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Josephine County commissioners approve petitions seeking annexation into library district

By Cara Denney of the Daily Courier

The Josephine County Board of Commissioners on Wednesday approved five petitions seeking annexation into the Josephine Community Library District, but not without some fresh controversy.

In the last six years, 142 properties have opted into the Josephine Community Library District, according to district records. Approved by voters in 2017, the district is non-contiguous, covering only the communities where there is a branch — Grants Pass, Cave Junction, Williams and Wolf Creek.

No one had ever requested to withdraw from the district until last October, when Grants Pass residents Mike and Winnie Pelfrey, citing an obscure provision from a 1971 law on special districts, filed paperwork with the county that the Board of Commissioners approved in a controversial 2-1 decision last month.

The decision is being challenged in court by the library district, which says the ripple effect from allowing taxpayers like the Pelfreys to pick and choose their tax obligations not only threatens the viability of the district but other special districts across the state. A Josephine County Circuit Court judge has temporarily forbidden further opt-outs pending further review.

On Dec. 19, prior to the judge's order, the commissioners voted unanimously to pause for 60 days all petitions involving the library district, both opt-ins and opt-outs.

That approach was quickly challenged by the tax assessor's office, which informed the commissioners that such a delay violated a law that says annexation requests must be approved within 50 days.

The commissioners met the deadline Wednesday on Day 49.

But before the decision was announced, the commissioners mentioned another provision from the same chapter of law on special districts, ORS 198.860, which says annexations are "subject to the outstanding indebtedness, bonded or otherwise, of the district."

Commissioners Herman Baertschiger Jr. and John West seemed to interpret the law as adding some level of financial obligation to those who choose to be added to a taxing district such as the library district.

"It's very important that people understand that they're signing up to support with their checkbook in the future," Baertschiger said.

Chris Parton from the assessor's office said that he was not familiar with the statute until recently, but that it was very rare for a special district to dissolve with unpaid debts.

Multiple petitioners said after Wednesday's meeting that West called them before the vote to alert them of the potential ramifications of their annexation requests.

Petitioner Terry Cain, an 87-year-old resident of Selma and longtime library supporter, said she was "taken off guard by a direct call from John West."

"My impressions were that he was trying to tell me that there were consequences. I'd be over my head to talk about legal things, but it was kind of a veiled threat. ... Well, a veiled warning," Cain said, adding "he sounded nice and sincere. He thought he was helping, I'm sure. But I was suspicious and he didn't help me."

Cain said that West mentioned ORS 198.860 and talked about "subject to indebtedness to the library."

"I told him I am 100% in support of the library and I am legally blind and can't read or write now," Cain said.

"Just because I can't regrettably, very regrettably, see anymore, it doesn't mean I don't want others to benefit from the library."

Cain said West wrapped up the phone call and said, "If you're fine with it, I'm fine with it."

Petitioner Lutz Kramer, a philosophy instructor at Rogue Community College for more than 50 years, also received a call from West to ask if he knew about ORS 198.860.

Kramer said West warned him that anyone becoming part of the library district would be liable to help pay for any debt the library had currently or would incur, like to build a new building, for example. The district recently bought land in downtown Grants Pass for a new building there.

"I told him I was completely comfortable with that," Kramer said, adding that West was "very pleasant."

Also on Wednesday, Baertschiger made a point that a proposed rewrite of the county charter on the May ballot doesn't say anything about supporting the library as the current charter does.

Jane Slama, a member of the group backing the proposed charter, accused Baertschiger of being disingenuous, given his stance on opt-outs.

"The current charter says it 'will support' but doesn't ... say how that will happen," she said. "And as we're seeing, the commissioners are willing to let it be not supported."

As for the litigation between the library district and the county, Stephanie Nuttall, the county's assistant legal counsel, submitted last Friday documents and recordings associated with the Pelfreys' withdrawal petition that were requested by Judge Pat Wolke.

Nuttall's filing included emails sent from individuals to the county commissioners prior to the vote on Pelfreys' petition. Twenty-one emails supported the library, opposed the petition, or both. There were no emails backing the Pelfreys.

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