State Tax Commission Inept, Violating Law, Fruit Growers Here Claim

(Editor's note: The issue of the taxation of orchard trees is becoming a major one in Jackson county, with the deadline for tax statements to be sent out rapidly approaching, and still no settlement in sight. The following article was prepared by leaders of the Jackson County Fruit Growers league, and is signed by its president. It was prepared partly to set forth the league's position in the matter, and partly as a reply to a letter by Tax Commission Sam Stewart, which was printed recently in the Mail Tribune.)

The Fruit Growers League of Jackson County appreciates the opportunity to present its side of the orchard tree assessment controversy to the other taxpayers of Jackson County.

We believe all taxpayers should be interested in this matter, as it is very clear to us that the tax commission of the state of Oregon has concentrated in the hands of three men dictatorial power which amounts to contempt of democracy and the rights guaranteed by the constitution to all citizens, although the commercial orchards growers have been singled out for "the treatment" in this case, any other person reading this statement can be next.

Equality is Aim

First of all, the assessment of property in Jackson county has been turned over to the state tax commission. This was done in order to bring equality of assessment throughout the state. While this was done in good faith, it appears now to have been an unwise move as our locally elected officials who understand our economy have been reduced to bookkeepers and at the same time, for example, the commission is attempting to assess orchard trees in Jackson county while trees in many other parts of the state are not being assessed.

The law provides that the assessors doing the appraising are to be qualified. The orchardists maintain the appraisers did not have even a rudimentary knowledge of fruit trees or fruit growing. The commission admits the appraisal work was done from aerial photograph. Even an experienced orchardist would have trouble identifying tree species or varieties and all other factors involved from these photographs.

Dr. Blanch Quoted

Dr. Blanch of Oregon State college has been referred to as an authority for the basis of assessment work on trees in Jackson county by the state tax commission. His study was made on trees in Hood River and the Willamette valley. He advised the state tax commission that value of trees should be based on poor years as well as good years and the time and cost factor of getting an orchard tree into production should be recognized.

Dr. Blanch has authorized the fruit growers league to quote him as follows:

"No assessment on orchard trees would be a fair assessment unless a careful study were made of individual orchards, evaluating varieties, production, location, income and the many other factors affecting orchard values."

This has obviously not been done.

"Deal" Offered

The tax commission offered the fruit growers "a deal" lowering the assessment very materially. The fruit growers told the commission that we would not be a party to such a deal. Our position is that we want an opportunity to test the law in the court, and if the court decides we owed the tax, we only wanted to be assessed fairly. This is still our position.

The state tax commission has recently had hearing officers in Medford. They have claimed to be various things, including the Jackson county board of equalization, the state tax commission, or just hearing officers. These hearings were conducted, in most cases, in a very arbitrary manner. The state tax commission claims they have heard this evidence and made adjustments in about 50 per cent of the cases. In view of the fact that these hearings took many hours, it is nearly impossible that the state tax commission even heard this evidence, although the law states the taxpayer is entitled to be present, and to present his case before the board of equalization (in this case the tax commission claiming to be a board of equalization). At any rate the state tax commission, acting as prosecutor, judge and jury, confessed that a large part of the work done by its appraisers was incorrect.

Laws Stacked

Nearly anyone realizes that the laws are stacked in favor of the tax collecting bodies. The state tax commission claims to have the law on its side and to have followed it. The truth is that the state tax commission has been guilty of open and flagrent violation of the law and callousness in violating the constitutional rights of the citizens of Jackson county.

The question that is more important, to all of us as citizens, than whether trees should be assessed, is whether a dictatorial body such as the Oregon state tax commission operates under the laws of our state as the other citizens do.

We wish to call your attention to some of the violations that have occurred in state tax commissions "fruit trees assessment farce." These violations of law will undoubtedly be tested in a court of law. The fruit growers urge anyone interested in constitutional democratic government to consider the issues.

Law Cited

The law provides that the county board of equalization shall meet on the second Monday of May of each year. This would have been on May 9, 1955. The statute further provides that the board shall complete its work within three weeks from May 9, and may extend the time by appropriate resolution for a period not exceeding two weeks. This same statute provides that the assessment roll shall be deemed complete upon the expiration of the three week period, or lawfully extended period. In no case has this law been complied with.

At no time has the assessment roll ever been before the Jackson county board of equalization. Under these circumstances, how can it be said that the board of equalization has fulfilled its duty of examining the roll? It is our position that the board must have physical possession of the roll. This is a clear violation of the law.

If the State Tax Commission contends it has a right to act as a board of equalization, it has never had possession of the Jackson county assessment roll. This is an illegal action.

Unformity Required

The commission cites the statute pertaining to the general supervisory powers of the state tax commission. This statute requires uniformity of assessment. Our position is that the facts will disclose that only the commercial orchard properties have been ordered assessed by the commissioner, and he has therefore failed to perform the very duty elsewhere that he says he is performing in this case. The Oregon Constitution states, in Article 1 Section 32:

"All taxation shall be uniform on the same class of subjects within the territorial limits of the authority levying the tax."

If the state tax commission has ordered the levy of the tax under its general supervisory power, it is required by the Constitution to do so everywhere. The commission wants the public only to know about those laws that seem to favor its own interpretation. Article IX. Section 1 contains the same constitutional requirement that all taxes shall be levied and collected under general laws operating uniformly throughout the state. Many orchards in other counties of the state have not been assessed.

Normal Conditions

The commission's definition of true cash value is that it is practically synonymous with that of market value. The law applicable to assessment for the fiscal year 1955-56 is subject to the "normal conditions" factor. This means just what it says, and that is that the current market value must be adjusted to meet the normal conditions factor. In other words the assessment would have to take into consideration not only current market value, but the market value that could be had under normal conditions. The custom has been not to take the height of the market or the depth of the market, but to arrive at an average.

The commission states that it was the conclusion of the attorney general that orchard trees are legally assessable. The attorney general also stated that other type of trees were assessable, including shade trees. If the commission desired to follow the law as the attorney general claims it to be, they have singled out the orchardists, because the orders are directed only to the owners of commercial orchard property. If the tax commission were honestly following the attorney general's opinion, it should order the Jackson county assessor or board of equalization to forthwith tax everybody's apple tree in their back yards. This has not been done.

Values Erroneous

The commission has, up until Thursday of this week, maintained that its declared valuations of Class A and Class B were fair and valid. They have now, by their announcement, declared that most of these valuations were erroneous. They further claim that they went upon the premises, presumably of each orchard owner, and made an appraisal. Of two this is true. The appraisers were incompetent because their findings were at variance with what the commission now purports to find, or the commission is now wrong and its appraisers are right. The only reasonable conclusion is that the appraisers, if they ever made an inspection, were incompetent.

The commission claims that the county board of equalization has refused to act. The chairman of the Jackson county board of equalization says that this is not true and that it was impossible to make a just and fair appraisal under the commission's orders, if the trees are assessable.

The commission wants the public to think that it has given the orchardists a fair equalization here. This is not true. The commission refused to subpoena witnesses for the orchardists and in some cases even denied the right to call witnesses to testify concerning orchard valuations. This hearing was held at the taxpayers' busy harvest season.

Assessor In Violation

The county assessor states that he is in violation of the law which requires him to deliver the assessment roll to the sheriff on Oct. 15, 1955. The assessor has executed an affidavit in which he says he is ready to deliver the roll to the sheriff, but that he has received verbal instructions from the tax commission not to do so. If the commission is so interested to observe its duty to enforce the law as it exists, why has it put the county assessor in the position where he is violating the law?

The tax commission claims it has possession of the Jackson county assessment roll and has tried to get the county assessor to take the same position. The facts will show that the assessment roll was never delivered to the county board of equalization, as required by law, nor has it ever been out of the hands of the assessor.

The commission wants the taxpayers of Jackson county to think that it is looking after their best interests. They have been so completely inept that if they hold their procedure together at all, they have managed to create a situation in which the state tax commission has sent out notices of increases to the orchardists which omit all improvements upon the orchardists' property. The tax commission itself, in written orders dated Sept. 7, 1955 and Sept. 14, 1955, admitted that the purported orchard assessments were invalid and void because no notice of increase was ever given, and stated that the increased assessment could be no bigger than the notice given. They are now in the position of having given notices of maximum assessments on individual tracts of property in which improvements have not been included. This will result in all other taxpayers of Jackson county paying upon their improvements except the orchardists.

The assessment rolls in Jackson county have continued to have the orchard valuations on them even after the tax commission has declared them invalid. The millage of all tax subdivisions has and will continue to be based on an illegal assessment.

Paul Culbertson, President
Fruit Growers League of
Jackson County

RICHARD BOWERS
Parade Chairman

Jaycees Appoint Parade Chairman

Richard Bowers, 327 Maple st., has been named chairman of the Medford Junior Chamber of Commerce Christmas parade committee, it was announced Saturday.

The parade is held annually in cooperation with the Medford Retail Merchants association.

This year's parade will be held Nov. 30 at 6:30 p.m. Some 100 floats and marching units are expected to be entered. Cash prizes will be awarded to winners in the various parade classifications.

The event is open to all clubs and organizations in Jackson county. Parade space for floats and marching units may be reserved by telephoning Bowers at Medford 3-4630.

Guidance Clinic Adds Psychologist

Norman Sundberg, PhD, will work one day each month with the staff of the Southern Oregon Child Guidance clinic, is was announced yesterday by Dr. John McAuley, president of the Guidance Clinic association.

Dr. Sundberg will supply additional special psychological services needed in studying certain types of diagnostic problems of childhood, Dr. McAuley said. His services will supplement help given by several school psychologists and Loren Messenger, PhD, of Southern Oregon college.

The move has been made possible through aid received from the United Medford Crusade and the support of the Southern Oregon Child Guidance Clinic association, Dr. McAuley said.

Dr. Sundberg is a trained clinical psychologist. He received a doctor's degree at the University of Minnesota, and is now an assistant professor of psychology at the University of Oregon, where he is organizing the doctorate program.

CONCESSION GOES BROKE

Raleigh, N.C.—(U.P.)—The operator of a concession at the North Carolina State Fair which offers prizes for skill with a basketball had to close up Thursday night when several customers walked off with $200 in prizes. The contestants were members of the North Carolina State University basketball team.

Four Medford Officials To Participate in LOC Talks

Four Medford city officials will participate in discussions during the three-day 30th annual convention of the League of Oregon Cities at the Multnomah hotel in Portland starting today.

Diamond L. Flynn, president of the league, former Medford mayor and a member of the Medford water commission, will preside at a luncheon Monday noon at which municipal officials and employees with 30 or more years service will be introduced.

Allen C. Thompson, mayor of Jackson, Miss., and president of the American Municipal association, will be principal speaker at the luncheon.

To Honor 'Veterans'

Among those who will be honored for 30 or more years service are Medford City Manager Robert Duff and Public Works Director Vernon Thorpe. Frank Farrell, Medford city attorney, also will be honored as a past president of the league.

Flynn also will preside at the league's annual banquet at 6:30 p.m. Tuesday, at which time Gov. Paul Patterson will speak. League founders will be introduced. W. H. Miller, former Gold Hill mayor and the league's first temporary secretary, will respond for founders present.

City Manager Duff will submit a report on urban and fringe area problems to the joint legislative interim committee on local government and urban area problems. Reports from eight other cities and organizations will be presented at 2 p.m. Monday.

To Lead Panel

Duff also will be one of four discussion leaders at a general session at 9:30 a.m. Tuesday on city personnel problems. Duff will discuss "Medford's Program" at the meeting.

Thorpe will be one of four panel members discussing "Planning the Arterial Street System" at a planning and zoning section meeting at 10 a.m. Monday. Other panel members will be W. C. Williams, assistant state highway engineer; Lloyd T. Keefe, director of Portland planning commission; and Paul O. Landry, Klamath Falls mayor and a director of the League.

H. E. Mackie, Medford building inspector, will lead a discussion on "Standard Building Practices Illustrated" at a meeting of the building regulation section at 2 p.m. Tuesday.

Representatives of the League of California Cities, the Association of Washington Cities, and the Union of British Columbia Municipalities also will participate in convention activities.

Scout District Plans Recognition Banquet

The Big Pines district of the Crater Lake Area council of Boy Scouts will hold its annual recognition banquet and election of district officers at 7 p.m., Monday, Nov. 7. The banquet will be held at the Roxy Ann Grange on Springs st., Medford.

This will be the first annual banquet held in Jackson county in several years. The meeting will be for institutional representatives, unit leaders such as scoutmasters, explorer advisors, cubmasters and den mothers, unit committeemen, district committeemen and council members-at-large.

District chairan Bob Church has urged district scouters to attend. He said it will be a "husband-wife" event. Roxy Ann Grange ladies will prepare the dinner.

Officers to be elected include the chairman, vice-chairman and about six committee members at large.

Portland Youngster Drowns in Fish Pond

Portland — (U.P.) — Mark E. Ehman, 2⅛-year-old son of Mr. and Mrs. Fred A. Ehman, Portland, drowned Friday in the waters of a neighbor's fish pond.

Police said the boy apparently wandered into the yard of Mr. and Mrs. John Ardueser and fell into the pond which contained from two to three feet of water.