

County's charter review panel recommends partisan elections for commissioners

By Lisa Dunlap of the Daily Courier

A "draft charter" for Josephine County that concludes that county commissioner races are partisan by state law, but recommends continuing the nonpartisan nature of other elected county officials, has been approved by the Josephine County Charter Review Commission.

"We have come up with something we call a draft charter. It is not really a draft charter," said John Chambers, chair of the charter review panel. "We can't do anything about it. The commissioners can't do anything about it. It's the voters who will have to make the decisions about whether they want changes."



Although called a "draft charter," the document approved 6-1 on Wednesday is actually the final report of the panel. Some of the members plan to attend a public meeting next week to present the report to the county Board of Commissioners, led by Herman Baertschiger Jr., who wants the report finished in time for a petition drive to get a charter amendment initiative on the ballot for this November's election.

The timing of the petition process explains the filing of a citizen petition with the Josephine County clerk's office on May 12. Led by Jonathan Knapp, who made unsuccessful bids to be sheriff in 2018 and 2022, that petition recommends that the candidates for sheriff, clerk, legal counsel, assessor and treasurer must file as a member of a party.

The charter review commission was established by the Board of Commissioners in April 2021, and the group of nine appointed members has been working since September 2021 to review the existing charter adopted in January 1981 and amended 15 times since. They've read studies, received advice from legal and governmental experts, and completed what is being called in a letter to accompany the final report a "severe mark-up of the existing charter."

Many of the group's recommendations are housekeeping changes that clear up redundancies or improve syntax to make the charter easier to understand.

But a major sticking point is a debate over a provision in state law that says county commissioners should be a partisan office — unless a county has a home rule charter that says otherwise.

Josephine County does have a home rule charter. It is one of nine home rule counties in Oregon, which means voters have the power to adopt and amend their own county government organization.

But the charter doesn't say commissioners are nonpartisan. Ergo, a majority of the charter review group concluded, the office of county commissioner is partisan "by default."

That interpretation would render more than a third of the county's voters ineligible to vote in primaries for commission candidates. Nonaffiliated voters, not belonging to a political party, number 25,819 out of the county's 69,581 registered voters, according to this month's election report from the secretary of state. Republicans are the second-largest bloc, with 24,729 voters.

The recommendations of the majority are reflected in the body of the document, but minority opinions and remarks — as well as rebuttals to minority remarks — are noted in the footnotes.

"What is most important is not so much that we decided, or that we had a majority point, of this or that," said Chambers. "What is important is that we also have all the minorities, all the alternatives, so that future voters or a future citizens' committees can look it up and see the different alternatives and decide what they want to pick and choose."

Some of the more significant recommendations:

- The Board of Commissioners should continue to include three commissioners elected at-large to represent the entire county for four-year terms. They would continue to exercise both legislative and administrative authority. Under a section discussing elected administrative officers, however, the review commission concludes that the "statutory default is that commissioner is a partisan office."

All of these majority views garnered several minority views in opposition. Some minority voices wanted five commissioners and suggested that they could represent certain districts. Some contended that commissioners should not be partisan races that disenfranchise unaffiliated voters. Others wrote that legislative powers should be returned to voters, with commissioners able to make recommendations only about ordinances or laws to be placed on ballots.

- The draft recommends that the county continue to function as a home rule county under the constitution and laws of Oregon.

- The majority decided not to revise the charter to recommend a county manager or chief administrative officer, and it reiterated that the delegation of administrative authority that creates a new office or function be done by commissioners through ordinance. A minority opinion goes on for some length about the merits of a county administrative officer and how that role would function and be filled.

- Other county elected officials — sheriff, clerk, treasurer, legal counsel, assessor and surveyor — would continue to be elected in nonpartisan races, according to the majority recommendation.

Two members of the commission were not in attendance: Michelle Binker, chief of staff to former state Rep. Carl Wilson, and Dorothy Yetter, former chair of the Josephine County Democratic Party. The sole dissenting vote was from Jean Ann Miles, a Cave Junction city councilor. She made the motion to accept the final report and present it to commissioners, but she said the section indicating commissioner positions are partisan offices was unacceptable to her.

"I am going to have to vote no because of the idea of partisan offices and a couple of other elements," she said. "While I was glad to make the motion and I appreciate all the time and effort we put into this, I am going to have to vote no and I wanted you all to know why."

She agreed, however, that her minority views were "adequately represented" in the footnotes. Other members of the review commission included Indra Nicholas, a Grants Pass ice cream shop owner who was elected last week to the Rogue Community College board of education, and Mike Sellers, chief of staff to state Sen. Art Robinson, R-Cave Junction, and his immediate predecessor in the Oregon Senate, Baertschiger.

The discussion about partisan elections garnered a couple of pages of footnotes and rebuttals. The arguments against partisan races included not only that the largest bloc of voters in the county — unaffiliated voters — would not be able to vote for candidates in primaries, but that in a county where Republicans heavily outnumber Democrats, the change would make it difficult for anybody but Republicans to win office.

A footnote also said that people elected in partisan races "would make no effort to consider the thoughts, needs and opinions of more than half of their constituents." It also gave the opinion that the purpose of partisan races is to "make sure the dominant political party stays in power."

Other changes recommended, according to commission members, have "simplified" the charter and made it more "readable and understandable." By removing redundancies and also leaving out sections not considered essential to county governance, the "draft charter" is about 10 pages shorter than the existing one.

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