

Commissioners April 19-30 22

The Grants Pass Daily Courier has done such a great job covering the Sportsman Park hearings, I won't go into as much detail as I did with the first one and anyone interested in just watching Democracy work at a local level should watch the hearing recordings on the Josephine County Commissioners' website. In addition, the budget hearings give insight into how the county works. People have been courteous and cordial during the Sportsman Park hearings and have come up with challenging questions for the Commissioners, Legal Counsel, the county risk manager and Sportsman Association officials.

Questions that came up during the April 20 hearing in Anne Basker Auditorium

About 20 people took turns at the podium during that hearing. Here are the questions they wanted answered.

1. What happens if the Josephine County Sportsman Association (JCSA) takes over the property, then turmoil within the organization leads to major changes at the Sportsman Park? This questioner hinted at "internal troubles" and said JCSA is a lot more vulnerable without the county as a partner.
2. Why give away a county asset and what will the county do to fulfill its obligation to replace a park that has accepted federal grant money with another park of equal value?
3. If the county is going to give away a park why not let the public decide who it should be given to instead of just handing it over to one favored non-profit? If the county gives something away it seems there would be a lot of competing interests for it.
4. How did our insurance company not know for 50 plus years that Josephine County had a shooting range?
5. Regarding concerns about the shooting range raising the cost of insurance for the county, can the county look for another insurer or get a rider to cover the gun range?
6. Are you trying to work this park deal so you won't have to replace it with an equal value park?
7. Just exactly how much is the county expecting its insurance rate to go up because of the shooting range?
8. Why can't the county use the income from the cell tower to pay for the insurance increase?
9. What is the extent of the pollution at Sportsman Park? Has the water out there been tested? Why haven't the hazards out there been identified?
10. Is the insurance evaluation that caused all this concern available for public review?
11. The County Charter, Section 29.6, last paragraph of Section 1 reads "the privatization of properties or the sale or transfer of ownership of such properties to a municipality or other government jurisdictions shall be accomplished only by contractual agreement established through a non-emergency regular ordinance referred to the voters for their approval." When people adopted this the intent was the decision go to the voters. What are you going to do about this?
12. What is the rush? Can we wait until we get all the numbers before the board makes a decision?

13. Will the Sportsman Association insist on an environmental assessment to see what hazards are there before taking ownership?
14. Does County Counsel Wally Hicks have any contact with statutes in the state of Oregon that would help with the liability questions here?
15. It was said the county is working with Rep. Cliff Bentz to find a way out of the federal grant that requires a replacement park if this one is transferred. Why not work with someone with more seniority who might be able to find that information?
16. Why aren't the Parks Director and Risk Manager here to answer questions?
17. Isn't it true that merely handing over the park to a non-profit doesn't absolve the county's environmental liability? Doesn't that go back to who the owner of the property was when the pollution occurred?
18. Does JCSA pay the county a fee for the use of it's land? If not, why don't we charge them a fee to cover the extra cost of insurance?
19. Is there still a dispute between JCSA and the county over the cell tower?
20. Does JCSA actually want the land?
21. Why is the Sportsman Park more of a liability than, say a boat ramp or other risky places the county owns?
22. Will the county keep holding hearings until the people wear down and give in?

Legal Counsel Hicks and the Commissioners tried to answer some of these questions as they came up but Commissioner Darin Fowler said he would like to see a two-week delay between this and the next hearing to allow Hicks and board members to do some research. Don Ledbetter, ex-vice president of JCSA, told the board JCSA would be happy whatever Commissioners decide to do, continue on the path they're on or transfer the park to them. "Either way works for us," he said. Three people at the April 20 hearing advocated for the transfer, basically saying the people elected the Commissioners to represent them so they should weigh all the evidence and make an appropriate decision and that the opposition to the transfer is because people are afraid of change.

April 27 Sportsman Park hearing

Few questions from the previous hearing were answered. Instead the Board took brief comments from about 20 people associated with the park who said they were in favor of the transfer. This included Ledbetter who apparently changed his mind and said he was in favor of the transfer after saying the Association would be happy either way. He mentioned how much money the Association spends on the park at no cost to the taxpayers and touted the skilled management of JCSA as being able to manage the gift of land. Many were concerned that if the park remains county land the homeless will take it over like they did Riverside Park in Grants Pass. One speaker said "some guy in his vehicle with all his crap" came out to the park looking around, which brought up the specter of a homeless invasion moving in. Two speakers, Rikkie Brown and Dr. Roger Smith pushed back on that, saying the Sheriff or the Association can kick out squatters. Smith was the only one at this hearing who also urged Commissioners to keep the property and fix whatever needs to be fixed in order to do that. However, other speakers talked about not wanting the park to become a "dangerous environment" because of the homeless.

Others warned the homeless were low-level criminals who love the freedom of not being accountable to anyone and that transferring the park to private ownership would save it from “impending doom.”

Commissioners’ responses to the comments:

Commissioner Dan DeYoung - On the homeless side of...that is interesting. Very, very interesting because we see what is happening down in Riverside Park and the lawsuit that ensued and as soon as the lawsuit ensued that was the end of that. We have no more say. I would be really concerned with when they talk about “well gee we’re the gun club and they just won’t come around.” You would probably not be too far off if there aren’t groups that are in favor of the homeless that tell...that have a network of...through the phones we provide for em, of where all the services are and where the free ride is and where you can camp and where they can’t throw you off. It’s a pretty good sized network. I think. I’ve heard this on the street...so you can go to the street to verify that. On another one, Ralph, when you say you live close to the range and your wife’s a little concerned with the shooting. When the shooting stops, that’s when you need to start worrying. The homeless situation is definitely a thing that I think maybe it’s luckily that it surfaced now, rather than surfacing after we said “OK, we’re gonna keep it in.” Either way, that this thing all of a sudden surfaced. You might ask Counselor Hicks does this transfer give you the opportunity at JCSA to trespass people and that can happen so I’m happy about that. And we’re constantly told to make government smaller.

Commissioner Darin Fowler – This is a little bit different input than the past 2 weeks. I know it cost you. This whole conversation really started with me with insurance and liability. Trying to weigh whether the county should help or they should be on their own to shoulder that liability and that’s where a lot of my thoughts were ending up. But this concept of political climate that Commissioner DeYoung was first to bring up. I gotta keep remembering we live in Oregon and that they are decidedly going after your rights as a gun owner in Oregon and if this is in government hands we would have to follow their rules or either dance real fast to get out of it. So that’s brought in a different depth to this conversation. I’m still not all the way there yet, but that’s part of it. The last thing I want to clarify is we use the word “homelessness” pretty loosely and I always want to separate it in my mind. If you’re homeless because something happened tragically or just circumstances and you’re trying to find a way out, I want to try and find a way to help you and there’s a lot of agencies that will. But if you’re a transient trying to live outside the lines and not be accountable to anybody, that’s a totally different animal...I shouldn’t use that word, not animal, that’s a totally different conversation because now you’re affecting my park. I can’t play disk golf. You’re affecting what my kids see when I drive by there, and if you’ve been to a bigger city you know what you see and you’re shocked and you see it coming our way. And so I just want to make sure we separate the two and so that’s where I am today.

Commission Chair Herman Baertschiger kept his input at the hearing to mostly clarifying matters brought up by commenters, submitted emails from people in favor of the transfer but who couldn’t attend to the record and continued the hearing until 5 pm next Wednesday.

In other matters:

Commissioners granted Parks Director Sarah Garceau the ability to place full hookup RV sites at Whitehorse Park in spite of all those attending the public hearing who pleaded with them to keep development to a minimum to preserve the wildlife habitat there. Whitehorse Park is along the Rogue River at 7613 Lower River Road. Their decision can be appealed to the Oregon Land Use Board of Appeals. Commissioners said their decision was based on the history of the park as one of the first RV parks in the county and the unanimous approval for the project by the Rural Planning Commission and Parks Board. Garceau has grants to fund the project. Those opposed said it was sad to see so many trees in the park destined to be cut down for the project, that the narrow roads in the area and lack of adequate turn-around space would be difficult for large RVs to navigate, that increased traffic would pose a hazard and that the park would go from a shady refuge to a parking lot. Baertschiger said he objected to a petition signed by people who didn't live in the area and called that unhelpful. DeYoung wanted to know how many trees the Parks Department plants throughout the county every year to show they don't just cut them down, and Jean Mount, a member of the Rogue Advocates Land Use group brought up well and septic tank issues and urged the county to do a rewrite on the project to make sure it was done right.

Commissioner Fowler objected to those who said the Commission didn't listen to the people and said the project would be good for tourism in the county. Baertschiger said the park needed modernization and that he was concerned about the safety of many of the large trees in the area. DeYoung told stories about when he was a boy.

During the April 26 Legal Update commissioners heard a report on the drought by the District Water Master Scott Ceciliani who said snow water equivalent is 83 percent of median. Commissioners argued whether looking back only 30 years was really a good measure of "median" since "climate moves over a long period of time," said Baertschiger. Ceciliani and Emergency Manger Emily Ring made the presentation to give Commissioners the information they need for declaring a drought emergency but they opted to wait a while longer to see if more rain falls. DeYoung was hesitant to declare an emergency "because every time it draws a little bit more authority away from the Commission."

Budget Hearings

Budget season began April 19 with Finance Director Sandy Novak giving an overview of county finances and said factoring in inflation and other factors the sheriff will need about \$5.1 million instead of the previously projected \$4.5 million in order to keep his patrol division going at current levels. Property tax income is projected at \$5,020 million with a total county operating budget of \$129,060,400. She showed that out of a household tax bill of \$1,500 the county only gets \$211. Most goes to fund education, she demonstrated with a pie chart. April 26 began department presentations with the Fairgrounds, Community Corrections, Public Works, Juvenile Justice and the District Attorney presenting their budgets and commenting on priorities and projects. State funding and grants make all but the DA's office self-funding. DA Joshua Eastman said he had drastic increases in domestic violence during the pandemic and illegal cannabis arrests have gone up. He complained that state "reforms" are making life more difficult for his

office as they are getting 10 times as many requests now for unjust sentencing, lessening drug crimes, probation and commutations. He said most of his funding comes from the county. Fowler called these department heads “rock stars” who work hard to do their best for the county, leading in some services.

The Bill and Herman Show

Two weeks of notes here.....

April 19 Josephine County Commissioner Herman Baertschiger reacted to an editorial in the April 15th Grants Pass Daily Courier saying he won't keep stories from being published if he doesn't talk to the paper. Editor Scott Stoddard said Baertschiger is refusing to answer questions, then when the story comes out he runs to talk radio where he can complain about the story knowing he won't be asked any tough questions. Stoddard cited Baertschiger's refusal to answer questions in 2019 about why he flew on a timber company's private plane during the walkout protesting Cap and Trade. Stoddard also said Baertschiger accused the Courier of trying to pave the way for Grants Pass Mayor Sara Bristol to get a seat on the board after this next election.

During his call-in to KMED Radio's The Bill Meyer Show, Baertschiger spent most of his time telling his side of the plane story, then claimed Bristol “alluded” she wanted to run for the board.

Herman - She's the one that stated that in the hallway and she's the one that alluded that it's hard to make it on her husband's salary at the Courier....

Bill – Wait a minute, wait a minute. So you're claiming that Grants Pass Mayor Sarah Bristol made that statement to you. Or not?

Herman – That's correct! That is correct. Yes. And she was contemplating that. And she eluded it's kinda hard to make it on...

Bill – OK this was a conversation you had with the Mayor.

Herman – Yes. It was in a conversation we had in the hallway in front of the commissioner's office.

Bill – OK. So this is firsthand between you and the Mayor. Now obviously she didn't choose to do that.

Herman – Well you know what. There's gonna be positions open in a couple of years so I guess you'll just have to see how this all plays out. It's obvious that the Democrats are pushing really hard. Did you see, did you read in the paper, you know we have this panel looking at our charter and they're talking about turning the commissioner's office back into partisan, which there's no such thing as non-partisan, I don't care what you say. You know the Republicans are gonna line up under the conservative candidate. I seen Dorothy Yetter, the Chairman of the Democrat Party says, “oh no, no you can't do that. You got all these unaffiliated voters and blah blah and blah blah blah” and I'm thinkin to myself “well Dorothy should the governor's race be non-partisan?”

Should the senators' race be non-partisan? Should the representatives' races be non-partisan?" I think you'll see she'll differ in her answer.

April 26 Bill and Herman discussed the disgusting art of compromise in the state legislature, then turned to the Sportsman Park, which the county is contemplating giving away to the Josephine County Sportsman Association (JCSA) which has been running the shooting range there for the last 50 years or so. Bill asked Herman "where are we on this?"

Herman - So we're going to have two more public comment sessions. That'll be four in total. We'll have one tomorrow morning at 9 am at Ann Basker and then the following Wednesday we'll have an evening one, we're trying to accommodate folks that work and everything and that'll be at 5 o'clock next week and then we'll come to a decision, but I'll have to be quite candid. I know there's a heck of a lot of supporters. I mean any time you can take government out of somethin' you oughta jump on it like a cat pouncing on a mouse. But, you know, we have the same dozen anti people show up, they're very boisterous, and the Courier, you know, constantly reports what they see, that the majority of the crowd is against it. So supporters better step up to the mike and say they're supporting it. This is a golden opportunity for them to have and maintain control of that gun range without government Bill. What a novel idea huh?

Bill – I think what's going on here, I honestly think most of the people probably supporting keeping it within the county prevue are really hoping to see it close because of future insurance problems. That's my opinion. I'm just giving you gut...you know I'm sorry, you know if you're willing to transfer it over to the JCSA and then they continue to run it as a public fire arms range, what does it matter to you who owns it other than the fact the county doesn't have to worry as much about the liability and insurance issues. That's the way I would look at it. So as far as I'm concerned if you're insisting it stay within county ownership I think that you are secretly trying to get the range shut down. Or is that a...am I wrong about that opinion? How do you see it? (Note: At the second hearing DeYoung asked for a show of hands from people who supported keeping the gun range open and everyone raised their hands. Most of the testimony from people who want it to stay in the county's hands said that was the best option for keeping the gun range open)

Herman – Oh, I seen a lot of the people that testify against transferring the range are still wearing COVID masks, um, and I would also say that if in the future the Commissioners' office, that elected people that were more left leaning, well, there's a dozen ways the Commissioners could close that range down right now. A dozen different reasons. And I think that's very dangerous, so at the end of the day, it's better for the county, we get rid of the liability, we get rid of the expenses and the gun users that like a range open to the public, remember it has to remain open to the public. There will be a deed restriction. Now they can fly with their own wings, as they say and not have any government interference and there's no risk of government shutting it down in the future.

Bill – Alright. That’s the way I look at it too. It seems like a smart thing. Especially in an era of rising insurance rates. I understand, now from what I understand, the insurance company for the county did not understand, did not know, that it was insuring a gun range. Is that true or not true?

Herman – That is correct.

Bill – And so they’re squeaking about that. That’s what triggered this in the first place.

Herman – that is what triggered it in the first place. And of course, I get chastised, “how could you not know?” Well this is a big county. I don’t know every little thing that’s going on in every single department. But I think the fact that as soon as I found out that I started a process to mitigate it. I mean that’s what elected officials do. But you know, I’m chastised for everything I do.