

Illinois Valley News

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City opts out of pot suit

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The Cave Junction City Council voted Monday, Oct. 24 to withdraw from the marijuana lawsuit that the city has been involved with for over two years. After an hour-long executive session to discuss with legal counsel the merits, risks and ramifications related to ongoing litigation, the council opened up a public policy discussion on the matter and welcomed comments from the public before going to a vote.

The issue of withdrawing from the lawsuit had been brought up at a previous meeting by Councilor Dan Bosch. At that meeting, the council proceeded with a vote before being stopped by a citizen who was concerned that the council was not following procedure and had not allowed the public to weigh in before voting. For the sake of transparency, the council decided to hold a special meeting to discuss the matter.

Bosch, who originally broached the subject, started out the meeting by reiterating his previous concerns about continuing with the litigation. These concerns included mounting legal fees, the lack of a judgment after more than two years of litigation, and the inability of the city to move forward with regulating marijuana businesses. To date, the city has spent a total of \$44,217 on the original lawsuit, a countersuit brought by PAPA's dispensary, and the appeal process. As Bosch said, "We have a habit of kicking the can down the road for the next meeting, and this is a can that shouldn't be kicked."

Councilor Daniel Dalegowski agreed, "We have been in this litigation for about two years now, and in that time we have not been able to regulate the time, place and manner of these businesses. So we haven't been able to have any control over these businesses. I believe it is in the best interest of the city to license cannabis businesses and receive revenue from them." In reference to the idea that the city could lose federal loans if they allowed cannabis businesses to operate, Dalegowski said, "I do not believe that if we ended this litigation that we would negate the agreement that we have with the USDA."

Councilor John Gardiner was also in support of withdrawing from the litigation. He argued that the money spent so far would not be wasted if the city withdrew now, because the city has already received a judgment on the matter from Judge Pat Wolke, who said that the city has the right to regulate cannabis businesses however it sees fit. "Over the process of two years, there have been significant changes in the situation. We were told we were going to get a provisional judgment from the court in one to two months. I feel hoodwinked. We have lost two years of potential income," he said.

Mayor Carl Jacobson and Councilor Margaret Miller were both opposed to dropping out of the lawsuit. Miller pointed out that the lawsuit has now reached the Court of Appeals, which means that the city would likely not have to pay any more legal fees at this point. As such, Miller stated her belief that backing out of the lawsuit now would be a waste of the taxpayer money that has already been spent. "If the lawsuit is dropped, all that hard work, all that taxpayer money ... To me, it would be a horrible stewardship of our taxpayers' money." Jacobson expressed his concern that by quitting the lawsuit, the current council would be invalidating the hard work of the previous council, who initiated the suit.

SEE CITY ON A-12

Post office changes lobby hours due to theft

The Cave Junction post office has new lobby hours due to recent theft and vandalism.

Postal workers arrived to work on Oct. 21, to find 42 P.O. Boxes and 21 parcel boxes in various forms of destruction.

New post office box lobby hours are Monday to Friday 7:30 a.m. to 4:30 p.m. and Saturdays from 7:30 a.m. to 11 a.m.

Any customer whose key no longer work are asked to contact local staff for a new key.

A release from the U.S. Postal Service stated

that if you are contacted by law enforcement, a credit card company, or a bank concerning fraudulent activity on your account(s) or under your name, or if an item stolen from the mail is used fraudulently, or if you have any tips, please contact U.S. Postal Inspector Soennecken in Portland, Oregon at 503-276-2086.

Additionally the USPS asks that customers contact the Josephine County Sheriff's Office to add to the existing case number, 16001411.

Valley loses an icon



(Photo courtesy of Amy Milner for the Illinois Valley News)

Jack Sauer on his classic 1947 8N Series Ford tractor during the Labor Day Parade Sept. 5, 2016.

According to a press release from the Josephine County Sheriff's Office, Sunday, Oct. 23, the Josephine County Sheriff's Office was notified of a drowning on the Illinois River near Reeves Creek. The drowning victim was identified as Jack Sauer, 87 years of age.

Illinois Valley Fire, Josephine County Sheriff's Office, AMR Ambulance, U.S. Forest Service Law Enforcement, Rural Metro Fire and multiple family and friends of Sauer

responded to the scene and began searching the accessible shallow edge waters and riverbanks.

The release stated that the investigation indicated Sauer and a relative were crossing the Illinois River on horses to go hunting. While crossing the river they encountered deep water and both horses attempted to climb onto debris in the river. Sauer's horse threw him into the river. The relative made several attempts to grab Sauer but was unable to. The relative last saw

Sauer floating face down in the current approximately 100 feet downstream in a 12 foot – 15 foot deep channel. The relative had to return to their residence to call 911.

After about two and half hours of searching, Sauer was located by boat approximately 200 yards downstream from where he fell in the water by the Sheriff's Office Marine Deputy. Sauer was submerged in 4 feet of water.

A story published about Sauer on Sept. 9, 2015 is being rerun on A-5.

Crime stats by the numbers

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A substantial decline in sheriff's office arrests, mirrored by a substantial increase in reported offenses, are two results that appear related to a precipitous drop in the sheriff's budget around 2012. Between fiscal years 2011 to 2012 and 2012 to 2013 the sheriff's budget dropped from \$11.8 to \$5.1 million, a drop of over 50 percent.

"Patrol was cut down to the bare-bones in 2012," said Sheriff Dave Daniel. He added that 2012 was the lowest point and staffing started to slowly ramp up after that.

Daniel came on as sheriff in January 2015.

The graphs that accompany this story, based on figures from the Oregon Annual Uniform Crime Reports, provide a helpful visual reference.

The sheriff's office graph shows that, in 2012, arrests dropped from 328 down to a low of 74, then rebounding slightly to 119 in 2015. But that was still an overall decrease of 64 percent in arrests since the inception of the sheriff department budgetary crisis. The bar

graph also shows that while arrests declined, reported offenses shot up, dropping again slightly in 2015, although still above previous levels.

Sheriff Daniel explained that one significant reason for the increase in offenses is that people are not being held in jail, so there is an opportunity to reoffend.

He also believes that reported offenses are an undercount of actual offenses.

"I know from speaking with people that they often decide not to report a crime because they believe nothing

will be done," he said. "But I tell them it's still important to report for the sake of tracking statistics."

These stats, added Daniel, don't cover nuisance calls, such as minor thefts or minor criminal mischief. An example he cited is a fight between a boyfriend and girlfriend. The deputy separates them and that's the end of it. But, said Daniel, if an offense is written up, it gets reported.

Daniels' next in line, Lt. Travis Snyder, commented that certain offenses, for instance sex offenses, are

being reported straight to the Oregon State Police (OSP) because people know that the sheriff does not have the capability to investigate.

"People are adapting to this Band-Aid system," he added.

In general, said Daniel, crime reporting is bleeding over into the OSP system, because OSP is picking up the 911 calls when the sheriff's office is not available. A look at the OSP graph shows that OSP has, indeed, been stepping into the breach.

SEE STATS ON A-3

