

County Josephine Commissioners Week of April 11-13 2022

The week of April 11-13 started with a land use hearing and ended with Josephine County Commissioners' usual politicking from their seats at the dais.

This time the land use hearing wasn't about some disputed home addition or backyard workshop. It was just subtle changes in the planning code recommended by the Planning Commission. The rules for medical hardship detached living spaces – mainly RVs for grandma – were tweaked a bit so Medical Hardship will be separated as a category from Detached Living Spaces. An RV used to bring grandma closer to be cared for has to be hooked up to a sewer line and there is a \$50 annual fee for that use. Permits for mass gatherings were reviewed as well with small revisions while the definition of a “kennel” went from 6 dogs over the age of 6 months to 10 dogs over the age of six months to make it consistent with what is in Animal Control regulations.

Government sausage-making was demonstrated at Tuesday's Legal Counsel Update. The first order of business was increasing the gross weight of garbage cans, not because people have more trash, but because the process is automated now so cans don't have to be limited to what a strong man can safely pick up and dump. The old cans were limited to 60-90- pounds. The new ones can have a capacity of 180 pounds.

Commissioners Dan DeYoung and Darin Fowler, along with Commission Chair Herman Baertschiger had a long discussion with Forestry Program Director Dave Streeter. He gave Commissioners an update on timber sales saying log prices are descending while fuel prices climb so he only sold three of the five stands of timber he had for sale. The other two are going on the shelf and Streeter said he doesn't plan on doing any more sales this year. After Streeter left Commissioners took a deep breath and began discussing Fire Standards.

The discussion involved much thumbing through paperwork and Baertschiger's insistence that the Rogue Valley Fire Chief's Association isn't a governmental body so it can't set policy. The RVFCA has put out a set of standards for fire departments to ensure the safety of both firefighters and fire victims.

“I have a problem with the Rogue Valley Fire Chiefs' Association. They are trying to make policy when they don't have that ability,” said Baertschiger.

Commissioners discussed getting around that by saying they could form a fire district with no funding attached, then let an elected board in that district decide on the standards. After arguing among themselves and projecting several scenarios about fire company competition, fees and mutual aid agreements, DeYoung and Fowler opted to let Baertschiger work out how to set standards in county areas not covered by a fire district with County Counsel Wally Hicks. Baertschiger suggested they also hold a town hall like the one they did on funding the sheriff's department.

From that noisy discussion Commissioners segued to the Sportsman Park after deciding what they had to discuss didn't warrant an executive session. Baertschiger had a pile of old documents

regarding the Sportsman Park and discovered many places where the county and Park Association didn't stick to the rules. One concerned the Sportsman Association's share of the cell tower. Another involved buildings. Apparently the idea that the county would do all necessary engineering, construction and upkeep on the property got buried because the Association has done all the building and does the upkeep on everything out there said DeYoung.

Baertschiger said it appeared the real property giveaway occurred in 1976 when the property was turned over to the Sportsman Association to use as a gun range "in perpetuity." Baertschiger, holding up the old agreement, said "here's the giveaway." Fowler said it appeared that there was a time when a lot of the activity between the Association and the county was done by old-fashioned "good faith" agreement.

Fowler and DeYoung expressed some doubt that Baertschiger's giveaway scheme would make any difference in the county's liability. Baertschiger insisted it would lower the county's liability to nearly zero and reduce insurance costs. Fowler and DeYoung weren't convinced that was true and argued back and forth about what would happen if a big lawsuit was filed against the Association.

"We'll get the liability anyway," said DeYoung.

Baertschiger agreed lawyers would come after the "deep pockets" in a lawsuit but insisted their liability would be reduced if they no longer owned the property. He said Josephine County only has a \$6 million reserve and it wouldn't take much to "gobble that up."

Baertschiger said this is why the discussion should continue with more public input as long as it takes to get everyone to understand why he recommends giving the park away. He said they will have an evening meeting next week at 5 pm so those who couldn't make the morning meeting will have a chance to have their say.

Weekly Business Session April 13

After some routine business renewing the county's \$160,000 per year Microsoft contract for another three years and moving a land use appeal the Board turned down a few weeks ago to a vote, Commissioners opened the meeting to public comments. Regular public commenter Judy Ahrens was invited to the podium first. She complained about the trash homeless people leave about and recommended the Board put the homeless on a bus and send them to Washington DC "like that Texas governor." Changing topics, she said it appeared the public wants the Board to leave Sportsman Park the way it is and the Board should do that and move on.

Next up was fire specialist John Maupin who took issue with some of the ideas the Commissioners brought up during their Tuesday meeting concerning fire standards.

"My understanding is the BCC wants to establish a fire district with the cost per thousand permanent rate less than what was on the ballot. Remember we're talking about the unprotected area of 35,000 residents which would require 3,000 responses per year from fire service. So the cost per thousand is developed to provide revenue to support a specific or specified fire organization, engines, stations and fire fighters. This organization then delivers a specific level

of critical life safety services measured in response time, staffing and fire fighter proficiency. If for instance, the cost per thousand is reduced by 25 percent over what was on the ballot it would in effect mean reducing the number of rural metro stations from four to three. Now just for illustration purposes let's select Wilderville as a station to be cut. What are the impacts? Citizens in Jerome Prairie, Fish Hatchery, Wilderville, the 199 corridor, Riverbanks, Marcy Loop Road and Limpy Creek, would see response time increase 10 to 20 minutes over the existing time frame. For all types of fires, vehicle accidents and extractions, medical aid for heart attacks, strokes, traumatic injuries, hazmat incidents, technical rescues and public assists, dropping Wilderville would increase response times for engines to arrive under auto aide for the entire county and Grants Pass. That's four other fire districts in Grants Pass with an increased time to receive auto aid. In addition to diminishing the ability in Grants Pass and the four districts to deal with problem incidents, it also increases the wait time for the entire county for the three engines to arrive that are necessary to meet the standards for internal attack and rescue. In other words, additional time to wait before you go into that burning building to drag out somebody or make an internal attack. Increasing response time, dropping stations and decreasing staffing all negatively affect the ISO and drive up homeowners' insurance for the entire unprotected area. When you gamble with reducing capabilities to a fire organization, especially when we are facing record-breaking drought and literally everybody else is doing all they can to improve fire capability you're literally playing with fire in a critical life-safety game and I'm not sure you really want to go there and face the results of increased response time," said Maupin.

Mark Jones, a retired firefighter who sat in on the meeting Tuesday gave examples of what would happen if response time was reduced and how some homeowners who pay for one service get a response from another along with a big bill because the service they contracted with couldn't show up. He also warned that homeowners' insurance would go up for those outside a fire district.

Dorothy Yetter, speaking as a homeowner and vice-chair of the board that would have governed the new fire district had the voters approved it, said that board delivered a set of standards 23 months ago for the board to adopt but they continue to "kick the can" down the path of delay, creating an unsafe environment for those living outside designated fire districts. She said she's tired of paying contract fees to Rural Metro and subsidizing those who pay nothing and urged the Board to get fire standards in place. Addressing Baertschiger's idea of holding a town hall to discuss fire standards, Yetter said that was just another delay tactic that would be like holding a town hall to discuss electrical standards.

When it was the Commissioners' turn to address the comments, DeYoung blamed the recall and business concerning the Flying Lark for delaying fire standards discussions and said the discussion has been started with "lots of things in the weeds." DeYoung assured Ahrens he would meet with her to discuss trash and told a few stories about how much safer the community was when he was a boy and there were no homeless around.

Fowler again took the opportunity to criticize the Grants Pass City Council and Mayor for not doing anything about the homeless, even though the Board has never even discussed the homeless problem in the county. He said the discussions about fire standards, their impact on

private companies and the possibility of forming a fire district should go on longer to iron everything out and that he was looking forward to having further input from the public concerning Sportsman Park next week.

Baertschiger said in Oregon voters have the petition process and can undo anything the Board does so they have to be careful about upsetting the citizens. He said many voters are comfortable right now not paying anything for fire service out in the county and unless Maupin, Jones and Yetter can convince those voters they need a district, standards and a fire company, it won't get off the ground. Addressing the Sportsman Park issue, he said it's "very complicated" and they are trying to craft something that will work for both the Park Association and the county. "I bump into people all the time who ask why we're trying to shut it down. That's not the intent at all."

Having no further business Commissioners used their Matters from the Commissioners time to rant about the loss of horseracing in Grants Pass and blame President Biden for driving the country's economy in the ditch. No one mentioned how some of Biden's rescue money is keeping the sheriff's patrol going.

DeYoung lectured the community for not backing billionaire Travis Boersma's attempt to fund horse racing in Grants Pass with a "racino" full of gambling machines. DeYoung cited a couple of letters to the editor in the Grants Pass Daily Courier "dripping with hatred" as evidence the community didn't support the project and called it "embarrassing." He blamed Governor Kate Brown for killing the project after a state law that says only Tribes are allowed casinos was upheld. To Boersma DeYoung said "I will personally, as your friend and Commissioner, apologize for the way our community has treated you and for some of the stuff written about you in the Daily Courier."

Fowler said he was sad to hear Grants Pass Downs won't be doing horse racing this summer but said an election in November could change things, apparently hinting if a Republican becomes governor he or she would upend state law and allow Boersma to have his racino. Fowler complained about high prices and said businesses are now worried about a recession. "It seems it didn't take long for this country to drive into a ditch. You can debate why but to me it's the President, Mr. Biden who has done most of this at his party's request. America's starting to wake up to what it feels like to ruin the economy. They're feeling it now whenever they make a trip to town. All costs have changed."

Baertschiger said Boersma is a neighbor of his and said after the state decision on the casino people with race horses "seen greener pastures on another track." He said he's "deeply worried" about the county's budget now, because it's "extremely tight." He said Jackson County, with about 2 ½ times the population of Josephine County, has a reserve of \$240 million while Josephine has just \$6 million. He recited his history of timber receipts and blamed "the environmental winds and Senators Wyden and Merkley" for drying that up. We can't count on those funds anymore, the citizens of Josephine County are going to have to solve that problem, said Baertschiger.

The Bill and Herman Show

Tuesday it seemed that Josephine County Commissioner Herman Baertschiger wanted to put off talking about the Sportsman Park public hearing because so many people showed up to oppose his idea to give the park away so he kept the conversation going about some Biden mispronunciation he heard on Tucker Carlson and then talked about his opposition to serial numbers on guns and Biden's proposed ghost gun ban. KMED host Bill Meyer finally brought up the Sportsman Park issue, however, and then the looming sheriff's department fiscal crisis, which always devolves into Herman reciting his version of the history of O&C funds in the county and blaming Oregon's senators for losing that income. Then way into the session Bill talks about John West the Commissioner candidate, calling him "your buddy" which Herman does not refute.

Bill – There's a website released yesterday which is getting some attraction now. It's called therealdrazen.com and it's going about the former Republican House Leader Christine Drazen, of course one of the 18 Republican's running. She's the fund-raiser leader in the GOP right now. But essentially what it is, ok, this is what was said and, and then here's the voting record. And you know the scary part about that? Is that all the stuff Christine Drazen voted on a lot of other Republican representatives and senators voted for too. I mean all this wokie stuff, we're gonna stop the cops, we're gonna, you know, criminalize what cops do. We're going to criminalize holding a noose. It's just been all sorts of craziness here and I'm kinda curious, what do you believe being a former state senator, before we get on to some of the other stuff. Whataya think drove so many Republicans in the session, especially the last session, to vote against their constituents in many ways. I think it's coming around to bite them because you can't deny the votes. You just can't. It's a record. It's just there. It's out in the open. And it is searchable.

Herman – That's correct. Your vote and everything you say in a committee or on the floor is a record and you can never retract it. So, I would say there was a lot of monetary incentives during the last couple sessions.

Bill – And just simple as that. That's it.

Herman – That is my opinion.

Bill – Ok. Alright. Well, that is your opinion and we'll just leave it at that. We won't go any deeper into it for the moment but take from that what you will. Why don't we kick around a few situations here?

Herman – The President and prostitutes? What was he talking about? Why does he got prostitutes on his mind I wonder? I don't know....

Bill – Oh that one. Let me play that if people missed this. Tucker had it on his show last night. Bill plays a snip of some tape that has Biden saying something like "immune prostitutes." (Biden is reading from notes where someone put "prost" instead of prosecution and reading ahead Biden made the error <https://www.snopes.com/fact-check/biden-prostitute-quote/> This has provided right-wing media with endless snickering)

Bill – He was talking about prosecutions you know that. Prosecutions.

Herman – How do you get prostitute and prosecution mixed up Bill?...laughing.

Bill – It's Joe! It's Joe! Chuckling. Herman we know that. It's the gift that keeps giving for talk show hosts for crying out loud.

Herman – Oh man, there's no shortage of material comin' out of this guy, I mean if George Carlin was alive he'd be going crazy right now.

Bill – Oh he would be slicing and dicing for sure, alright.

Herman – Well let's talk about ghost guns really quick. I want everybody to understand somethin'. We are not supposed to have gun registration in the United States at all. I mean that's a no no. But going back to the Oregon legislation that deals with background checks? So I was in the legislature during that and Boquist (Brian Boquist R-Tillamook) and I both pitched a fit, because, ok, I can stomach a background check, ok? But why a serial number? Why a serial number? If we're doing a background check so an individual can buy a gun why is the gun and the serial number so important? See? For one reason. Registration at some point in the future.

Bill – And by the way those purchase forms that are inside the typical gun store that we have in Southern Oregon. Those are something that end up going...if the gun store ever closes, all those records end up going to the ATF or was it the AFT as Joe Biden referred to em yesterday.

Herman – Let's go back to serial numbers. Why are serial numbers so important when we're just supposed to be see'n if an individual was a felon or something like that. See? And boy I'll tell ya Brian and I really fought hard on that. Now what we got out of the deal after fighting so hard is when Oregon Department of State Police does a background check they have to purge the system I think it was every six months.

Bill – Do they really purge it though? I question that.

Herman – When Travis Hampton was superintendent (former Oregon State Police superintendent) and I asked him that question, he said absolutely and I believe...Travis was a straight shooter. Now with Davie in I don't know. I don't know (Terri Davie, current OSP Superintendent).

Bill – Something to keep an eye on. I'm going to be talking with Dr John Lott, of the Crime Prevention Research Foundation after 8 o'clock (Note: John Lott was a Trump appointee to the DOJ where he helped with Trump's fraudulent election claims and published papers that said more guns prevent crime. He was discredited as a researcher <https://www.thetrace.org/2021/01/john-lott-trump-appointee-leave-justice-department-gun-data/>). We're gonna talk more about this ghost gun issue. And the thing is, we've always been allowed to manufacture firearms for our own personal use. We have always been able to do this Herman. And they're acting as if ghost guns are a new thing. You were always able to manufacture your own but what you can't do is sell them. You cannot sell them. Or give them to people. You can't do that. It has to be for your own use. That's it.

Herman – All guns before 1968 didn't have to have serial numbers and many of them didn't. It was the 1968 gun act that that required serial numbers. I don't find a few guns that have no serial numbers. All those low end guns didn't have any serial numbers, you know. So are they, is that a ghost gun?

Bill – Yeah, well this is what they're trying to do. It's just about criminalizing people exercising an actual right. You can imagine the hue and cry if all of a sudden, you know, you had a serial number to vote so to speak here...the background check for that?

Herman – Why is a serial number important if all's we're doing is checking an individual's criminal record.

Bill – because it's ultimately connecting it to a person for eventual confiscation. That's what every government that's ever grabbed guns does. That's all. That's all.

Herman – Absolutely. People need to realize that.

Bill – now speaking of firearms, and of course we're big defenders of the Second Amendment here Herman, Sportsman's Park. Where are we on that because there was a hearing last week and it seems like the majority of people at the hearing about this about the plan to transfer ownership of the range to the people who've been running it for the last five decades or more...it seemed there were more people against this than for it. would that be fair?

Herman – Well....I think the deck was stacked a little bit and I...

Bill – How so?

Herman – I also think the Courier did such a great job of misinformation...aaaah...they put up the, you know "this is the last time you can speak" on the great giveaway and a big section of the audience was still wearing masks so I took that as those individuals didn't care for the Commissioners in general....

Bill – Oh so, in other words the masked ones who showed up at the public hearing were the Courier readers. Got it! Alright.

Herman – Well, a lady had two copies of the Courier and she spoke and she said, "well I read in the Courier this and I read in the Courier that" and I wanted to say well that was your first mistake but I didn't. That's ok that's her...

Bill – Herman I read it to ok? I have to find out what they're thinking there. And I enjoy reading Scott Stoddard's opinions. I don't necessarily agree with them, but, you know, he's the gift that keeps giving as far I'm concerned. But Scott we love you.

Herman – Well, the giveaway of the Sportsman Park actually took place back in the early 70s when the Commissioners Ann Basker, George Calvert and I forget who the third one gave the Sportsman's Association sole control of that park in perpetuity.

Bill – So if they were given that, sole control of that in perpetuity why would any Josephine County people care if it was transferred legally to them because nothing would really change

other than the fact that they'd have to keep it open as a firearms range, a sportsman's range. Waddaya think?

Herman – Nothing will change. Like I said the giveaway was done in the 70s. in fact that's a very brief document but it basically gives them absolute control in perpetuity. You know the thing should have a start and a stop date even if it's a 99 year lease. At some point it's over. This is a land use agreement that they have full control of that forever. Forever! So there's no reason the county to own it.

Bill – So even if you sold it off. Even if you were to sell...people will say why don't you sell it and then take the money and use it for a better purpose even if you sold it that past agreement still holds sway?

Herman – Ur, ah we can't sell it! Because we gave them full use in perpetuity. We cannot sell it. That's why this is a transfer and, and our legal team did an excellent job of crafting this so that it would stay the same and if any time the Sportsman Association imploded in the future then it would just, in the deed restriction it would just go back to the county.

Bill – Ok.

Herman – So, it's no different, the only difference is the county sheds the liability. Right now the Sportsman's Park has...and they've done an excellent job. I'm not trying to diminish their efforts or their successes. They've done an incredible job out there. But from a legal stands point they have full control. The county has very little say so, if any, and...but the county has all the liability.

Bill – Now my question though is that I got the impression from what I've read about this, what I've read, I wasn't at the hearing, I was under the impression that the Sportsman Association wasn't necessarily all that much in favor of it. Am I wrong? My impression? You know. Of this.

Herman – I think their attitude is we could live with either. They're very comfortable with what they have now but they also understand the position of the county too so they're sympathetic with that and so...but there's so much mis...people showed up and you know that's the first thing I said, I said look there's no decision today. You know people were saying "oh you're behind back doors and your making deals, oh Baertschiger has a conflict of interest because he's a member out there." I go my God, I've never been to a board meeting and I couldn't even name one of the board members, so you know I don't know how I'm gonna benefit.

Bill – OK. So what is next now after the public hearing? What happens then?

Herman – I want to have...as the Chair I decided to have three or four more public hearings because it was obviously the information is not out to the public. I want the public to have all their questions answered and give them adequate time to weigh in on it and make sure they understand and then the Board will make a decision.

Bill – Ok. Alright. So we'll ah, stay tuned for that. Let me shift gears to something else here before you take off. I always appreciate the talk Herman, kicking around politics and more. I ended up talking with a Josephine County Commission candidate yesterday, Mark Seligman. I

talk to him every now and then and Mark and I yell at each other less than we once did. OK? Uh, uh we kind of understand each other a little bit. He has a different way of looking at the world than I do. But still, he was mentioning he was a critic of the push for permanent funding on the sheriff's department including ideas being floated about a permanent taxing district etcetera, etcetera and he ended up raising, or intimating, maybe more than intimating that the sheriff might be leveraging the illegal grow threat in order to set up better funding but yet honestly there's not going to be nearly the problem that was in Josephine County last year because, A, there's no water and B, there's no profit in going after this right now and creating a lot of marijuana cause the price is just fallen out of the market and it's just, the bottom's fallen out. People are selling it cheap. What would you say as Commissioner? Any thoughts on that?

Herman – Well, we're not expanding the sheriff's office. We're just changing the funding source so historically all the funding for law enforcement in Josephine County has come from timber receipts.

Bill – And that's not happening any more. At least it doesn't appear to be.

Herman – No, and that's because we have senators like Wyden and Merkley. They're the ones who have the vote in DC, not me, and they're voting against Josephine County all the time. So, so if you go back to the 70s Josephine County had no property tax, I think, for about 11 years cause there was so much money comin in from timber receipts. And then, comin into the 80s, like 1980 our general fund, was 34 percent of it, our total funds for Josephine County, 34 percent, came from timber receipts. Last year it was 2 percent Bill. So, we have lost that funding source. We have lost the battle with Senator Wyden and Merkley....

Bill – Are you sure? And the reason I bring this up is John West, a buddy of yours actually running for the office too, you know he said he thinks there's actually a plan, an actual pathway to getting a little more forestry activity.

Herman – Well, there may be but that's not what's showing up and we have to deal with today, not what might happen tomorrow and the real...if we're going to have sheriff patrol we have to find another funding source. The timber receipts are gone. Um, and by July of '23 if we don't secure another funding source then the patrol part of the sheriff's department will be extremely limited.

Bill – So this has got to go back to what, 2005 kind of service level, right?

Herman – It has nothing to do with marijuana. The marijuana enforcement dollars we git cannot go to patrol. It has to JMET and dealing with that so we can't use it to hire deputies.

Bill – It has to be someone specifically tasked then for marijuana enforcement, right? That would be the grant funding?

Herman – Yeah, and it's hard to hire those individuals because the enforcement dollars from marijuana tax are year to year, so how do I hire somebody and I say "hey, we got enough money to pay you this year. Next year I don't know. We'll have to see what kind of grants we get."

Bill – Yeah is someone going to risk their career to come...it does make some sense here. What was the overall...is there any consensus from that recent hearing about ok, what kind of sheriff's department do you want? What level of sheriff's, law enforcement, do you want in Josephine County and how are you willing to pay for it? Was there any consensus you had, or maybe some ideas that were bigger winners than others?

Herman – Well, I think the first thing, the first hurdle we had to get over is to show we're not trying to expand the sheriff's department and get people to understand what happened to our funding and, and why we're trying to just change, find another funding source. People you know, the average person is like I said earlier, government has gotten so complicated the average person out there has trouble understanding it. Even somebody like myself at times has understanding it and I'm right in the middle of it.

Bill – But is there any general comment that is starting to win at this point in the Commission's mind or at least from the public comment from people?

Herman – Out on the streets, I'm hearing more and more people say we don't want to lose our sheriff's department.

Bill – OK.

Herman – And, um, you know so we're probably looking at somewhere in the neighborhood of 87 cents per assessed thousand.

Bill – OK, what is the current assessment for the sheriff's department that's expired.

Herman – It comes out of our general fund Bill, which is 52 cents, it's the lowest in the state and that generates a little over \$5 million. Now let's contrast the difference with Jackson County. Jackson County's reserve funds are \$240 million. Josephine County reserve funds are about \$6 million.

Bill – Hey I got the idea Herman. Let's merge!

Herman – Yeah, there you go.

Bill – Didn't Josephine spin off Jackson County originally? That's the way it was created if I recall my history.

Herman – I don't really know the history of that but I do know the history of our tax in Josephine County(Herman repeats his often repeated story of how Josephine County got so much money from timber and blames Wyden and Merkley for stopping timber sales)

Bill – so there's a general consensus people want to keep the sheriff's department but they don't know how to pay for it.

Herman retells his story about his philosophy of taxing and says he was voted the most conservative legislator in Oregon by Matt Schlapp.