

April 5 Legal Counsel

This was a wild week for the Josephine County Commissioners. During their Legal Counsel Update Tuesday, April 5 they discussed the proposed transfer of the 245 acre Josephine County Sportsman Park (JCSP) out on Highland Drive near Merlin that has been used as a shooting range for the past 54 years. The county owns the land but the shooting range is operated by an independent non-profit called the Josephine County Sportsman Association (JCSA). Their website says they have “several outdoor and indoor shooting ranges, space for meetings and social functions, several outdoor pavilions and an outdoor fireplace, a park completely equipped with a barbecue and picnic tables, horseshoe pits and areas for fishing, and a 30-space RV park with water and electrical hookups. The facilities have all been paid for by JCSA, which a spokesman at Wednesday’s hearing said had no debt.

With the hearing scheduled Wednesday, Commissioners on Tuesday still had a lot of questions for County Counsel Wally Hicks and Risk Manager Steve Dobbs. The first step toward the give-away is to alienate 39.77 acres given to the county by the Oregon Department of Transportation for the park. Commission Chair Herman Baertschiger and Commissioners Dan DeYoung and Darin Fowler were present. (Note: Although the name of the park in question is Sportsman Park and the association is the Sportsman Association most people say Sportsman’s when referring to it)

Hicks... The property has been designated as a park and therefore in order to consider the option of selling the property, transferring it the next step in the process is to go to public hearing which has been set at 9 a.m. Wednesday morning.

DeYoung – This just starts the process. Opens it up for public hearing. If we don’t have this there’s no public comment.

Hicks – That’s right.

Fowler – And this is just a matter of taking it out of parks inventory?

Hicks – That’s already occurred. The board already did that. This is the 39.77 acre portion of the complex that had been designated in 1968 as a park or recreation area and to transfer the statute states there will be a public hearing and taking comment.

DeYoung – So what we’re going to have public comment on is that 40...

Hicks – 39 acres, yeah.

DeYoung – 39.77 acres. Is that the only part coming out or is this the only part that needs to be alienated back into the bigger group. So this is the only part designated as Parks and Recreation.

Fowler – But there’s nothing leftover.

Hicks – But the others were already alienated.

DeYoung – The others are already alienated. This is the part that isn’t.

Hicks – Yes.

DeYoung – So this is what we’re talking about tomorrow. Not the entire parcel.

Hicks – Then you can talk about the entire parcel.

Fowler – So that's number 3?

Hicks – Yeah number 3.

Fowler – So you can speak to both while you're speaking? Right?

Hicks – Yeah, this is a land sale contract.

Fowler – Right So that we know the whole enchilada.

Hicks – Yes

Fowler – So it's separate actions but it's one concept so to speak.

Hicks – That it is, that it is. The one comes before the other.

DeYoung – So if we pass #2, the alienation, 3 is a whole different process, right?

Baertschiger – That's for public comment too.

DeYoung – That's a different step though correct?

Hicks – Yes

DeYoung – Ok, I got it

Baertschiger – Tomorrow you're not voting on either one. You're listening to public comment.

Hicks – It's a hearing. You can proceed to vote or not.

Fowler – That's what I was thinking. But we could receive a bunch of public comment

Hicks – Right

Fowler – Which might be helpful.

Hicks – Dealing with counsel for the Sportsman's Association I specifically asked they not provide us with a signed copy of the contract just in case you choose to make changes pursuant to

DeYoung – So it's a draft right now?

DeYoung – Well lets see, let's do that in the public

Baertschiger – Well it's a public meeting right now.

DeYoung – Is there any date certain, for instance there's concerns about insurance. What our insurance company is saying. Is there a date written in the sand that you will not have this thing under your umbrella. By a certain date?

Someone walks in the room...

Baertschiger – You want to come join the party

Hicks – Here we go the expert is here. They did say the rate is scheduled to increase over the course of time.

DeYoung – Did they give us a brief period saying you need to do this within 60 days or whatever?

Risk Manager Steve Dobbs – No. there's no timeline. They're just looking at us and saying what are you doing with it so no time frame.

DeYoung – I just wanted to know if we're up against a hard date or not. If we're not I'd just...

Baertschiger – If we agree to keep it though they're going to increase our premium

DeYoung – Yeah, yeah, they'll make a move

Dobbs – Yeah, we're in renewal right now at the end of the fiscal year so they'll have to figure all that out

Baertschiger – And then they're going to put a rider on there that they don't cover....

Dobbs – They probably won't put a rider on it they just won't cover it. our main policy says no environmental coverage.

Baertschiger – And what is our coverage?

Dobbs – I don't know specifically. I've asked for that. They don't break it down that way. We get one bill the problem with that pool insurance it's not like private where you can say how much is that vehicle cost. They kind of put it in a breadbox and say here you go, so...I've asked if they could give us an estimate if we broke that out but they don't have it listed, like an itemized list saying that property covers this much, but I'll find out

Fowler – I was just saying, we pay the same amount and that liability just goes away if the property goes to someone else. Its not going to change our premium.

Dobbs – No, no, there's a I think the last thing I gave to JJ they put on it was that they're going to slap on a fee for us for having a range so that was kind of the change insurance wise. Prior to that when they look at our generalized bill they said, no Josephine County doesn't have a range so once that changed that's when they add on a fee.

Baertschiger - \$5000?

Dobbs – I think it was a little more than that but I'll find out. The plus with pool insurance its just an estimation. They look at the pool of all the members and we're getting lower rates cause it's just all kind of....

Baertschiger – What is our coverage? What amount is our coverage Steve?

Dobbs – Well our coverage is general liability is up to 5 million per occurrence so that's kind of straight across the board for all our coverage so that wouldn't change at all.

DeYoung – Are there any other members of the pool that have ranges?

Dobbs – Twelve I think. That they know of. Whether it's a city member or a county member but I think it's 12.

DeYoung – Just the state of Oregon?

Dobbs – Yeah

DeYoung – Medford has a couple of ranges but I don't know if...

Baertschiger – There's three in Jackson County

DeYoung – There's one out at the race track....

Baertschiger – There's one in Ashland too...

DeYoung – Now are they in the pool with us?

Dobbs – That's a good question, the one there by the drag strip...

They discussed Jackson County's ranges.

Baertschiger - Well you don't know if it's shut down.

Baertschiger - Alright so that's um, any other questions on Sportsman's Park

DeYoung – Well we can expect a pretty hearty group tomorrow I think if anybody reads the paper of course it was on the front page of the paper that tomorrow's your time for public comment so maybe three or four people come in.

Hicks – I do not agree with the section 'the only opportunity for public comment. That's worth just clarifying.

DeYoung.- That's the Courier

Baertschiger – We're in a no win situation. If we were not advocating to dispose of this then they would say ahh you're going against legal counsel, you're going against risk management, you're going against everything so you're just never going to win.

DeYoung – If we sold, if we decide we can't have it anymore because we really don't want to get involved in the risk pool or whatever we would put ourselves in and shut it down then we'd really be in trouble. You're right. I think it's no win on this one. Let's just figure out what our deal...I'm fine

Fowler – I don't have any question but I do have an opinion. You want to hear it now? It seems like the citizens need to get something for this property giveaway and the only thing that the range can afford is law enforcement. And with that unaddressed, I'm gonna be hesitant to vote for this sale. So I just wanted to let you guys know early so I don't surprise you tomorrow. And maybe it's a longer conversation. I might be convinced in three months

Baertschiger – You know that's a conversation between them and their own board of directors.

DeYoung – I think there is a common denominator that all law enforcements involved and it would also include corrections cause they use the range. Maybe take this to them and talk among themselves about what the situation should be. I feel as though it would be law enforcement talking through their board

and coming to an agreement. With the recommendation that they figure out amongst themselves. We don't make the policy for their board, what they will accept and we don't make the policy for LIPSİK (don't know what this means). We do make policy for it but is that melting pot of OSP, Sheriff, Community Corrections and city police all represented. I think that's a good place for them to hash it out.

Fowler – I think that's a good possibility or thought to get some input on but they've been a little silent so far about some of that and I don't know why that is. This is purely a political decision on this and they don't want to try and tip the scales but I'm not really hearing from them yet so maybe we could ask.

Baertschiger – From whom? Who are we not hearing from?

Fowler – He's talking about, well, we've heard from the sheriff but I didn't hear much from Hensman, I didn't hear from state police..

Baertschiger – So do you know what the current arrangement is?

Fowler – I believe they have access. Certain hours or whatever. Any time they want.

Baertschiger – They just have to reserve the range. It's \$50 to reserve at \$5 per person that shoots. That's pretty accommodating.

DeYoung – Let's have that...

Fowler – I want to guarantee that going forward then...

Baertschiger – I don't think we can guarantee that going forward.

Fowler – What is our leverage point once we give away the property the citizen's own?

DeYoung – I'm not comfortable doing anything until I see in writing what their board of directors...what their offer is or what their requirement is...

Fowler – To law enforcement?

DeYoung – To law enforcement and then a rebuttal or a counter offer from LIPSİK

Baertschiger – So you think law enforcement should use it for free?

DeYoung – Well I'd like to continue to have that discussion. You tell us what the agreement is. I don't it in the agreement anyway. I'm not saying that isn't what it is but I want to see a proposal from the board out there. This is what we want. They pay \$50 a day then \$5 per person that's shooting. It's just like if I go to the drag strip I pay \$25 to get in the gate but I gotta pay \$10 as a driver.

Baertschiger – Right

DeYoung – And that needs to be spelled out somewhere. Not just word a mouth, spelled out. And then a rebuttal from LIPSİK or whoever. Like I said. I haven't heard, even from the sheriff on it.

Baertschiger – I just talked to him...

DeYoung – Before we do anything along this, before making a final decision we have a little bit of time here. A couple of weeks or a month or whatever, I think I'd rather hear all the pieces, see all the pieces of the puzzle before we start putting it together. Is that OK?

Fowler – I'm with you Dan.

DeYoung – Hicks?

Baertschiger – Well I have to be with em...

Fowler – I want to hear what the public has to say tomorrow, so I want to move this forward so that they're involved in this conversation.

Hicks – Went through the paperwork...condition of acquiring parcel 4 subject to only for use of the public for a firing range and shall be a firing range for law enforcement officers so that's a restriction built in...

Baertschiger – It just doesn't say how much and I don't think we can put how much because \$50 a day next year may be a hundred

DeYoung – Now I have a question...for use of the public as a shooting range for law enforcement. So in other words this says it can only be used for, like a public shooting range? Is that at the discretion of the board or Sportsman's Association?

Baertschiger – That's a deed restriction.

DeYoung – I'm reading this that this that the property will be kept and set aside for Josephine County Sportsman's Association be used only for the use of the public as a shooting range and for a firing range for law enforcement officers. In other words if I'm the board and I want to take my wedding party out there and shoot guns can I go to the board of the Sportsman's Association and say I want to rent that space because I'm a member of the public and I want to rent that space but yet there's nothing that carves it out for law enforcement only. Correct?

Hicks – No. I mean yes, you're right

They all talk at once.

Baertschiger – Dan they do that all the time. There's gun clubs out there reserve shooting.

Hicks – That's present practice.

DeYoung – But the general public can use that range?

Baertschiger – For shooting. For, for shooting. Not for weddings!

DeYoung – No, no, a wedding party, I got ten guys who want to go shooting. I'm not going to have a wedding out there. You know, white shotguns...

Fowler – No ice chests.

Baertschiger – Oh...

DeYoung – But that’s not the way we’re talking about it. I think it says the public can just...if I walk in and say I want to use that range right there, it’s not being used...

Fowler – Unless it’s already booked...

Baertschiger – They have a policy they can only book so many...in other words you can’t book the whole place so you have some place for walk-ons to go. They only book a couple at a time.

DeYoung – if it’s what it is today then it’s ok.

Baertschiger – Steve, in your sense, would the insurance company look favorable on us getting rid of this?

Dobbs - Yeah, they see it as a Baertschiger interrupts – liability? Steve – yeah they call it a, the term they use is a ‘uniqueness which is like....Fowler interrupts – We noticed that you have a unique rest Steve – they see that as a huge potential, yeah, they’ll definitely be happy with that one

Fowler – And even us having a reversion in it, will that absolve us of any possible liability if somebody turned into the worst case scenario out there and would they come after us? They always try.

Dobbs – They always come after the deep pockets...Yeah so they can try to attach...

DeYoung – They haven’t seen our budget have they?

They all laugh and banter. DeYoung says how about no pockets?

Baertschiger – yeah right along with the broadband guys learned that today didn’t they?

Fowler – Yeah really.

Baertschiger – Hicks you had something to say?

Hicks – I didn’t want to, I didn’t want to...once again in the packet if you look on page 2 of the contract itself, paragraph 3, third bullet point it has what would almost be kind of a dream language kind of scenario for our insurance carrier “the association assuming all responsibility and liability for environmental damage liability etcetera, etcetera, whatever type to indemnify and hold harmless the county from any and all such damage without regard to type, date of occurrence or extent. This section applies to all past and present conditions of the property and exempts all existing and potential claims...Hicks couldn’t be understood he was mumbling but he was reading from the contract.

Contract: Assume all responsibility and liability for environmental damage, liability, cost, repairs and remediation of whatever type and to indemnify and hold harmless COUNTY from any and all such damage, liability, cost, repairs and remediation, without regard to type, date of occurrence, or extent. This assumption applies to all past and present conditions of the PROPERTY, and to all existing or potential claims of environmental damage or condition, without regard to when such damage or condition occurred: Take the PROPERTY as is, and specifically assume all liability for any and all conditions now know to exist or to be discovered in the future. The parties agree that such assumption constitutes value, and is consideration to be rendered by ASSOCIATION to COUNTY under this agreement. [WBS 04-06-2022.pdf \(josephine.or.us\)](#)

Dobbs – That’s sweet wording...

Fowler – Yeah that is pretty...

Hicks – So there you have it.

DeYoung – For clarification I was just joking around about white shotguns for a formal wedding. That was just a pun. An old saying. It floats around.

Baertschiger – Anybody that subscribes to the Courier probably knows what you mean.

DeYoung – Jimmy Olsen

Baertschiger – I wanted to bring up under additional matters....I just wanted to give an update to what's going on out at the airport. The Federal Aviation Administration is another interesting bureaucracy. Baertschiger says last week he talked about the displaced threshold and whether they will approve the approach lose runway for instrument approach. So we're on pause right now to find the engineering company that designed the approach to see if they can modify the approach

DeYoung talked about aircraft carriers that had the end of the runway slanting upward

Baertschiger – No Dan, we can't do that I don't know what's next out there.

Dan kept submitting ideas. Had another discussion I'm trying to look at all kinds of angles.

Baertschiger - Who knows where this will.....DeYoung - Land

Weekly Business Session April 5, 2022

Baertschiger - This is the starting of the process. I'll give a little history. Commonly known as the Sportsman Park gun range. Operated by Sportsman's Association over 50 years.

Baertschiger - What started this conversation is our risk manager came to us and said I'm not sure if we have insurance on this piece of property. After discussions with the insurance company, I'm gonna say we do have insurance on it but it's limited. So it's a limited insurance it doesn't cover certain things out there and so investigating this issue a little further it was proposed by our legal counsel and risk manager that since the county has not participated in managing this property for over 50 years that we would have a conversation about transferring the said property to the association with some deed restrictions. Those deed restrictions would be they'd have to maintain it as a public sportsman park and shooting range and open to the public in perpetuity and that they would continue to manage it and that way our insurance company would be a little happier with us. So after giving that some considerable thought, weighing the pros and cons we have started that process and that process starts with a public hearing. A lot of people have come to me and say we're giving away \$1.6 million. I would say that's an unfair statement. That is what it is appraised at. However, with other considerations of the property out there that price could be significantly less if there had to be any kind of mitigation for hazards.

Reassured, if it stays as a facility, a gun range, a shooting range and a sportsman park, we're fine. If we sold the property to somebody and they divided it up for housing or some other uses then there would probably have to be some very expensive mitigation. So with that being said, Mr. Hicks do you want to walk us through the process.

Hicks at the podium. Yes. The process is a multi-step one and this is the beginning of the formal portion of that. Of course the board has discussed this repeatedly in work session meetings prior to this day and has opted to consider this matter today both in the consideration of the alienation, which I'll describe momentarily of a particular portion of this park and then the land sale contract as it's presently drafted and public comment will be welcome on both of those. As Mr. Chair has stated this is technically a formal hearing. This first part of today's proceeding is going to be a formal hearing on whether to alienate the property and thus allow it to be transferred, sold or conveyed pursuant to statute and then the particulars of what a contract would include would be the next topic after comment is welcomed on that particular section. Pursuant to state law, counties can designate properties as parks, formally, and that was done on certain sections of the five parcel complex that is generally known as the Sportsman Park located at 7407 Highland Avenue as the commonly cited address. A specific portion of that, consisting of 39.77 acres was formally designated as a park pursuant to board order, board of county commissioners order dated October 8, 1968, and in order to free up that property for sale, conveyance or exchange the board would need to conduct this hearing that's going on right now. That would allow for the alienation, which is a legal term, meaning allow for the consideration to allow for those options that I described, sale, conveyance or exchange. So that's what's occurring here. The vote today on this first part of the proceeding would just be, on whether again, to free up the property for alienation, not whether to transfer the property. At some point, if the board does decide to enter into a land sale contract, that also would not transfer the property. The property would be transferred pursuant, at least as described in the present proposal to a bargain and sale deed. It would be transferred thusly and that would not be an automatic occurrence, that would be a subsequent occurrence that would occur in a public setting. But the contract is also on today's agenda for the next item and so if there are questions so far or comments then this would be a nice moment to welcome them.

Baertschiger – Yeah, Commissioner DeYoung?

DeYoung – No but I'm sure I'm going to have a lot of questions when we get done with public comment, you know, and let's just get started on it. DeYoung thanks Hicks for his presentation.

Baertschiger – Commissioner Fowler?

Fowler – I'll ditto that.

Baertschiger – OK. So what that means county counselor is that you're not allowed to leave the room till after the meeting. You're probably going to have some questions. I want to reiterate that this issue was brought to the board of county commissioners by our risk manager and legal counsel and their advice is to transfer the property. That did not originate with this board. So that being said I will open up to public comment. During this time you'll have three minutes to make your comment. It is not a back and forth discussion between the board and yourself. It's just you have three minutes to make your comment. It will be recorded and so noted then after we're done with public comments the commissioners will comment on the comments. So that's how our procedure works today. I guess probably with this many people, people who wish to comment, if we could form a line going out to the foyer out there. And then we will start the process for a three minute comment. Let's form a que. Do we have people on zoom too wishing to comment? OK step up, please give us your name, where you reside and you'll have three minutes.

The public comment portion of the hearing begins. The names may not be spelled right. 27 people addressed the issue.

Ray Paige, Grants Pass – I'm wondering on shooting range if any of you are members. If any of you have been board members. Are these your personal friends. Do you know these people well? I'm wondering also if it might get down to a conflict of interest and I'm wondering if there is a conflict of interest, particularly with one of you, if you are gonna choose not to vote and leave it up to the other two to do whatever has been orchestrated. If that's the case, I believe those two are being used.

Stephen Harris, local realtor, Grants Pass – I have a client interested in purchasing the property. I have a check in hand and I'm not sure how I proceed from here.

Baertschiger – OK. It's not a back and forth so we'll address you at the end.

Ray Paige – I didn't finish my three minutes. I'm sorry. This came to me. If that's the case. One of you chooses not to, leaving the other two. I'd say follow the lead and say I'm not gonna vote on this today either and see what happens.

Jeff Clark – I just wanted to say I'm here to win friends and influence people, old Dale Carnegie book. Anyway, I wish to thank the commissioners too for all they do. I think you guys are doing a good job and I want to say too that my family's been in this beautiful town for over 80 years and we've paid lots of taxes to the city and the county, so I just didn't fly in from some other state. I love my gun club, a non-profit and well-run over 50 years. Our men and women in blue have practiced and used this club for many, many years and when we call 911 we want them to be ready to protect us. We all know some things that are going on in our county that really are scary, to me, and they use the Josephine County club a lot. So anyway, I just wanted to say this and bring this to everybody's attention. I think the Sportsman Club is run very, very efficient and very well. And all the improvements and the good common community events that are held out there are awesome. And so, let's have some common sense about solving these issues, and possibly without attorneys.(he turns and looks at Hicks)

Roger Bratt, retired tech, lives between Grants Pass and Rogue River – When I first came here, about 2010 I remember stopping at McDonalds next to Fred Meyer and getting a fish sandwich and talking to the young person and I said, "what's Grants Pass like?" And she said, "there's not enough fun things to do." And that relates to a bigger conversation about young people and recreational opportunities and drug use and that's outside the scope of this conversation. So what I wanted to talk about is the JCSA's perfect safety record. I've been a member there since 2015. Then when the COVID shutdowns came, I realized I needed more exercise so I used the 300 yard targets because I get 300 yards of walking uphill every time there's a target change. So the JCSA has a perfect safety record. I like to talk about another organization that does not have a perfect safety record. The Grants Pass YMCA. When I first joined there, I slipped and fell in the shower and dislocated my left knee. I reset it myself. About two years later I met an older woman who fractured her wrist in the shower at the Grants Pass YMCA. And this goes on like a shaggy dog story. Another broken bone. Slip and fall. Old person. 2015 timeframe. Then I witnessed another member, older man, slip and fall in the shower and so he's laying there naked. I went to care for him. I was the one who helped call 911. That was 2018. Anyway, since my time is running out, what I'd like to ask is what about the general idea of rewarding competence and fixing organizations that are actively negligent. And I have an article here, it's about the drowning of a young man in 2016. And there's comments by another member named Don Lufkin and he was the first one on the scene.

Then the YMCA a few days later terminated his membership. When I tried to talk to the YMCA about my own slip and fall, finally in 2020, they terminated my membership. So I think you need to look a little bit more about rewarding competence like the JCSA has, and fixing or correcting incompetence.

Baertschiger – thank you. Your time's expired.

Rollie Smith, Grants Pass – I have a couple things I wanted to speak about. One is the risk assessment. What are the risks? No one has said what those risks are and what the costs are to mitigate those risks. Secondly, what is the percentage of citizenry that gets to enjoy the benefits of that facility vs perhaps a much needed housing program. If someone did buy that property and built housing when we have so much at risk here with our housing in Josephine County. Perhaps, maybe, even think about donating it to the animal shelter. It hasn't had an upgrade of that facility since it was built in 1962. It still has only 36 kennels in all these years. I do believe, understanding there are risks involved in the cleanup of that facility, it needs to be a broader conversation on the best use of that property.

Larry Miller – I'm wondering in the discussions that you did, while you were looking into the JCSA transfer did you look into the financial stability of the JCSA. It's my understanding that they spent a considerable amount of money recently in improving the club, which is good except at the very least had to borrow \$65,000, I understand, and I'm just wondering if you looked into the solvency of this club. Are they able to pay back that money or are they going to use this to be able to leverage this to borrow more money to help pay off their debt? The other thing I'm wondering about is that with the risk assessment and the insurance, I see in the budget for 2022 the \$900 or \$1,000 a month that the cell tower gets is given to the association, not to the county. And I would think that we could keep the property and use the money from the cell tower to pay the additional insurance if there is any. I think you should look into that.

Jim Gower, Grants Pass – I think we need to take a good look at this and look at the alternatives to giving it away. It seems to me that a lease agreement that covers all of the necessities as far as insurance, liabilities, the overall operation of the facility can be drawn up so the organization has full control and full responsibility. In saying that, I think in maintaining the status quo is the best option, especially for the Sportsman's Club. If they become a private property owner they fall out from the county umbrella, they're no longer part of the community property, the community as a community organization. They're now a private organization. I don't know if they've looked at the tax liabilities they will incur once they own the property. They'll have not only county property taxes, they'll have other taxes and liens against them for state, federal encumbrances. And I think while they maintain everything, apparently, it's my understanding that the county has provided support in the facilities and the operation. I think it would be a shame for the county to separate from the Sportsman's Club. I think that 50 years of a good working relationship shouldn't be thrown away. These people belong to the county and they should be part of the county. Not a private gun club.

Katherine Wood, Grants Pass – I'm here because I strongly object to your proposed giveaway of valuable public property. You say in the public order that this giveaway is in the public interest without any further elaboration. You can't just simply say something is in the public interest. You have to disclose to the public the specific facts on which you base that declaration. And you haven't told the public what those facts are because you conducted all your deliberations in secret executive sessions so the actual owners of the property, we the public, your constituents, are completely and utterly in the dark. You've made sure the county parks director is kept in the dark too. She apparently had the temerity to do her

job and advise you of certain critical facts and you made sure to remove her, our taxpayer expert on county parks, from all of your backroom deliberations. You can sideline the messenger, but the facts remain. And I don't know how you can go from this Daily Courier headline on March 31. "Money that pays for county patrol deputies is dwindling. July of 2023 we're going to be in a bad spot," Baertschiger tells the audience. To this one just a few days later, April 3rd. "County poised to give away park on Wednesday." How is it in the public interest to give away property assessed at \$1.25 million when our county, year by year, lurches closer to a fiscal cliff where we will have no money to fund critical services and a population steadfastly, adamantly against raising taxes. Why is it you're in such a rush to give away this property whose fair market value must be several times greater than the assessed value? Do you have a secret agenda going on here? How is it in the public interest to violate the terms of a federal grant and possibly incur the cost of having to refund that grant money? Where you going to get that money? And if you abide by the terms of the grant, which is the responsible thing to do, where you going to get the money to purchase a replacement property under the terms of the grant, assuming you can even find a similar property. How is it in the public interest to violate the terms of a federal grant and thereby jeopardize our county's ability to apply for grants in the future. There are so many questions. In my opinion, what's in the public interest...keep the property. The Sportsman's Park Association continues to manage the property. By the way they don't pay any rent for the use of the property. How about charging them a fair rent? Use the property to flow to the benefit of the public coffers. Or sell the property. You have somebody here who represents a buyer for the property who I understand would agree to maintain it as a sports park. So find a willing buyer who will pay a fair price in an arm's length transaction, not something done behind the scene. Maybe it's the Sportsman's Park who is the ultimate buyer, maybe it's not.

Baertschiger – thank you your time has expired.

She leaves to applause. Baertschiger yells NO applause please. Thank you.

Jim Johnson, county resident and member of JCSC - I do use the facility frequently. Based on what I know about the issue before us is limited. However, I do know there's at least one cash offer for this facility and the reason the county is even considering this is due to risk mitigation. Well, in my experience with risk, risk essentially equals money. The risk of having to spend money. There's three options. Keep everything the same. Pass it over to the Josephine County Sportsman Association. Or take up one of these for sale offers. You all know more than I do. So it's hard for me to form a definitive opinion of this. However, I will say that I would expect as a citizen of this county you all should seriously consider all offers, you are accountable to the citizens of this county for making a good business decision that benefits this county. You can make the same terms for all offers whether selling to a business or selling to a non-profit. I also request that the Commissioners check with the major users of the existing facility. Two of those are law enforcement. The sheriff's office and the Grants Pass Police Department. They are heavy users and they are a key piece of government to keep us as citizens safe. There are also many user groups that use the facility. I think there's been statements made about how well the facility's been run the last 50 years. I'm not here to question that. But I suggest you should question that and find out what the users believe is really happening out there. You could also talk to the private offers about what the intent is for the facility. Are they going to infuse some cash into the facility to improve it. make it better? There's a lot of opportunity out there in that facility and the spin-off is having more people come in and use that facility from out of town. It is all the restaurants and hotels that have suffered the last two three years through COVID and they also get an infusion of cash. So I

think we need to look at what the potential of that facility is and be able to optimize the facility. It's a fabulous facility and I think there's a lot that can be done out there. In closing, I just want to say my experience in business for 40 some years is, small private business can do a much better job than government can at running a facility.

Don Leadbetter, executive vice president of JCSA – I want to speak to one comment that was made here earlier that we took out a loan to do improvements on the range. There are no loans, there is no indebtedness that JCSA has. We've run on a cash basis for many years and we continue to run on our cash basis for many years. And on some other issues, law enforcement is still welcome at our facility, will always be welcome at our facility. I've had many meetings with law enforcement, local and state, ah OSP. We've got a very good working relationship. So if there are issues that someone else knows about that JCSA doesn't know about it would be very nice if they addressed it with JCSA and the law enforcement agency that are having those issues.

Patrick Walker, Grants Pass – I've been a member of the association for many years. Off and on. Not consistently, beginning in 1978. When Norm Spear and his wife were involved in the administration. I don't know anything about the current administration of the park. It's a beautiful thing. I know that I've gone to Klamath where I grew up and they have a range over there that doesn't compare and I don't think there's anything in Oregon and probably the west that compares with this. My concern is the transfer to a private entity by contract. I didn't understand Mr. Hick's discussion of that or explanation. Why a contract? And then a bargain of sales deed. Is a contract gonna be paid somehow? And then a deed come forth? Is there some kind of legal matter involved here? And it seems like there's a problem that's been brought up that wasn't a problem before. Insurance. Well, I'm sure the county has catastrophic type insurance. And that would seem to cover, as an umbrella was mentioned, many things. I know there's an interest for private ownership but seems to me that this arrangement with a lease with the organization, the non-profit...if it doesn't go profitable, and there are means to change that. We know that. Anyway, I object right now, unless I have more clarity, as to what really is going on here.

Ben Laureano, Grants Pass – I want to talk about the approval of the matter of the transfer. Does the Sportsman Park, the people who run it, do they really want this property? And if so, that's fine. But if they don't want it or cannot financially handle it then the possibility would be it would go to some sort of real estate developer. That can happen in the next week. We don't know that. If it did, what happens to the members who paid money to be a part of the Association? Who don't get the years' worth of dues of usage of the facility? Will they get a proration depending on when they paid their annual dues? Or will they just lose everything and the money just disappeared?

Donald Rubenstein, longtime resident of Josephine County – I first want to say I strongly support the maintenance and continuation of this facility for the people of this county. I'm not a stranger to it though not a frequent user. I did teach my children responsible gun use at that facility and I value it a lot. So we are told that the primary motivating reason that the county is pursuing this transfer is a question or concern that has been raised by the county's insurer. We are not told that the county's insurer has threatened to withdraw its coverage from the county's ownership or from the county at all. We were just told it has, perhaps, raised a yellow caution flag but there are no specifics about it. So as far as the county's public is concerned, there's some vague reason. There's no genuine present threat. But let's just take it as a present threat. And my question is, and I'm casting no aspersions here, simply

an analytic observation, why is the Sportsman's Association any better positioned or capable of securing coverage which the county is questioning at this point and using as the reason to complete this transfer. I oppose this transfer. I don't think the public has enough information, and I don't understand why the Commissioners have not disclosed it. I think it's in your best interest to inform the public fully and the questions that arise because of this uncertainty only undermine public confidence in government. So I urge the county to maintain ownership of this property and if there is an insurance problem, genuine insurance problem, let's solve that.

Pat Fahey, Josephine County – First of all, I'd like to acknowledge, as everyone else has, you have a real gem of a facility out there at the Sportsman Park. I've used it several times. I've taught firearm safety at Boy Scouts out there and I oppose the transfer for a couple of reasons: one, which hasn't been stated, we talk about the risk and one of the risks is environmental concerns. Well, I have a little experience in environmental litigation. If you've got a landfill you do learn some things. One of the things you learn is you cannot get rid of your liability of the environmental concerns by changing ownership. That'll stay with you forever. And for somebody with a big financial pocket, giving a piece of property to someone with a smaller financial pocket you can be guaranteed if there's litigation out there you're going to be named. So I think the idea of environmental issues is kind of a false flag. I oppose the transfer.

Larry West, Grants Pass – I understand the issue, especially since, from the federal point of view, they had the Ramington (?) decision and that forces you downstream to take these kinds of action to protect the public and that's what you're doing. To make a decision now is premature however, and some of the reasons that make it premature is that I've heard assessments from \$1.3 to \$1.6 million of valuation. And the question that naturally pops up is how are we as citizens going to get that money reapplied into our account...the sheriff's department and other places. It's an asset. You wouldn't walk up and sell your Gradall crane just because you feel like that's the correct thing to do. And it think what's coming across as far as the public is concerned, Hicks, Hicks is correct. Risk management is correct. We're in a precarious position. You have to make a decision in the public interest. What I would suggest you do, is create a knowledge community, committee. Get this together to help you get the primers out to the public and the reasons why. Cause the appearance at the present time is that you're on a holy jihad to get rid of this piece of property cause you're under threat. So, that would be my suggestion. Get some help. Don't try and do it all yourself.

Judy Ahrens, resident Josephine County – I really appreciate the comments here and I'm going to start with the Second Amendment. We live in a community, maybe one of the reasons I moved here, is because these people in this room really stand up for our Second Amendment and our Constitution and that's a good thing. That's what protects us when we have our law enforcement here. But what I'm hearing this morning is we need a park where we can go and practice on our Second Amendment. And as you elected officials, and I want to stress that word, elected officials. You represent the community and I appreciate you having this open hearing because legally you have to, but I'm assuming if it wasn't you'd still have the input from the community. And what I'm hearing from the community here, and from some really articulate people speaking on behalf of what's going on with this park is that they're against you selling that property. See, the problem is, if we have something and there's elected officials that can be held responsible, we want that responsibility be held responsible to the elected officials. So if you give it up then we have to go with the private sector and they could raise it three times. They could sell if for a Stack and Pack, or you know, have apartments out there or do whatever. So, you representing the community and I'm hearing from the community and I'm hearing that they want you to

keep it so you have to give that a lot of thought that that's what they want. Now they're giving you ideas and that's why we're here. I grew up in a family where we have to think outside the box. And I appreciate my mom and my dad thinking outside the box. And that's what you here, when you were running for office, you said, I'm gonna be here for the people, I'm gonna think outside the box, suggestions just now from Larry West is get a committee going, lets have everything be transparent and that's who you're supposed to be. So from the people that have been very, very adamant that let's just leave the status quo type of think because they've done a good job. I've been out there a few times, number of times since I've lived here for 10 years and I love that park. I think it's maintained nicely; it's kept up nice and don't fix something that doesn't need to be fixed. If there's a problem on the insurance let's handle that part but let's think outside the box to do it. let's just don't say the government is always here to fix it. no the government isn't. You've got the people here. They're very smart people in this room. VERY smart people. So let's get them together, and with them, and you working for them, let them articulate how the problem can be fixed.

Rikki Brown, Grants Pass – (wearing her signature hat and giving her presentation a dramatic flair) I regret I was not here in time to hear the presentation but apparently it was very short and not informative from what I've been hearing from the speakers. Indeed, if it's in the interest of the people of the county to give away this park you have to show what that interest is. You have to show the reasons and make a report on that before you can even vote on this. And the idea the insurance people just found out? That we have a shooting range? And they're concerned? You know, when I have a problem with my insurance company I go looking for a new insurance company. And you know what? I have paid less every time. And I got what I wanted. Right now I'm with Country Insurance and I think they are a good idea to check out for your liability on this park, if any. Thing is, Sportsman's Association has a perfect safety record. It's not like anybody's ever gotten shot out there accidentally from what I hear. And as far as the pollution liability there is no liability from what I've heard in the paper as long as it remains a shooting range. All that lead doesn't go anywhere. It's a very heavy element. It stays put and there's no problem as long as its being used as a shooting range so the law states. So I don't see where the liability comes in here. But then, we don't have any reasons now. It's just in our interest to give away this park, to give away a cell tower that makes \$9,000 a month, while we're trying to come up with money to fund our sheriff. You know, you need to postpone this vote and actually come up with decent reasons, or just vote it down.

Mary Brickwood from Wilderville – I've been a member of the Sportsman's Association for a number of years. When I started getting information about this it really bothered me that today you were going to actually do the first step forward. To me if there is, and listening to everything I'm hearing here, we put things on the ballot. I mean you folks just put something on the ballot for Greater Idaho. Put it on the ballot. Get public input. See what people actually want. The other thing about the liability that came to mind, ok the insurance company thinks there's some liability here, so give it away. What happens if they think there's liability on a boat ramp? We give that park away. There's going to be liability. That's why we have insurance and obviously you need to mitigate it as much as you can but is this a pattern of giving away anything that's any sort of risk? I don't know. There's been very little put out to the public. And it would be nice to have more information, real information put out to the public so the public can give their opinion. And we can do that at the ballot box.

Kelly Sparlin, Josephine County – My wife and I run a company here called Rogue Protection Group and we train on that range very frequently. I'm also on a state board for armed and unarmed private

security. After listening to so many people talk and Ms. Wood having a whole bunch of really good questions, I feel it would be in the best interest to just maintain status quo and have like a public discovery process where all of the actual information comes out to the public and we get to make a decision based on complete facts. Making a big decision like this based on incomplete information is never a good idea. There's no take backs. So I don't see why we would be in such a hurry to just give it away when we have a lot of other options on the table we can take into account. But all of those things aside, we don't even know the information we're making these decisions on. Like how are we supposed to make intelligent decisions based on incomplete information? I just don't understand that. So I would request to just maintain the status quo and have like a discovery process.

Rich Cluck - I run a small business as well known as practical gunfighting concepts. We have concealed handguns training. private training, tactical training, all the other buzzwords that are heard around bars and gun ranges. We do it for a reason. To get people who are more safe with a firearm. If we get rid of that facility or transfer it over to someone who doesn't know the benefit of that facility then this whole community becomes very, very unsafe and faster than God gets the news. IF you eliminate OSP, PD, and Josephine County Sheriff's Department from training there, and make them go elsewhere, so to speak, and I'm not saying you people are making them do that. I'm just saying that's the provisional outcome that happens because of something that shouldn't have been done in the first place, we all become much more unsafe. And it happens very, very quickly. So what's gonna happen here is gonna happen here, not because of me or what I say. What's gonna happen here is not based on an individual but a collective bargaining unit. And I've heard it said before that there is elected officials here? The same goes true for the Josephine County Sportsman's Association. That's an elected position. So, whatever the internals are that are going on out there if there's any that exist. My whole thing here is where we have a place to train, a place to do it safely and that place in the 11 western is one of the finest facilities and for everybody to have an idea of selling it, there's more than one offer on the table so that needs to be considered as well if that's the route you're going. I implore you to keep it as it is.

James Day Warren III, veteran served my country 50 years - Thing I'm hearing here. The thing I'm concerned about. Public trust. We trust you when we elect you. The public here to make the right decisions. As a representative, you don't represent your own personal things. You represent the people of this county, of this state and of this union. That's what bothers me the most. Public trust. We're trusting you to make the right decision. You've heard from people here what they want. But what if you've already decided? In your heart you think about that and you listen to these people. And me. Cause I'm trusting you to make the right decision. Now elections coming up. Various people are running for Darin's position. And you're going to be next and you're going to be next. The decision you make, under public trust, will determine whether you're still sitting there or not. So listen to these people, what are they telling you? What are they saying to you? I fought in Vietnam. I fought in other places. I lost 43 men in Vietnam. I've lost more since. This county needs good representation. We need to start trusting your decisions. So you think about that. So when you decide what to do here, put that in your mind.

Roger Smith, Grants Pass class of '63 – Since my return to the valley in 1990 a life member of the Sportsman's Association. Served many times on the board of directors in many capacities. I'm a nationally certified instructor, working with youth. I currently have a group, the Rogue Valley Young Guns. We have to limit it to 20 kids. The umbrella of JCSA provides a substantial liability insurance. The Club buys the insurance and I'm covered by that when I'm teaching these kids. If I was doing this

without the coverage, I wouldn't be able to do it. The JCSA maintains its own liability insurance. In the 30 years I've been active out there, there was one claim, non-firearms. A woman fell and broke a bone and sued us and that was paid. As for the other liability of the lead, that's an asset. We recover that lead. Lead is valuable. It's hard to get. They ship it all to China to make batteries. So we value that lead. It's not an environmental hazard as it sits. And continuing the relationship with the county you're protecting us from encroachments. Shooting ranges are lost throughout the country by encroachment. People build a house next door and say "hey, I don't like that noise." The county has ownership of that land I count on to continue to protect us from any complaints or public objection to our existence. So please, maintain status quo, it's working.

Michael Wood, New Hope – Who are the lucky people who were given this property? Who did you guys give it too? Are they here tonight? Will they stand up and identify? Apparently not. This whole thing is very bizarre.

Suzanne Levine Josephine County – I would just ask you to listen to the public interest you say you are representing. Not everyone thinks exactly like you do. I would ask you to have an open mind and open discussion we can all participate in. Whether we want the Sportsman Park closed or not, I don't feel you're representing all of the county. It is important to have a range like that but are there alternatives to how you could be conducting our business representing us and making a more profitable situation for our county that seems to be in dire straits and always looking for funding.

Jim Narmoor, Josephine County – I've heard all kinds of reasons today for maintaining the status quo. I haven't heard a single reason supporting transferring it. so I hope the decision is to maintain the status quo until the county has more information to make a good judgment.

Andrew Hamilton – I'd leave it as a personal shooting range, make improvements with my personal money and give free training or free membership to law enforcement. (Baertschiger asked his name again, then said "that's who I thought you were.")

John Spetter, two time past president of the Sportsman's Park and I've seen it in its worse times and I've seen it in its great times. And I would urge you to make a conscious decision to reflect on some of the comments that were made today. I'm concerned that maybe you're trying to jump the gun too quick here and I urge you to think about what Pat Fahey, what he had to say and some of the other members here.

Baertschiger – What I'm gonna do is ask Counselor Hicks to come up for clarification. You know I've listened to the comments here and it seems people are thinking that, because of the statement in the Daily Courier this is your last chance, this is not true. We're not taking any action. We started the process and that process is public hearings so we can hear what the public has to say about the issue and we can convey the facts and answer questions. So this is NOT the last opportunity to speak out even though the Courier put that out there. That's why we have public hearings. We've had discussions with our legal staff and risk manager and insurance companies and stuff like that and now we're bringing it to the public. But the Courier put out there like we're going to make a decision and take your Sportsman Park away. That is NOT what is going to happen! OK? So we have a lot of really, really good questions and a lot of those are technical questions and that's why I brought our legal counsel back up to hopefully clarify some of those questions. I've written some of those questions down and I know my fellow Commissioners wrote some questions down. So that we can clarify. Also the agreement, you can get it

at the Commissioners office and read it for yourself. So, please, don't think there's any rush. There's no rush. We've started the public process and we may have two or three hearings. We want to make sure everybody's questions get addressed, their comments get heard, and that we get the information out there and then we will make a decision. So just a couple clarifying questions Counselor, if we were to sell the property, where would the money go? A lot of people think we could take the money and give it to the sheriff.

Hicks – No, it's been designated as a park so what you're considering today is whether to alienate it and the money would be designated pursuant to statute to the support of Parks and Recreation programs, I do also want to add that because at least one of these five parcels was acquired by the county through tax foreclosure direct sales isn't an option. It would need to go first to sheriff's auction.

Baertschiger – and then that money would be distributed through the different taxing districts?

Hicks – No, no because it's been designated as a park it would go to the park.

Baertschiger – oh it would go to the park...

Hicks – Parks and Recreation. That's the purpose of designating.

Baertschiger – But there is an exception in the statutes if we transfer to a non-profit.

Hicks – Exactly. And that's the statute that's being employed here. Cause JCSA is a formally recognized non-profit, then this transfer is permissible.

Baertschiger – So if we liquidated the property we could not just take that money and put it into our general fund to help shore up the sheriff's department.

Hicks – Well, no, so there's five parcels involved here and we could go through how the county acquired each one but, yeah, you can't take the entire proceeds and do that.

Baertschiger – is there language in the contract that mandates that will still be open to the public as a shooting range in perpetuity?

Hicks – Yes, the contract in paragraph states as follows, first bullet point, that the association agrees as a condition of the transfer to continue to own, operate and maintain the property in perpetuity as a safe, high quality firing range accessible to both association members and the general public and also the statute that I just referenced about that it needs to be clarified on the deed that it needs to be maintained in perpetuity for this purpose.

Baertschiger – So it could not go to a private organization as a private gun club.

Hicks – This is a private organization but you can transfer, I mean they're a non-profit but as opposed to a governmental organization or public one.

Baertschiger – But they couldn't close it to the public. They couldn't close it to just membership.

Hicks – No, and that's reflected in the deed.

Baertschiger – So, if the Sportsman’s Association was in violation with any of those deed restrictions. In other words if they closed it or if they closed it to just private membership or they did anything to violate those deed restrictions what would happen to the property?

Hicks – The property reverts back to county ownership.

Baertschiger – and the insurance question. We are currently insured but limited, is that correct?

Hicks – Yes.

Baertschiger – OK. And the insurance company, if we keep this property will our insurance rate go up?

Hicks – Yes, we received notice and of course our risk manager yesterday also stated in the open meeting that he does predict the insurance rate going up. That said, insurance rates in general are going up but our risk manager stated yesterday that he thinks it would be an additional expense.,

Baertschiger – The amount was not etched in stone but I think he said about \$5,000 a year?

Hicks – I think that’s what he said. I wouldn’t want to go on firm record on that point.

Baertschiger – No. No. It’s just ballpark. And what is the limitations of that insurance?

Hicks – So CIS, City/County Insurance has told us in clear terms they’re not going to cover any expenses related to pollution. And so the awkwardness of the discussion thus far has been at no point is the county conceding that there is any liability that has been incurred and certainly there’s no reason for plaintiffs to come forward and so that’s important to emphasize we’re not conceding anything on that point. At the same time the insurance carrier has been expressly clear on what their analysis consists of so we’re abiding their directions.

DeYoung – Thank you all for your presentations and there’s an awful lot to this. I want to stress that this right here is a draft, correct (holding up the contract)? What we see before us is a draft. When it’s a draft, it means its still in flux. It can move. It can change. As we take public comment we may have some changes to that. This is a public hearing. This is the reason for the public hearing. We haven’t had a public hearing yet. We’ve never called a public hearing so when the Courier says this is it, this is not it. This is the beginning of the process where you the people of Josephine County weigh in. What your thoughts are. Cause we have thoughts. We’re allowed to have that even though we’re elected we’re not puppets. We do have thoughts. Right now I will tell you I’m a member of the Josephine County Sportsman’s Association. IF you want me to step down I’ll be glad to step down but I’m not going to. Because I don’t get any monetary thing from the Sportsman’s Association. I don’t get any special privileges. I pay for targets just like you pay for targets. So I’m not gonna step down. You called a conflict of interest and I think, what’d the Courier say, it’s a hidden agenda (getting louder)? We don’t have any hidden agendas. I don’t have any hidden agenda with the Sportsman Park. I’m a member out there. I’m a member of the National Hotrod Association. I’m a member of Good Guys. Does that make me have to bow down just because I’m an elected official? No. And You out to rethink that when you tell me I need to do that. Going back to it, I want to ask you a question. Are we the only county in Oregon that has a gun range?

Hicks – So we asked...oh boy...we asked that yesterday. I think risk management calculated there were 12 jurisdictions in Oregon between counties and cities. Whether we're the only county, I don't remember if he told us that.

DeYoung – We are one of several entities that has a gun range under their umbrella.

Hicks – it's estimated at 12 in Oregon.

DeYoung – OK. Estimated at 12 in Oregon. I'm curious about a statement made by one of the folks, that the lead's not an issue because we rake it up and lead's a valuable element so therefore we rake it all up and every once in a while sell it. Do we have any history of that?

Hicks – The association has told us they do mitigation periodically. So we do have a statement from the association along those lines.

DeYoung – So if we have documentation that would go in our portfolio if we ever did have an environmental issue out there? The association has been mitigating all along? Would that be in their portfolio or ours?

Hicks – Ok, so this is why we've had executive session type discussions about this because of course we are not accepting that the county is in any way liable or that there's anything to make the county liable regarding pollution or anything else.

Fowler – Could you go a little deeper on how counties are insured and who does that? Can we go to a private insurance company?

Hicks – Yeah, we have looked into that quite a lot. So City/County Insurance is an Oregon based insurance company that exclusively consists of governmental entities, cities and counties, and it's a shared risk pool. So it's sort of funded by public dollars and we have, over the course of many years, had a very good relationship with them. And so that is the carrier that is now insuring that property, and the rest of the county's portfolio. The carrier has told us they're just not going to cover what they deem to be pollution, should it be there. Again no concession. We certainly don't expect that it is. The carrier has, however, been clear that they do urge the transfer of this property. So we did search for other insurance options. Risk management looked about as far and wide for what they could come up with to do that. There weren't any available that he could find.

Fowler – I guess it's possible for us to get an environmental grant to do an assessment while it's still our property and see if there's any contamination cause it sounds like the insurance company doesn't have proof so that would have to be determined if it was actual because now it seems like a perceived liability and not necessarily a proven. And I'm just anecdotally asking. I'm sure we could get a grant and do that. I'm not sure if we'd want to but we could.

Hicks – The contract for transfer includes the following provision. "The Association agrees as consideration for the property, in exchange for the property if you will, to assume all responsibility and liability for environmental damage, liability costs, repairs and remediation of whatever type, and to indemnify and hold harmless county from any and all such damage, liability, cost, repairs and litigation without regard to type, date of occurrence or extent. This assumption applies to all past and present conditions of the property and to all existing or potential claims of environmental damage or condition without regard to when such damage or condition occurred.

Fowler – Now that's in the contract.

Hicks – That's in the contract. That's considered consideration in exchange for the property.

Baertschiger – Yeah, one last thing. A lot of the improvements, I think almost all the improvements out there was made by the Josephine County Sportsman's Association. So in event of a sale, would we have to reimburse them for their improvements?

Hicks – I don't think.....

Baertschiger – Based on the current agreement we have with them. Hicks hesitates. You can say you don't know.

Hicks – I do so I don't know how to say it though, is the thing. I don't want to say that's going to be a requirement. I don't want to concede that's something the county would need to do.

Baertschiger – Ok. So I want to make sure it's clear that the statute does let us transfer it to a non-profit...

Hicks – Yes.

Baertschiger – And that is significantly different than selling it and liquidating the property.

Hicks – Definitely different. And a lot of that is a function of the way the county acquired a huge chunk of the property.

Baertschiger – Yeah. And if anybody wants to really get drilled down in all those different statues in how we acquire properties and how we can dispose of them, it's a very long and lengthy conversation but we have to stay within the statues but its really easy for people to say "hey, let's sell it and give it to the sheriff's office." That's simply not gonna happen. It just can't so, I want to make sure that's clear cause that's the first thing people been talking to me. You know, you got a budget hole in the sheriff's budget, sell it and take the money and do there. I wish we could. Can't. And that goes with all of our properties that the county has acquired. They're all....it depends on how we acquired them, how we do get rid of them cause we do get rid of properties from time to time. But it depends on how we acquired them and then there's only certain ways we can get rid of em and what we can do with those monies when we do get rid of em, so it's kind of complicated. It's not a one size fits all. And in this particular case, since there's multiple properties in question, It's definitely not a one size fit all. Counselor do you have anything else to add?

Hicks – Yes, there was mention of potential conflict of interest. I don't see any evidence that that's a necessary point to address but it's been addressed by one Commissioner so if that's

Baertschiger – Yeah, it's easy to point to somebody, you know. That would be like saying I buy a park pass for the park yet I'm a Commissioner and I set the rates for the park pass. I mean, is that a conflict of interest then?

Hicks – inaudible mumble.

Baertschiger – You know, I'll disclose. I been a member of the Association for years and years and years. I've never been to a board meeting. I couldn't even tell you whose on the board right now. I'm very limited. I use the rifle range primarily and that's it. So it's been like 25 years and I've never been to a

board meeting. I'm in a class, I believe by Oregon statute, I'm part of a class, I do not have to disclose a conflict of interest cause I'm part of a whole bunch of people doing the same thing. So I just wanna make sure that, you know, sometimes people write things and they elude that this is a good ol' boys system...ah we're trying to pay off our buddies. I don't know who my buddies are out there.

Fowler – I would like to say I'm not a member. And the basic conflict of interest is you make money off your decision or one of your relatives make money so it's not like the Biden Administration. We don't do that here. (Someone laughs, DeYoung chuckles to himself).

Baertschiger – Yes and I have no family members that work out there or on the board or anything. Like I said I couldn't even tell you who are on the board. We used to have a little newspaper but I don't think we have that anymore. So I don't even know, I couldn't tell you what's going on out there unless I am actually standing out there. Then I can tell you what's going on. Looks at Hicks. One more thing?

Hicks – So, as I said this is a two part process even today. So you can vote on this alienation today because it is a formally set hearing but if you didn't want to vote on this today that's fine but you'd need to set it over to a date certain. Cause we put out the formal notice.

Baertschiger – I don't think we're in a big, big hurry and it was obvious a lot of people had a lot of questions and I wanna make sure they're all answered correctly before we move forward on it. Do you have anything else Counselor?

Hicks – Nothing more.

Baertschiger – Commissioner DeYoung do you want to start commenting on the comments now?

DeYoung – Sure. Thank you very much. Like I said I am a member. I think I used it once this year. I took the secretaries from our office to let em shoot handguns. They'd never shot handguns before so we went out and went through the whole thing and they got to shoot a .22 all the way to Dirty Harry's gun on steroids that I own and it was quite informative. And we paid a day use fee for the secretaries and staff members that went with me. We paid a day-use fee and paid for our targets and cleaned up our brass so we followed the rules. I think the Sportsman's Association has done a fantastic job and they've done it under the radar. Everybody thought this has been a county function all these years. "Boy the county, that's taxpayer money, boy I pay that that's it." I'm sorry, but in the last 54 years, give or take, the county told the Association we don't have the money to support your facility. We own the facility yes, and I can tell you it wasn't much of a facility and I can tell you that, my son, who is now half a century old, when he was twelve-years-old (Baertschiger leaves the dais) he was the only one small enough to fit inside the boiler in the handgun range because it needed to be rebricked. So I took him out there and said, "you want to play in a cave." He got in the boiler and I handed him the bricks and he rebricked the boiler out there. That wood-burning lash-up. And that whole facility was built by the Association and the membership, donations and philanthropic people, built that whole facility what it is today and now it's a gem. I'm not arguing that this is one of the best sports-shooting facilities on the West Coast. You look at what Medford has, they're sprawled all over, a little bit on Bayless Road, trap and skeet stations, and then they've got the gun range, big boy range, out by the drag strip. They're all over the place. We have it in one place. This is the reasons people come to Josephine County. We have the gun range. They put on all kinds of cowboy western shooting. You name it. Cannonball shoots and you name it. They're a very viable organization. But we, the Board of County Commissioners, we don't

have anything to do with that. They do not present their budget to us. We do not carve out anything from the general fund of your taxpayer obligations. None of that is carved out and goes to the JCSA. They are strictly on their own. They have been for 54 years. The only item out there is that we own the land, Josephine County. We all own that land out there. And it's on five different parcels, right there (holds up paperwork) and each parcel has its own nuances. Now, do we keep it under our purview? Or do we sell it outright. Somebody had a check in hand and I don't know if she's still here but there's a couple of offers on board to buy it outright. I'll just tell you personally I don't think that's the right way to go because that puts it in private hands and takes it away from the public sector. From the public domain. They ask about...there's comments about the animal shelter and there's comments about this and whatall is needed throughout the county. I'm not gonna tell ya...and yes we have an issue with law enforcement but I think anybody whose lived here for any length of time knows that is not something that popped up yesterday. It's been around since I've been here and that's 72 years. City of Grants Pass has a problem. OSP has a problem on the state level. Josephine County has a problem so it's nothing new. And that's up to you folks and that's an issue that will come up at ballot time. It was said just put this on the ballot, you guys just throw things on the ballot. Well the Idaho thing is strictly a question. You can vote yes or no on that question. It doesn't mean if you vote yes we're going to move the border. We don't have the ability to move the border, we don't have the authority to move the border and quite frankly neither do you. Neither do you. So, you know, it's just a question to see how the wind's blowin' out there at this particular time. I think it's very important law enforcement retain their ability to use that gun range out there and that's in this draft. They will maintain law enforcement using the facility out there. Just as they have in the past. No problem. I think the insurance thing is something we really need to take a close look at. As far as people saying well sell the property and we need more houses so that would be the place to put a housing development. Good luck. That's serpentine out there. It's harder than Chinese arithmetic when you go down about a foot and a half its almost solid rock. I don't know where your septic tank's gonna go so go figure that one out. But I don't think that's the best use for that property out there. I think right now the way it is that's the best use for it. A facility for the citizens of the County and anybody else who wants to visit here they should have that facility open to em and we, as the Board of County Commissioners no matter how this thing goes today, that's going to be a demand to Board of County Commissioners that it stays open to you. And there can't be some entity that says well we're a little bit better than that and we don't want the Cowboy Western Shooters in here and gee I don't like it you shoot a Marlin instead of a Weatherby so therefore we're gonna carve you out. That isn't how they roll out there. Every time I've gone out there they've been very, very congenial and very helpful to the novice as well as the expert shooter. And when Commissioner Baertschiger brought it up, I brought it up the other day, when that thing years and years ago, when it was first put the gun range out there, and the gun range by the way used to be up above South Junior High if you lived here long enough. It was up above South Junior High. So when we get right down to it, that gun range out there was just some shooting lanes and now look at it. it's a Class A facility and run very well by the people that run it so I have no, I'm not questioning your ability to run the thing. I do question whether or not I have to look into some of the spin offs of you know, there's some language that we might be risking grand opportunities. I think we need to look into that further. Anyway, with that, I think I'll pass along to my colleague Commissioner Fowler.

Fowler – Just a few more facts I got from our Parks Director that the income from the cell phone tower was just under \$10,000 to the JCSA and Parks gets to keep 62 percent. It's 38, 62 so Parks gets \$16,000 in revenue off of that so if this property is transferred that will obviously change. They will get all the

revenue off the cell tower and the county won't. Or the Parks won't and so they'll have to make up that difference. I really appreciate all you guys coming in and talking on this subject and everybody, I think, got their ideas across which I really appreciate. That helps us make better decisions so thank you for coming in and for caring what happens in our county. I think we've answered some of the insurance questions. The liability of course is a nebulous word that lawyers love to argue over and so you can try and predict how that would turn out in a court and we may never know. Whatever the case was. Like we said, they have a very good track record. I do think that, uh, whatever decision is made, it should be maintained as a Sportsman's Park and not sold for housing. I think it's one of the best on the West Coast. It has law enforcement very active and well-trained there and I would definitely make sure in the contract there is a provision for them. There's no monetary consideration but there is a provision to give consideration to law enforcement. I'd almost like to hear a little more how that frames out (Baertschiger leaves the dais) if they have to pay a percentage of the membership fees so if membership fees go up their fees go up so I don't mind law enforcement paying something but they should pay at a reduced rate. Less than 50 percent or something. Because I think we as a county support law enforcement and this is one way we've been able to do it in the past and I'd want that to continue in the future. Just to reiterate what was spoken by our County Counsel and our Chair (Baertschiger is back in his seat) that even if we sold it we couldn't spend it on sheriff. It may be a little bit if one of the properties was acquired in a certain way. We could spend a little bit on sheriff but that 1.3 or 5 million wouldn't be realized, it would be a much smaller amount and maybe we'll come up with that amount while we're having this discussion because I'm going to suggest that we delay this public hearing or continue it to a time certain. May 4th is a Wednesday. That's a full month. I think that's tons of time to get more public comment and a few of the questions that have come up to get the answers for that for us as Commissioners. I do want to speak against one of the folks that spoke that had these phrases in their comments "secret executive sessions, backroom discussions, secret agenda," um, we don't do that here. We don't have any secret rooms. We have one conference room that we do executive sessions in when we discuss property transactions, when it's legal by our legal counsel in the State of Oregon. Just like you would. You don't put negotiations when you're selling your house in the newspaper. When you're negotiating you do that in private, we do it in private as well. You don't show your cards. And so when the City of Grants Pass does an Executive Session and says we want to sell the River Road property and they come out and five minutes later sell it to one person without putting it on the open market I do not like the way that process went and I will not be a part of that here. So we're not going to come out of Executive Session and sell something without public input. We want to hear from you guys and I don't know why the newspaper misses the mark so often on what's really happening. They try and lead the conversation instead of telling you what happened. They say "we hope this happens. They're giving away property." And so it is...if you only get your news from the newspaper you might want to listen to KJO or something and get some real news.

Baertschiger – I want everyone to know this didn't start with us walking into the office one day and saying "hey, I got a great idea, lets transfer the Sportsman Park." Cause that didn't happen. OK? It came from our risk manager and our legal department. So what do we?...Our job as Commissioners is make decisions in the best interest of the public and part of that is trying to reduce liability and loss of the public and so it took us a long time to scratch our heads, given the circumstances to come to this point to say "hey, maybe this will lessen...it will not totally eliminate exposure but it may lessen and since the county has no part in management out at Sportsman Park it made sense. But can we come up with a process to reassure the public that it will still be used as a public facility in perpetuity? And I think our

legal counsel did a great job with those deed restrictions. What it basically says is that the Sportsman's Association has to keep everything the same. And if they don't it comes back to the county, but it lessens the exposure to the county. It just lessens. That's all it does. But it keeps everything else the same. They have to maintain their non-profit status. They have to keep it open to the public. They have to keep it open to law enforcement. They'll be doing the same exact thing they always did except now the county doesn't have any control over it. So I think our legal counsel did a really good job of trying to mitigate the loss and exposure to the citizens of Josephine County on this. So I just want to reassure that this idea that it's a conspiracy...like I said, neither one of us walked in the office and said "hey, I got a great idea."

Fowler's phone is buzzing and they can't figure out where the noise is coming from.

Baertschiger – Now I hope we've answered some of your questions. If you have more questions call our office. If you need to talk to us directly, please feel free to make that appointment. I love to talk to people about this. It is complicated and I'm sure there's going to be some more questions out there and that's great. It's part of the process. And I don't know if May 4 will be the date certain but Hicks how many days, I know there's a certain number of days. What is that number? Do you know?

Hicks – You can set to whatever date certain in terms of continuing this proceeding.

Baertschiger – Right. So we could actually continue this proceeding to next week cause I would actually like to have a couple of public hearings before we take a vote on this and come to a conclusion cause I want to make sure everybody gets their answers to their questions and so we get the feel of that as we go down the road. So we may have three of these. I don't know. So can we continue to next Wednesday?

Hicks – You can. And I just want to restate it needs to be a date certain is because we've already put out the formal notice statute so that's why it's...

Baertschiger – Ok. Do I need a motion or can I as just the Chair...

Hicks – No. I'd do a motion.

Baertschiger – OK. So I would like to entertain a motion that we continue this hearing till next Wednesday?

DeYoung – At least two weeks at the minimum. I don't mind a whole month because we've got a whole lot of information that these folks need.

Baertschiger – Well, well what my thought process is we continue to next week and then next week we can continue it again ok? So we can continue this as long as we think we need but I think we ought to go every week just to see if we're getting those questions answered, so....

DeYoung – Mr. Chair I would make that motion as long as we say we will not make a decision before May 5th or whenever that is.

Baertschiger – Well, I don't know if I want to etch that into....

DeYoung – I don't want to...I think we need four weeks to iron this out. And yes we can talk about it every week. I have no problem with that cause maybe we get new questions every week. I don't want to get in week two and say 'yep, I got it all down.'" Cause I don't think I can make a decision...

Baertschiger – Well, we have to have motions and stuff like that. As long as we don't do it we can continue so I would just entertain a motion we continue to next week. Next week we'll have the conversation and make a motion to continue it again. So...

Fowler turns to DeYoung – So, you want to restate your motion or you want me to make one?

DeYoung – You make the motion.

Fowler – Alright. I make a motion that we continue this till April 20th which is two weeks from today.

DeYoung – I'll second that.

Baertschiger – Ok. I have a motion we continue to April 20th.

Roll is called. All voted to continue to April 20th. 9 am at Ann Basker.

In other matters they closed the public hearing. Public Comments? Baertschiger – we already did that.

Hot mike: As people are leaving Fowler turns to Baertschiger and says "They always get out front and try and frame it. I hate it." Baertschiger looks away. Fowler says, "I know" and chuckles a bit. DeYoung says "I told you to bring cookies." They chuckle as people are leaving.

In other business they get a recap of playground equipment from Parks Director Sarah Garceau and approve the elaborate playground setup for Tom Pierce Park. Judy Ahrens comes back to take the podium and say she made an Easter cake for the Commissioners. She said the chocolate represents the sins of the world, the strawberries the blood of Christ and the Cool Whip represents redemption. She also asked where the county dumpsters were because she collected three bags of trash and wanted to dispose of them. The commissioners didn't know where the dumpsters were.

Fowler thanked Ahrens for the cake and launched into a sermon about Easter. DeYoung complained that the Courier put the Wynonna Judd appearance way back in the paper instead of on the front page. Baertschiger said he just learned the county's budget consists of about 85 percent grant money and that worries him.

The Business Session lasted 2 hours and 13 minutes.

At their Administration Workshop Thursday Commissioners heard a report from Juvenile Justice, an IT report and decided Larry West wasn't a good fit for the Elected Compensation Committee after he made comments about the Sportsman Park at Wednesday's meeting, although Baertschiger thought it was last week. They also discussed the possibility of declaring a drought emergency but don't want to lose power to another agency after learning that the moisture levels in Illinois Valley trees is about the same as kiln-dried lumber at Home Depot. Fowler said he wanted to discuss fire standards with Hicks next week.