM — With rainstorms relentlessly soaking the state throughout spring, Oregonians can be forgiven for assuming that drought fears have dissipated.

Many are surprised to learn that worries about water shortages have persisted despite the stubbornly soggy weather, said Ryan Andrews, a hydrologist at the Oregon Water Resources Department.

Though the season's high rainfall and low temperatures have mitigated what could have been a much worse situation, much of Oregon is still enduring a prolonged "mega-drought" that's afflicting the entire West, Andrews said.

"Though the spring precipitation was nice, it was not enough to overcome the long-term deficit," he said at the June 16 meeting of the state's Water Resources Commission, which oversees the agency.

Conditions associated with summer, such as reduced stream flows and soil moisture levels, have been delayed, Andrews said.

Irrigators and other water users must still "proceed with caution," though — particularly in areas where drought has remained severe, such as Central Oregon, Andrews said.

According to a recent study, the past 22 years represent the West's worst "mega-drought" in about 1,200 years, he said. A mega-drought is an abnormally dry period that lasts more than two decades.

The multi-year drought has lingered through the seasonal intervals of wetness while being aggravated by lower-than-normal snowpacks and earlier "melt-out" in the summer, Andrews said.

Last year, OWRD got 600 reports of domestic wells going dry or yielding less water and has received 300 such complaints so far in 2022, he said. Funding is available for households with low and moderate incomes to repair or replace aging wells.

Of course, the extent and intensity of the drought would be exacerbated without this spring's ample rainfall, he said.

Stream flows unfortunately remain below-average in some areas, but statewide the outlook is more optimistic headed into summer, Andrews said.

Some irrigation reservoirs were at record-low levels at the end of last summer, but the prolonged rains have helped replenish them while reducing water demand from farmers, he said.

Grant County Committee Volunteers Needed

Applications are Due by **WEDNESDAY, July 6th, 2022**

Obtain a volunteer application from the County Court, 201 S. Humbolt, No. 280, Canyon City, OR 97820, online at [Committee Volunteer Application](#) or contact (541-575-0059) GCCourtAdmin@grantcounty-or.gov.

Committees are formal public bodies required to comply with Oregon Public Meetings Law ORS 192.610.

Airport Commission (ORS 836.616)

Five commissioners plus a County Court representative serve two year terms, meeting monthly. The commission acts as governing body for the Grant County Regional Airport. Applicants must be full time, bona fide residents of the county and be aircraft owners or pilots, or individuals with demonstrated interest in and knowledge of aviation matters.

College Advisory Board

Seven members plus three ex-officio members serve three year terms and meet monthly to promote local educational opportunities and identify educational needs within the community.

Extension & 4-H Service District Advisory Council

Eleven members serve three year terms, meeting semi-annually to provide guidance and assistance to local OSU Extension staff in planning, developing, and evaluating balanced educational programs directed to high priority needs of county residents.

Library Advisory Board (ORS 357.465)

Seven members serve four year terms, meeting monthly to promote public awareness and support of library services, receive public input, review and update library materials, and coordinate activities with the Grant County Library Foundation.

Natural Resources Advisory Committee

Nine members serve one and two year terms. Members must live in Grant County and constitute a representation of agriculture and livestock production, timber and wood products production, recreation, hunting and fishing, water resources, mining, cultural resources and advocates for natural resources stewardship through continuation of the customs, culture, health, safety and economic stability of Grant County.

Planning Commission (ORS 192.610)

Nine members serve four year terms; two alternates serve two year terms. Meetings are held as needed to review land use and zoning applications, discuss city and county growth issues and site new facilities. Members must reside in various geographic areas within the county with no more than two voting members engaged in the same kind of business, occupation, trade or profession with agriculture designations of livestock/forage or horticulture/specialty crop production.

Senior Citizens Advisory Council (ORS 410.210)

Five members serve three year terms and meet semi-annually to define the needs of older adults, promote special interests and local community involvement, and represent senior citizens as an advocate to the local, state and federal government and other organizations.

Southeast Area Commission on Transportation

Five members, plus one alternate, serve three year terms as Grant County representatives. The alliance provides a forum for local government agencies and the private sector to discuss, understand and coordinate long range transportation issues affecting the south east Oregon region including Grant, Harney and Malheur counties. The alliance acts as the Area Commission on Transportation. Daytime meetings are held monthly or as needed, rotating among the three counties.

Wolf Depredation Advisory Committee (OAR 603-019-0015)

Five members include one County Commissioner, two who own or manage livestock and two who support wolf conservation or coexistence. These members agree upon two business representatives to serve as additional members. The committee oversees the procedure established by Grant County for its Wolf Depredation Compensation Program. The current vacancy is for a business representative.

Your Rural Family Health Clinic

Services Provided:

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- Women's Health Exams
- Men and Children Exams
- Immunizations
- Family Planning
- Contraception
- Pregnancy Testing & Referrals
- HIV Testing & Referrals
- Cocoon
- WIC
- High Risk Infants
- Maternity Case Management

Grant County Health Department does not discriminate against any person on the basis of race, color, national origin, disability, or age in admission, treatment, or participation in its programs, services and activities, or in employment.

Grant County HEALTH Department

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Friday, July 8th, 2022

Grant County Fairgrounds

Doors open at 5:00 PM

Live and Silent Auction

Dinner at 6:00 by donation

All proceeds go to the Wheeler family

Donations are being accepted through June 25th

Please contact **Winnie** at 541-620-0748 if you are interested in making a donation for the Silent or Live Auction

Teri Bowden at 541-575-2112 for a dessert donation

Cash donation can be made at **Old West Federal Credit Union** in John Day