

**The particular matters in the current charter needing revision fall into six distinct areas:** (1) restricting the powers of county government; (2) creating regional representation on the Board of County Commissioners that cannot be dominated by the population center of the county; (3) changing the electoral process to allow "yes" and "no" votes on candidates; (4) changing the taxing, budgeting, and ordinance-making process and subjecting the salary and benefit-setting process for elected officials to the ordinance making process; (5) safeguarding of personal liberties and property rights with a qualified bill of rights; and (6) a glossary of terms to prevent misinterpretation.

**First, let us consider restricting the powers of county government:** Our current situation is like having a dog inside a fence constructed a section at a time with many gaps in it, instead of having the dog on a strong, well-anchored chain of specific length. (A mad bull on the open range would be an even better illustration!)

As we have already shown, our county charter presently grants wide, undefined powers to the Board of County Commissioners in Sections 5, 6, & 7. Please note that this is like King John's government in England after he signed the Magna Carta. He could do anything he wanted, except what was specifically prohibited. With a blank check like this is it any wonder that charter amendments have failed to fence in the commissioners?! They just walk around any limitations that the voters enact as single subject amendments to the charter. By simply redefining terms they can and do avoid and evade the clear intent of the voters.

Can we stop this by putting more specific, single-subject restrictions into the charter as various ones have done through the years? No! We must take back the blank check. Our Founders declared that government derives its just powers from the consent of the governed. We must withdraw the "consent of the governed" that sanctions their current unbridled power, and we must institute a new guard to our future security. The proposed revision does that in Article II, in total contrast to the current grant of powers to the Board of County Commissioners, when it says, "*We the voters of this county hereby declare with the Framers of the Oregon Constitution that all men, when they form a social compact are equal in right:*

*that all power is inherent in the people, and all free governments are founded upon their authority, and instituted for their peace, safety, and happiness; and they have at all times a right to alter, reform, or abolish the government in such manner as they may think proper. We furthermore declare that all rights of mankind issue forth from the three primary rights with which they are endowed by their Creator, namely: the right to life, the right to property, and the right to choose according to their conscience how they will live that life and use that property. In conclusion we declare that only those powers voluntarily and temporarily specifically delegated or assigned by the people to civil government are subject to exercise by that civil government. We give our consent to this charter that: (1) our inalienable rights will be protected by just administration of law and order, and (2) our common properties will be administered in an efficient and impartial way to the benefit of all the residents of this county. We therefore herein delegate certain specific powers and duties for the government of this county and reserve to the people all powers and duties not so delegated."* The content of this Article is drawn from the following sources: Article I, Section 1 of the Oregon Constitution, the Declaration of Independence, and the Preamble and Tenth Amendment of the Constitution of the United States.

**Secondly, we must make the people's representation reflect the different perspectives of different areas of this county and make them accountable to those areas.** This will be accomplished by the seven-district system of election for the Board of County Commissioners contained in Article IV. This districting process has been designed to prevent what happened when a three-district system of election was tried out previously for the Board of County Commissioners. That time the Illinois Valley and the Williams-Provolt-Murphy areas ended up in the same district; this time they wouldn't. That time the city of Grants Pass had a substantial number of voters in the majority of the districts; this time they wouldn't.

'Secret' meetings and hanky-panky is more prevalent the smaller the size of the governing body. The advantages of four additional county commissioners would far outweigh their incidental cost and their salaries and benefits under the revised charter ultimately would be reduced so that

seven at \$30K each really would cost us far less than three do now at over \$90K each in wages and benefits.

**What could you do if you were dissatisfied with the policies and practices of one of the current County Commissioners?** If you recall a commissioner, the others appoint his replacement. Would this really alter the current situation? It would merely be blowing off steam. But, if the three commissioners serving when the proposed charter is adopted were to become merely three out of seven commissioners, each accountable to a geographic district, that would alter the current situation. If one, two, three or even four of those seven were subsequently recalled, the remaining commissioners still would have a quorum to do business, while vacancies would now be filled by special elections in those districts.

**The third ingredient** in this All-American apple pie is in Article VI, which **gives us the privilege of saying an unqualified "no" to a candidate we don't like.** We will also be able to express our approval for more than one candidate in the same race for a given office. Currently we vote "no" only by voting for someone else whom we also may not like. How often have you had to say "no" to someone by saying "yes" to someone else? How often have you agonized over which was your best choice to vote for in a race that was fragmented by multiple candidates, more than one of them good? This procedure would make that a thing of the past!

**Next, we deal with money management.** We all feel that the employer has the right to set the salary for his employees, but our public servants have attempted to evade this right, even in the face of a vote of the people. By saying in Article X that the Board shall adopt by ordinance a consolidated budget for this county, we declare it to be a legislative process, and by further saying that the salary and benefits received by elected officials of this county shall be subject to the ordinance-making power of the people, we further assert our rights to determine these matters.

Under Article IX, all taxation and permit charges would require voter-approval. Permit charges are limited to the cost of the process. Only property owners will be allowed to vote on county government property tax levies. Potential sales taxes must exempt used items (encouraging thrift) and basics like food, clothing, and prescriptions.

Article VIII gives Voter-approved ordinances higher standing than Board-approved ordinances, requiring a unanimous vote of the commissioners for their modification, and emergency ordinances will no longer have a life of their own.

Finally, with the adoption of this proposed revision, we would have a coherent statement of the powers and duties delegated to county government, coupled with an enumeration of the rights of the people. Property rights are particularly protected by a provision on land use planning contained in Article XI. The concept of innocent until proven guilty would be upheld. The division of powers between the legislative, executive, and judicial branches of government would be reinforced, and the proposed charter would take code enforcement out of the hands of the bureaucrats. Juries would be instructed in their right to judge both the law and the facts. The elected offices of Public Works Director and Justice of the Peace are created.

In conclusion, there is a comprehensive glossary in Article XIII giving the meaning of key terms used in the proposed revision so that they cannot be misconstrued.

Go to [www.jackbrown.org](http://www.jackbrown.org), to compare and evaluate the current and proposed charters, which are posted there. You may contact me for a printed copy of the proposed charter revision if you don't have Internet access.

Please contact me for a copy of the petition to sign or to volunteer for gathering of signatures to qualify this proposal for the ballot. We need a minimum of 2664 signatures to place this on the ballot. We have until February 28, 2014 to gather them, but we would like to get them by August 8, 2012.

Contributions to ABC PAC would also be helpful. (Be sure to include a statement of occupation or employer with any contributions sent.) You are entitled under the current tax and election laws of this state to take a tax credit of up to \$50 each year for contributions made to support measures and qualified candidates that will appear on the ballot in the State of Oregon, and couples filing jointly can take a tax credit of up to \$100.

**A Better Choice Political Action Committee**  
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**Get real manager skills for  
county operations, with an  
elected Public Works Director**

**Stop the recall & appointment  
'madness'**

**Get true local representation  
for your area**

**Just say "no" to candidates  
you don't like  
(& "yes" to the ones you do)**

**Don't let people without  
property  
tax your property away**

**Get your property rights back  
& give them to your children**

**Do away with outrageous  
permit charges**

**Make your local public  
servants live on less – you do**

**Insure your right to speak out  
publicly on matters of  
concern to you**

# **A Better Choice For County Government!**

By Jack Alan Brown Jr

Our home-rule charter defines the form and powers of our government in Josephine County. Not many people have seen a copy, let alone read it. Have you? The voters gave county government in general, and the Board of County Commissioners in particular, a blank check when they approved our current charter in 1980. They provided in Sections 5, 6, & 7 that...

*"Except as this charter provides to the contrary, the county has authority over matters of county concern to the fullest extent now or hereafter granted or allowed by the constitutions and laws of the United States and the State of Oregon... The charter shall be liberally construed... The county has all powers necessary or convenient for the conduct of its affairs, including all powers that counties may now or hereafter assume under the home rule provisions of the constitution and laws of Oregon... Except as this charter provides to the contrary... all other powers of the county not vested by this charter elsewhere are vested in the Board of County Commissioners..."* Are you comfortable with this expansive grant of power to county government?

If you contrast our current charter's underlying philosophy with that of the Declaration of Independence and our State and National Constitutions, the need to revise that charter will be obvious, and we think you will want to help us place a better charter on the ballot.