



50¢

VOL. 140 NO. 24 10 Pages Wednesday, June 16, 2021 Morrow County, Heppner, Oregon

# Ethics Commission rules Port of Morrow violated open meetings law

## Two thousand dollar fine for each board member

By David Sykes

After a nearly three-month long investigation by the Oregon Government Ethics Commission, the Port of Morrow Board of Directors were found to have violated the Oregon open meetings laws. Civil penalties of \$2,000 for the violations have subsequently been assessed against all five board members Jerry Healy, Rick Stokoe, Marv Padberg, Joe Taylor and John Murray.

In making its findings public the commission said on two occasions last year the Port publicized that it would be holding executive sessions for one purpose, and then while in the closed session discussed completely different topics. Under Oregon law all government meetings are open to the public. The body may hold an executive session and exclude the public, but only for certain defined sensitive topics such as land deals or personnel issues. The body must publicly state the purpose of the executive session and

while in that session, with the public excluded, discuss no other topics. The laws are designed for transparency while conducting the public's business, and also keeping the public informed on what its government is doing.

The Ethics Commission found on the first occasion March 23, 2020, the Port announced in public notices it would be holding an executive session to discuss "Leases and Legal Action" which is covered under the executive session law. However, while in the executive session Port members did not talk at all about leases and legal action, but rather about a port employee's medical condition. The employee was apparently requiring an extended leave of absence from their job.

The board could have legally discussed the medical condition of an employee in the executive session, as it is an allowed topic, but only if it had property identified beforehand that was

the reason. Instead, it chose to describe the purpose of the session as something completely different, thus violating the open meetings law.

The second violation was on March 26, 2020, when the Port announced it was once again holding an executive session for the purpose of discussing "Leases and Legal Action", and yet again the board talked about something completely different. The talk this time was about several employees' medical conditions. In this session, however, the board also discussed a sick leave payout policy that they had just adopted, a topic not allowed under any circumstances in executive sessions.

How the State Ethics Commission ended up investigating the Port goes back to last year when the Ethics Commission received a November 6 email from State Auditor Ariana Denney at the Audits Division,

explaining that during an audit of the Oregon Department of Administrative Services relating to CARES Act (Coronavirus Aid, Relief, and Economic Security) funding, and local government reimbursements, the Audits Division "became aware of actions taken by the Port of Morrow which appear to have violated statutory requirements for executive sessions."

The commission was at the time discussing a new emergency paid sick leave policy for the port and how to use those funds to incentivize employees to keep them coming to work during the pandemic.

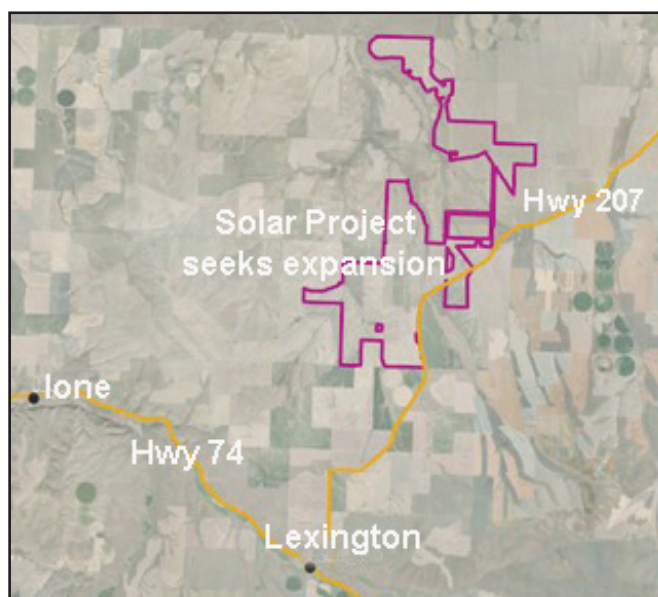
Under the terms of the settlement announced Monday, June 11, all five board members signed papers with the Ethics Commission agreeing to the terms, including the fines and a "letter of education", in exchange for the commission terminating the investigation and both parties agreeing not to pursue any further claims, litigation or legal action in the matter.



State Auditor Kip Memmott filed the complaint

# Solar farm may be increasing by 1,382 acres

## NextEra wants bigger facility in Morrow County



The wind farm now under construction north of Lexington may be increasing from nine square miles to 11.

By David Sykes

Renewable energy production might just get even bigger in Morrow County if a request by green energy giant NextEra is approved by the state of Oregon. The company has filed a notice of intent with the Department of Energy to expand an already approved Wagon Trail Solar Project by 1,382 acres.

NextEra wants to increase the size of a solar farm already under construction north of Lexington, (those driving on Hwy 207 can see the start of construction) from an already licensed 5,957 acres to 7,339. If approved the new site would produce up to 500 megawatts of electricity, enough to power an average 82,000 homes. If built it would be the largest solar farm in the state of Oregon.

The filing with the Energy Facility Siting Council doesn't guarantee the project will be built, but NextEra has been known as a giant in the world of

green energy production, so chances are it will happen. The company already built a large windfarm in Morrow County, which sells its power to Portland General Electric. The solar power will also go to PGE.

The Oregon Dept of Energy is accepting comment on the new facility from now until July 8. The proposed facility consists of PV solar panels/modules, steel tracker tables and posts, cabling, power conversion stations and related or supporting facilities. Proposed related or supporting facilities include distributed battery storage (lithium-ion); up to four collector substations on 5- to 10-acre sites, each; up to 8-mile 230 kilovolt (kV) transmission line on H-frame structures extending up to 150 feet in height; an operations and maintenance building; up to three meteorological towers; site access, service roads, perimeter fencing and gates; and, up to four temporary construction areas.

# Lexington passes resolution opposing governor's 'draconian' COVID orders

## Follows Baker City in opposition to governor's 'arbitrary and ineffective' emergency orders and mandates

By David Sykes

The Town of Lexington last week unanimously approved a resolution strongly condemning Governor Kate Brown and the State of Oregon's "arbitrary, ineffective and draconian" emergency executive orders and mandates used during the COVID-19 outbreak. The resolution was nearly the same as recently passed by Baker City, which says, in part, Brown and state agencies, such as the Occupational Safety and Health Administration (OSHA), greatly overstepped their authority, and the state and federal constitutions, in imposing lockdowns on

businesses, churches and citizens, which caused great harm to the citizenry. At least two other Oregon cities have passed similar resolutions.

Lexington's resolution (see complete copy below) says the state-mandated lockdowns have done damage not only to businesses and churches, but to the mental health and wellbeing of the citizens. "It is a violation of the ... Constitution for a government to limit how our churches and citizens choose to practice their religious freedoms, which are crucial to mental health. Social distancing and prolonged isolation are

proven to create a number of mental health issues such as anxiety and depression, sometimes pushing individuals over the edge toward suicide as a last resort. That same social distancing and prolonged isolation, combined with unemployment and other stressors, are increasing cases of domestic abuse and violence," the resolution states.

The resolution goes on to charge that "Our local businesses directly attribute state lockdowns and OSHA guidelines as solely responsible for their inability to earn a living or pursue other rights as outlined in our State and U.S. Con-

stitutions, and therefore we believe their property is being unconstitutionally seized by government without due compensation under the auspices of inappropriately weaponized State agencies."

While admitting that Lexington is just a "small fish" in this argument, councilmembers agreed that if enough small cities and towns band together and stand in unity against Kate Brown they may be able to take on the "big fish" of state government, which they say has been abusing its authority through the emergency declaration process. "The town will support future statewide ballot initiatives that limit the duration and extent of the governor's emergency powers, which may create similar lockdown scenarios during future emergencies, natural disasters and pandemics," the resolution said.

In addition to Baker

City passing a nearly identical resolution in March, other Oregon cities have fought back against what they view as gross government overreach. The city of Prineville this year passed an anti-lockdown resolution, and Molalla on May 26 passed a resolution "in favor of business and citizens liberties" and against COVID-19 restrictions. The city of Canby in May also passed its own resolution similar to Baker City's.

In other business at its monthly meeting June 8 the council voted in favor of vacating a town alleyway between C and D streets, over the objection of one citizen who said kids need the alleyway to access Willow Creek for fishing. John Edwards told the council the town has enough juvenile delinquency "without cutting off fishing holes." Both Mayor Juli Kennedy and councilmember Will Lemmon pointed out that there are plenty of access

points to the creek for kids to fish and vacating an alley would not stop any kids from going fishing.

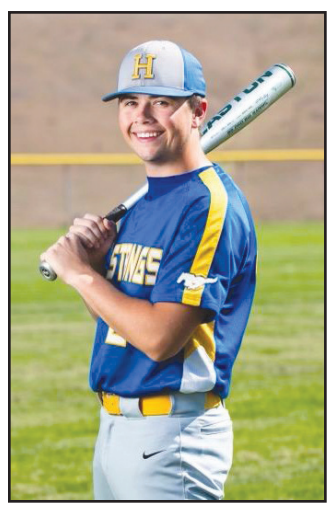
The council also heard from town clerk Janette Eldrige about a proposed franchise fee on garbage service in the town. Eldrige said she sent letters to the two companies servicing Lexington, Hermiston Sanitary Disposal and Miller and Sons Disposal Service about the proposed fee. She told the council Hermiston Sanitary told her verbally that they would rather let Miller and Sons "have the whole town" rather than pay the franchise fee, but she is waiting for a response in writing from the two companies before presenting her final findings to the council.

In other business the council heard from town maintenance man Scott Lamb who presented carpet samples for consideration

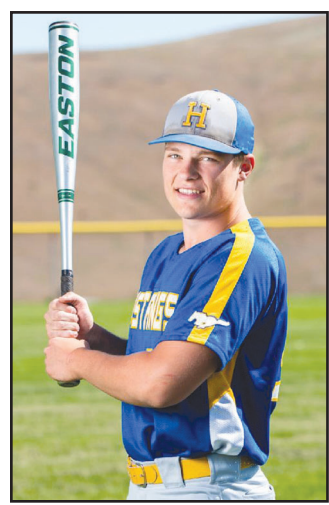
-See LEXINGTON RESOLUTION/PAGE THREE

# Hyatt, Lehman invited to play in all-star's game

Hayden Hyatt and Jackson Lehman, Heppner, have been invited to play in the Oregon 3A/2A/1A Senior All-Stars Series. The boys are two of the 31 baseball players who were invited to play. Hayden will be playing pitcher and shortstop



Hayden Hyatt



Jackson Lehman

positions and Jackson will play first base and outfield.

They will be playing in two games in the series with the first game beginning at 3:30 p.m. and the second at 6 p.m. The games will

be played at the Volcanoes Stadium in Keizer, OR. A spokesperson told the Gazette, "This is an honor that both Hayden and Jackson are looking forward to."

YOU'VE BEEN WAITING ALL WINTER FOR THIS MOMENT.

## SPRING SALES EVENT

GOING ON NOW

REBATES UP TO \$1,000 ON 2020 MODELS

TERMS AND CONDITIONS APPLY

POLARIS SPRING SALES EVENT

POLARIS OFF ROAD

Morrow County Grain Growers

CALL 541-989-8221 EXT. 204 FOR MORE INFORMATION

WARNING: Polaris' off-road vehicles can be hazardous to operate and are not intended for on-road use. Driver must be at least 16 years old with a valid driver's license to operate. Passengers, if permitted, must be at least 12 years old. All riders should always wear helmets, eye protection, and protective clothing. Always use seat belts and call rings (as equipped). Never engage in stunt driving, and avoid excessive speeds and sharp turns. Riding and alcohol/drugs don't mix. All riders should take a safety training course. Call 800-942-3754 for additional information. Check local laws before riding on trails. ©2021 Polaris Inc.