

## To the Right of Reality

### Herman and Bill Radio: 12/12/2023

#### **Introduction:**

After a lengthy discussion with Dan Stein of FAIR (Federation for American Immigration Reform), KMED's Bill Meyer, during his 6 am talk show Tuesday Dec. 12, complained about Democrats, saying the great replacement theory is real. He and Stein agreed Democrats want a pliable, controllable electorate. Democrats want a constituency for long term political control. (Meyer didn't mention the Republicans' long-term political control through gerrymandering and judges) The Southern Poverty Law Center classifies FAIR as a hate group with ties to white supremacist groups. FAIR has been around as an immigrant restriction group since the 1980s.

During the 7 a.m. hour, Josephine County Commission Chair Herman Baertschiger checked in for his weekly phone-in chat with sympathetic Meyer, who asked him about his vote to allow Mike Pelfrey to opt out of the Community Library District.

#### **Transcript (including improper English):**

Herman – People, I think people also have the impression that their board of commissioners, you know, kinda, can listen to testimony and then base their decision on the testimony. And this is a quasi-judicial hearing so basically the county commissioners become a judge, OK? And so we have to take the request, the petition and the question and we have to apply it to law. We don't have the arbitrary...well we have, we have more nays than yeas in the room so we'll go with the nays, that's not what it's about.

Bill - You see that's a very important distinction. People think if they have so many supporters of keeping people imprisoned in the library district, then not then you're supposed to pay attention to that. It's not just a...it's not a public comment hearing.

Herman – No and that, that is the difference. The people are actually giving testimony OK? And most people...and the testimony's supposed to be germane to the question. In other words the question is: shall the petitioner be allowed to withdraw their property because they believe if they don't receive services um, shall they be allowed to withdraw their property? That's the question OK? So when people get up there and say you know, "I love the library, I take my kids and everything...that's all good..."

Bill – That's really nice but that's not germane to the...

Herman – That's not germane to the question, no. And it's not supposed to be a hearing...kinda the most disturbing thing, this was not about whether the library is good, bad or indifferent. This is about shall somebody be allowed to withdraw their property from the district based on the statute.

Bill – Hmm. This statute is interesting. In fact, just to help people out here Herman, I'm going to read it ORS 198.870 petition for withdraw this is the law Pelfrey used: Public hearings required prior to abolishing or withdrawing support from public library

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"No governing body which has established a public library under the laws of this state shall abolish or withdraw support for such library without first holding at least two public hearings on the matter at least 90 days apart. The governing body shall give public notice of the public hearing in a newspaper of general circulation in the area for two successive weeks at least 30 days prior to the first hearing.".....and see this is going to be the interesting wrinkle over time because how do you define service? Is it the fact that they force you to pay for that library downtown, let's say, or whatever, is that providing service to the property? These are the questions, right?

Herman – Yes, it's service to the property not service to a person. So that's the interesting part of this. If they can prove...if you go back to the questions I asked is two questions, I asked 'have you lived in the district for two years,' then I said 'is your property served by the district.' And that's the touchy thing cause they use the word territory for property and the other word in there is "feasible" so most likely, so that's where it gets interesting. Umm and so let's you know how does a library district service the property? Like a fire district serves the property cause the property catches on fire then the fire trucks come.

Bill – And law enforcement pretty much the same thing too...and sewer, drainage, is like that. Water, yep, serves the property directly.

Herman – And irrigation district. There's water applied to the land and stuff so it's kind of an interesting wrinkle there, like you said and the words are, you know, there probably not the best words used, umm, but then there's also the definition for the chapter and it basically has 28 districts that it applies to

Bill - Do you recall the 28 districts that it does apply? Which ones it could apply. Other people wanted to know that. How do you know I find that?

Herman – Ahh, utility districts, domestic water districts, cemetery maintenance districts, park district, mass transit districts, metropolitan service district, road districts, road assessment districts, highway lighting districts, health districts, sanitary district, uh, you know fire protection, irrigation.....

Bill - To be clear, all of these districts then do have an out in state statute if you are not being served by it. Like if you have a road district but there's no way for that road to serve you then you could ask to be taken out of the road improvement district.

Herman - I guess, the one I used because it's easier to understand is the cemetery district. You know, how does my property benefit from a cemetery district? So you know, those, and I understand how people get emotional over this but you know, we have to look at the statute, this isn't mob rule where you just, if you have more people that's who you have a rule in favor of.

Bill – Yeah, everybody who's in favor of the library not being touched or held accountable for anything, hey, you know, that's not what determines whether the law applies to a Mike Pelfrey. Right?

Herman – Yeah, let's say that, that somehow we can turn this into, instead of a territory property, it's a person. OK then how does that work with a property that's owned by a corporation?

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Bill – Yeah, let's say you have a Walmart, or Staples in Grants Pass you know those sort of things, kinda big places, they probably pay a lot of library fees but it doesn't really serve the...

Herman – Yeah, who do we give the library card to? Do we give it to the people that work at the store? Do we give it to the 26 thousand shareholders that hold shares in the corporation? So the whole thing gets interesting. It's a very interesting space to work in. Um, you know, like I said at the beginning, I ask the two questions, and I have to apply the law because I'm sitting there in a quasi-judicial capacity,

Bill – Now I do find it interesting, I think there was an article in the Daily Courier that accused you of sandbagging, or how you stacked the deck before you make a difficult vote, but I think that article misunderstood what that process was. As if for some reason it's a public comment kind of thing. Right?

Herman – Well in a just a regular business session, it's comments, but in a quasi-judicial hearing it's testimony. You're taking testimony. And you know I'll tell Scott Stoddard, he criticizes the way I run a meeting, but I learned that in the (state) senate and my mentors were all Democrats. So, because Republicans don't hold gavels, you know, very often in the senate, so the chairs were all Democrats so, and that's how...so you try to run it as fair as possible. Umm, so by alternating back and forth you want to give the same amount of time because you can't, there's a certain time limit so when I...if you go watch the tape, at the beginning of that, how I ran it is I gave the petitioner first because they brought the petition and I don't give unlimited time but I give a reasonable amount of time to make sure they make their case. And then a representative, or somebody that's an opponent, um, then I give them the same, not unlimited but enough to make their case. Then after those, those are called presenters, then anybody that wants to testify on behalf of the proponents or opponents, they get three minutes. So then I bring up umm, the proponent, or somebody that wants to testify on behalf of the proponent and I go back and forth but before I did that I say how many people want to testify. And they raise their hands and I give a you know, a pretty quick count, and then I allocate, ok this hearing's probably going to be two hours, OK? Cause you gotta draw a line to stop someplace. And so then we go back and forth, back and forth and then at the end what Scott Stoddard never says cause Scott Stoddard never says a lot of things, there's a lot of things he don't write, cause I gave the final word to the opponent, because the opening was made by the proponent so the final word is the opponent.

Bill – The point being though it doesn't matter whether or not you were fair on that back and forth, it's what is the testimony? This is testimony, this is not, hey I like the library, don't take their money? Right? That's kind of, that's not a legal argument against 198.870. Petition for withdrawing a property from a district.

Herman – Well, I don't know if legal arguments' the wording. It's not germane to the question.

Bill – OK, not germane, alright.

Herman – So and then the other criticism I got was that I allowed Board members, umm, to ask a question for clarity of the people testifying. People said 'Oh they broke their own rules cause they never allow that when they take public comment...'

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Bill – No but this is a judicial proceeding or a...

Herman – Right, so it's examining the witness...

Bill – It's like when a judge asks a question at a trial, asks for clarification. Right? Same sort of things.

Herman – Yeah, then you know the Democrats, I was looking at the Democrats website, here in Josephine County and you know, they're all in favor of mob rule. They call that a Democracy and it actually is an absolute true Democracy, mob rule, but that's not how it works in the United States. We're a Republic of law. So, ahh, it's just kind of interesting, I know a lot of people are very emotional over this and um...

Bill – Well more importantly than that Herman, I think that Mike Pelfrey may have discovered a chink in the armor of the never ending rapaciousness of people's tax money. If there's an ability to individually to take yourself out of a district, that does not have your property served. Right? Does not serve your property and instead is about serving people which arguably the library district is. Now I have to tell you if Josephine County, the library district had a bookmobile, maybe that would have been something that would have negated 198.

Herman – Yeah, yeah...look...

Bill - And I'm not advocating they come up with a bookmobile, it's expensive but still, yeah, maybe that's what they're gonna try to do is and end-run. I don't know. Not to give em an idea, just saying.

Herman - Well I don't know but Bill up until this issue came up I never knew that 198.870 existed, you know. And you know I get criticized and everything but, I been around and when this issue came up I made some phone calls of people who are a lot smarter than me, you know, when it comes to interpreting statute, so this is not like I just sit in my chair and willy nilly it, and so I've taked advice from other people and it is an interesting statute, you know, because the way it's written because it uses the word territory, which is I believe is the meaning of the district, but, is that, see it doesn't attaches to a person, it attaches it to a property.

Bill – It doesn't say if people are served by the district. It talks about the territory. And that makes sense.

Herman – And then if people are served by the district then you have that question like I said if a property's owned by a corporation or how about a property that doesn't' – there's no residence there. How about an apartment complex. Is everybody in the apartment complex get a library card? So, you know, it's not crystal clear. It really isn't. Um...but there's a lot of statutes that are not crystal clear. Let me tell ya.

Bill – Well, I know that the library district has announced that it will sue over that and I guess we'll see what happens. That will be in circuit court I believe.

Herman – Yeah, that's basically an appeal. They're gonna...and I don't know what the circuit court because there's really no precedent on these hearings except an attorney general...

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Bill – Excuse me but are these not Article 3 courts? District courts? Are they not Article 3. Or are they? Do you recall?

Herman – I, I don't know.

Bill – Sorry to plead ignorance on that.

Herman - Yeah I'm a little ignorant with that too. But I will tell you the only thing we could find is there was a opinion out of the attorney general's office sometime back. Remember this is a very old statute that goes clear back to the 70s I think. But that opinion out of the attorney general's office back then was the county commissioners could have the final word. So I don't know where...here we go down the legal road. Who knows, you know? I just don't know how that's gonna go off.

Bill – But ultimately Herman, I think the takeaway from this, I can imagine there are numerous districts that are looking at this particular action, you know, with some wariness here and I understand, I understand. But I will also say in the case of the library if libraries were not acting in political fashion I don't think they'd be finding themselves with people wanting to say "hey, you're not serving my property." Like Mike Pelfrey did. I can't help but think there is a relationship. There is a cause and effect to what has been going on in the operation of libraries in Southwest Oregon.

Herman – Yeah, you know, and that's where it got political, you know, there's some people really upset with the activities going on with the library and so you know...

Bill – And so you find a way to say, alright, I'm not going to pay. Everybody else can pay for it I guess but I don't have to pay. At least Mike Pelfrey can say that I guess. For now.

Herman – Well, you know yeah, that's just how it is. I'd like rundown...we got a little time, there was just a crazy opinion written by Stoddard against my actions and I just kinda want to run down the list real quick and clear the air because that guy, that crackpot, he never he never writes every...well you know he's quite one-sided but um...

Bill – We all have our biases though, that's OK, let's just move on. You want to respond and set the record straight, what is that?

Herman – Well, 4H you know, 4H, well the kids all left and I just chat with some of the former 4H leaders out in Josephine County, they call it something else, formed their own group, so nothin' has changed there so why should be pay for 4H? When it was passed it was 4H for the kids and when you look at their budget, how they spend the money, it's jist, its jist very disappointing you know and Stoddard, Stoddard puts out there 'Oh well its this, like a Master Gardener program.' Well you know those are all adults, and in my opinion, those adults...I think the Master Gardener program's a great program, but why should we pay for their activity? Shouldn't it be self-funded? If you want to be a Master Gardener then you dip into your wallet and be a Master Gardener.

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Bill – Yeah, why should we be paying for your adult hobby even though it's a good hobby. Don't get me wrong, it it's what you like to do? Right?

Herman – Well, its always nice people doing good things with other people's money and so we gotta git away from that. Then he goes on to legal notices. Well you know the Courier has such low circulation that he says we're hiding legal notices. We have a web page. Anybody can go on it and that's just, that is going to take over putting legal notices in newspapers. That, that ancient. And so we're heading a different direction. Then he talks about the Sportsman's Park, that was one of the smartest things we ever did. Cause the Sportsman's Park, it's a great facility. It's wonderful. A lotta people use it. It's ran very good. But it has some liabilities. So the way we structured it, it has to stay exactly the same, a non-profit group providing the same services, only now the county doesn't have the liability. So, you know, that's how we did that. Then you know, he's on me about hiring Michael Sellers, oh cronyism. Well yeah. Michael worked for me in the senate for eight years. So he has a great work ethic, I know what he's capable of...

Bill – By the way, he is a steller guy...

Herman – He also has a Masters Degree in cyber security and Mr. Stoddard doesn't put that in. And he's established in the community. Other people that we interviewed for that position have a history of moving around a lot. And um, and there were some good people that had some good qualifications but when you look at somebody's resume and you see how many times they've moved you know, you kinda want somebody who's gonna stay here and so...but yeah

Bill – Let's also be honest that Jo county, being a smaller county, it has difficulty competing for jobs in many cases. For applicants.

Herman – It is a small community. I know a lot a people so...and a lot a people have worked for me over the years, hundreds of people worked for me in the private sector. So you know there again, its Stoddard with his garbage strewn..I don't know.

Bill – And by the way, if Scott would like to come on I'd be happy to talk with him. I've never talked with Scott.

Herman – I've never met the guy. I've never seen him at any of our meetings...

Bill – But I'll be fair about that, I'll, I'll make that offer. If Scott would like to come on and talk about it. I will. Ok?

Herman – Absolutely. But I'll tell ya, where I am personally now Bill. Personally I think the Courier, Stoddard and the Voorhees family need to go down the road because he keeps writing this garbage, this driveling and it's dividing our...because it's not factual. He always kinda shies away from the absolute facts and its dividing our community, the Voorhees family are letting him do it. so as far as I'm concerned they need to go down the road and I've made myself a pledge now Bill. You advertise in the Courier, I'm not gonna buy anything at your business. That's me.