

ASHLAND PARKS AND RECREATION COMMISSION

340 S. PIONEER STREET

• ASHLAND, OREGON 97520

COMMISSIONERS:

Mike Gardiner
Rick Landt
Jim Lewis
Matt Miller
Vanstou Shaw



Michael A. Black, AICP
Director

TEL: 541.488.5340
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parksinfo@ashland.or.us

PARKS COMMISSION STAFF REPORT

TO: Ashland Parks and Recreation Commission

FROM: Bruce Dickens, Parks Superintendent

DATE: January 12, 2016

SUBJECT: Project Updates: Grove, Garfield Park, ACP Restoration, Golf Course Netting, Golf Clubhouse

BACKGROUND

Each capital project identified in the attached Gantt chart is at a different stage of completion:

WORK PLAN

- **The Grove & Pioneer Buildings:** The Grove reconstruction is well underway. All architecture and design work is complete and office furniture, paint colors and carpeting choices have been made. The contractor has completed approximately 60 percent of the work toward creating new office space. During this phase of construction, the City IT Department will be upgrading the phone and data systems for our additional office space.

Once the contractor has completed his work at The Grove, work will begin at the Pioneer offices. All painting, carpeting and office furniture installations will occur following reconstruction.

- **Ashland Creek Park:** The swing set has been ordered and delivery is expected in two weeks. Parks staff will be installing the swing and fall surface material. The path to the creek will be underway in the next three weeks. Most of the water damage to the park has been repaired and paid for by Public Works. Remaining work will occur in March.
- **Garfield Park:** A new contract is being awarded to finalize the drawings and specifications prior to bidding out construction of the project. Additional surveying will be required to encompass all of the new amenities.

- **Golf Course Netting:** One or more poles will need to be replaced before we can move ahead with new nets along green #4 at Oak Knoll Golf Course. The netting contract has been awarded and once the poles are set, the nets will be installed.
- **Golf Clubhouse:** Designs and repairs for the clubhouse roof are still being discussed. Once a money source is determined and bids are awarded, construction can begin (approximately August).

[illegible][illegible]

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PARKS COMMISSION STAFF REPORT

TO: Ashland Parks and Recreation Commission

FROM: Rachel Dials, Recreation Superintendent

DATE: February 3, 2016

SUBJECT: Update on History of Non-Paying Facility Renters—Information Only

Background

At the Regular Commission Meeting on January 26, 2015, during the fees and charges discussion, the Commission directed staff to gather any historical information regarding groups regularly using Pioneer Hall and the Ashland Community Center free of charge.

Women's Civic Club and Ashland Garden Club

The Community Center was built in 1922 as the Women's Civic Improvement Club Building and was later donated to the City in 1930. The City bought the building in the 1960s and renamed it the Winburn Way Community Center. The building, restored in 1985 and renamed as the Ashland Community Center, was added to the National Registry of Historic Places in 1989.

The Ashland Garden Club is an off-shoot of the Women's Civic Club. The Garden Club meets the first Monday and last Friday of every month in the Ashland Community Center building, free of charge. The Garden Club contributes countless hours every year, beautifying Ashland's parks and facilities.

Ashland Pinochle Club

The Ashland Pinochle Club was founded 72 years ago in 1944. It was given the "right" to meet in the Women's Civic Improvement Clubhouse (Ashland Community Center) with the understanding that the Club could use the facility free of charge in perpetuity. The Pinochle Club currently meets every Wednesday from 6:00 to 10pm and uses a small storage area within the Ashland Community Center. Staff cannot find any official historic documents relating to this arrangement (see attached letter from Pinochle Club).

AARP

Our earliest documentation on the tax assistance program is an APRC rental application dating from 1987 through 1995. It appears AARP was never charged a fee or a security deposit but no specific reason was identified. The program, operated by trained volunteers, is a community service. Other agencies in Talent, Phoenix and Medford donate facilities at no charge. Currently AARP is using The Grove building at no charge from February 1 through April 18.

The American Legion and Boy Scout Troop 112

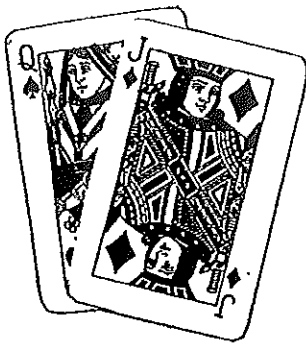
The American Legion turned over management, repairs and utilities of the Pioneer Hall building to the City of Ashland on September 15, 1986. The Boy Scouts began meeting at Pioneer Hall in November of 1985 under an agreement with the American Legion. In a 1986 Memorandum of Understanding (**Ashland City Document 1986-037, see attached**), the City and the Legion agreed on free use of the Hall by the Legion and its functions for a period of 20 years, with continuation of the agreement extending beyond the 20 years on a year-to-year basis if neither party expressed an interest in terminating the agreement, which neither party has done thus far. The American Legion currently uses Pioneer Hall one Monday per month from 7 to 10pm and for 4th of July and Veterans Day festivities. (**See attached documentation 1986 memo, Frank D'Entremont letter and an email from Richard Welton.**)

VFW (Veterans of Foreign Wars)

Staff cannot find any historical information relating to the VFW's free use of Pioneer Hall. They historically have used it on the 2nd Monday of every month from 7 to 10pm and also have shared the building with American Legion for Veteran's Day and 4th of July Festivities. The VFW cancelled use of the building in July of 2015 as they were combining their efforts with the Crater Lake Post #1833 in Medford. (**See attached letter from Melvin Clements**)

Recommendation

This is provided as information; no action is required.



Ashland Pinochle Club

Serving Ashland and Vicinity in Southern Oregon since 1944

January 6, 2016

Ashland Parks and Recreation Commission
340 S. Pioneer St.
Ashland, OR 97520

The Ashland Pinochle Club is a long-standing non-profit social group offering services to local senior citizens for social interaction. Many of these individuals have limited options for outside activities and the opportunities provided by the club for socializing and playing cards enhances their lives and stimulates their minds. Additionally, these services are provided as an affordable alternative to other activities beyond the financial means of many seniors.

The Ashland Pinochle Club was founded 72 years ago in 1944. It was given the right to meet in the Women's Civic Improvement Clubhouse at 79 Winburn Way, Ashland, Oregon with the understanding that the Club could use the facility without fee, in perpetuity.

The Women's Civic Club subsequently donated the building to the City of Ashland. The facility was later renamed the Ashland Community Center and is currently administered by the Ashland Parks and Recreation Commission. The Ashland Pinochle Club has never had to pay a fee to use this facility, thus acknowledging and honoring the original agreement.

Several years ago, the Parks Commission suggested that the Club use the Ashland Senior Center instead of the Community Center. Subsequent investigation revealed serious limitations for the Club's needs. There was no storage available for folding tables, chairs and other club essentials. Kitchen facilities were unavailable for the Club's monthly potlucks and weekly meetings and unfortunately, the acoustics were uncomfortable, especially for those wearing hearing aids. Street parking and minimal night lighting were also safety concerns.

It is our sincere hope that the Ashland Pinochle Club can continue to provide these essential services to the community under the original agreement, in cooperation with the Ashland Parks and Recreation Commission.

Sincerely,

Mitzi Loftus, Co-President

Mike Rowbottom, Co-President

MEMORANDUM OF UNDERSTANDING

Document #5

THIS MEMORANDUM, entered into this 2nd day of September, 1986, by and between the CITY OF ASHLAND, hereinafter called "City" and the GUY T. APPLEWHITE AMERICAN LEGION POST NO. 14, hereinafter called "Legion", both of which understand as follows:

RECITALS

WHEREAS, the Legion has had exclusive care and control of the building at 80 Winburn Way since the early 1920's; and

WHEREAS, the City wishes to acknowledge the diligent care afforded this building by the Legion over the years, and their contribution to civic improvement and youth programs;

NOW THEREFORE, BE IT REMEMBERED AS FOLLOWS:

SECTION 1. The Legion shall have exclusive use of the building for its scheduled activities while the Legion remains active; or the present building remains. These activities are as follows:

1. The regular monthly meeting held on the first and third Mondays of each month from 1:00 P.M. to Midnight.
2. State or Regional Legion meetings scheduled at least 30 days in advance.
3. All day on July 3, 4 and 5.
4. All day on the second Friday in September.
5. All day on November 10 and 11.
6. All day on the third Saturday and Sunday closest to March 16 of each year.
7. All other official Legion functions not listed above, provided that 30 days advance notice is given to the City.

At all other times the City shall have the use and control of the building.

SECTION 2. The Legion shall have control over the cupboards and drawers in the kitchen area, and may provide its own locks on same. No other person may use the items stored therein without the express written permission of the Legion.

SECTION 3. No alcoholic beverages may be served in the building by outside groups, except that the Legion may continue to serve such beverages at their functions, and on the Fourth of July with City and O.L.C.C. permission.

SECTION 4. The City will purchase from the Legion, all furnishings, with the exception of kitchen utensils and dishes and any other furnishings which the Legion desires to retain. The value of such furnishings shall be established by an appraiser mutually agreed upon by the parties.

SECTION 5. The City will assume management, repairs, utilities and insurance on the building, effective September 15, 1986.

SECTION 6. This memo shall be effective for twenty (20) years from its signature and may be cancelled thereafter by either party giving thirty (30) days notice, otherwise it shall continue on a year to year basis.

This memorandum shall be executed by the City and Legion, and a copy kept on file in the Office of the City Recorder, with a duplicate provided to the Legion.

DATED this 2nd day of September, 1986.

CITY OF ASHLAND

by: L. Gordon Medaris, Mayor
L. Gordon Medaris

by: Ann E. Franklin, City Recorder

GUY T. APPLEWHITE AMERICAN LEGION POST NO. 14

by: Chas. A. White, Commander

by: Raymond Kuwada, Adjutant

JUNE 27, 2007.

TO WHOM IT MAY CONCERN:

My name is JOHN FRANK d'ENTREMONT, and this letter offers my recollections regarding Ashland Boy Scout Troop 112 and it's use of Pioneer Hall for it's weekly meeting.

I was the Commander of American Legion Post 14 for seven and a half years, and a life member of that post. At the time, we had a member by the name of Louis DiCrocce who was a former Navy Seal, highly decorated, and 100% disabled as a result of an underwater explosion. He was also assistant Scoutmaster of Boy Scout Troop 112.

He brought up on the floor a request that we sponsor Boy Scout Troop 112. It is traditional for Legion Post to sponsor Youth Groups and Boy Scouts is one of them, and so was the situation at that time. We take them under our wing and they perform many projects. One of the most important is the Memorial Day Celebration at Mountain View Cemetery each year. We consider the Boy Scout Troop a part of our youth program same as Boys State, American Legion Baseball, etc.

We made arrangements with the City Park Dept to allow them to use the Hall for their meetings on a separate day.

The Hall over the years was in disrepair and since the Ashland Legion was small and had little resource, the City stated if we would turn the hall over to them, they would remodel it and we could use the hall as long as the Legion exist, rent free, including utilities. It has been a great arrangement for both parties.

Since most of the members were WW-II veterans and getting old, we thought it was a good idea, so went for it.

I don't see any problem since the Boy Scouts is a benefit to the Community at large. I myself was a boy scout back on the East Coast and later Scout Master. It builds character and I know first hand what it did for me.

I am confident that the City will allow us to continue this association between the Legion and the Boy Scouts, and continue to allow them the use of the hall.

Sincerely,

John F. d'Entremont
219 St Ives Drive
Talent, OR 97540
512-1980

Susan Dyssegard

From: Richard Welton <arwelton36@gmail.com>
Sent: Tuesday, December 22, 2015 10:27 AM
To: Rachel Dials
Cc: Hoque, Dick; Sockman, Ted; Miller, Bob; Jorgenson, Pete & Beverly; john@ourant.net; Engelhardt, John; Wurfl, John; Grupe, Darryl
Subject: Use of the American Legion Hall by the Scouts
Attachments: 1986 Memorandum of Understanding (Page 1).jpg; 1986 Memorandum of Understanding (Pge 2).jpg; Frank d'Entremont Letter.jpg; Brian Almquist Letter.jpg; Patrick Shannon Letter.jpg

Follow Up Flag: Follow up
Due By: Monday, January 04, 2016 4:00 PM
Flag Status: Flagged

Dear Ms. Dials,

I and three other people associated with Boy Scout Troop 112 had forwarded to us the memo you sent to John Ourant on December 17 concerning the free use of the American Legion Hall by the scouts. Your email to John indicated, "Specifically I'm looking for information related to the Pioneer Hall building and answering the question why the Boy Scouts do not pay a fee for use of the building."

I volunteered to respond to your inquiry because I have some knowledge of the history of the subject. I would like to point out that the information provided below has not been proofed by any persons associated with American Legion Post 14, Boy Scout Troop 112, Cub Pack 112 or the Ashland Lions Club and I am responsible for any inaccuracies that may be contained here within.

If you would like a very short explanation of the reason for the free use of the American Legion Hall by the scouts, it can be provided in a single but awkward sentence as follows:

Scouting is, without a doubt, a function supported in Ashland and across the country by the American Legion organization and in a 1986 Memorandum of Understanding (Ashland City Document 1986-037) (see attached) the City and the Legion agreed to free use of the Hall by the

Legion and its functions for a period of 20 years with continuation of the agreement extending beyond the 20 years on a year to year basis if neither party expressed an interest in terminating the agreement, which neither party has done thus far.

As far as I know, that is it in a nut shell! Those of you who are gainfully employed and busy do not need to read any further. Go back to work, be productive, keep your job and continue paying it to my Social Security. Those of you retired, unproductive individuals with lots of time on your hands and nothing worthwhile to do with your lives, can read on and get details on the history of the Legion Hall, an interpretation of the 1986 Memorandum of Understanding, proof that scouting is a function of the American Legion, and suggestions on how the misconception of free use "in perpetuity" of the Hall by the Legion and Scouts probably arose.

If you are foolish enough to opt for the lengthy, more detailed explanation, it is as follows:

First, let me introduce myself. I am Richard Welton. My wife and I arrived in Ashland in 1963, I taught at Southern Oregon University for 35 years, have been a member of the Ashland Lions Club for the past 52 years and have been associated with Troop 112 in one capacity or another for the same number of years. I am retired now and spend most of my time doing volunteer work for various groups and causes. I have spent considerable time researching the history of the American Legion Hall (Pioneer Hall) as the subject of its free use by the scouts has arisen before.

Below is a brief history of the Hall: The document numbers shown refer to numbers I have assigned to historical records I have in my files. If you or someone else want to know the justification for something that appears in the summary, I will easily be able to locate the record for you. While this history is interesting, the only portion that plays a major role in the issue at hand is the 1986 document so you might want to skip to 1986 if

your time is limited. I include this early history because it shows it is very unlikely we would have Pioneer Hall today if it were not for the dedication of American Legion Post 14.

1921 On July 14, 1921, the City of Ashland did lease unto G. S. Butler, for a period of sixty (60) years the parcel of land on which the Hall is presently located. (Document #1)

1921 G. S. Butler built a log building on the above-mentioned parcel of land as a memorial to his mother, Mrs. A. Butler Thompson. The building was to be devoted to the use of the pioneers of Jackson County, and for use by the organization known as the "Native Sons and Daughters." Ironically, Mr. Butler built the log building before the City leased the land. I think the rules for building permits might have been a little more lax in 1921 than they are today. (Document #1)

1921 Neither G. S. Butler or the "Native Sons and Daughters" ever accepted the care or custody of the leased premises or the structure built thereon. In fact, the "Native Sons and Daughters" indicated they "desired to assume no financial obligation in connection" with the Hall. It was the American Legion, Post 14 that assumed care and maintenance of the building at the time it was built in 1921. The Legion also kept the grounds in order, paid the insurance and expended substantial sums in the following years in enlarging and re-roofing the Hall. The Legion provided the care of the Hall from the building's inception in 1921 until September 15, 1986. (Documents #1 and #5)

1953 On April 7, 1953, the executors of the Estate of G. S. Butler give consent to the City for the original 60-year lease of the Hall to be cancelled and the premises re-released to Ashland Post 14 of the American Legion. The lease to the Legion stipulates that the premises will always be available for meetings of the "Southern Oregon Pioneers Association and the Native Sons and Daughters" without cost to the two organizations. The lease to the Legion is to be for 20 years, beginning the

first day of January of 1953 and ending on the 31st day of December of 1972. The Legion will pay \$1.00 per year to the City for lease payable in advance each year. The Legion will be required to keep the building in good repair, pay utilities and insure the Hall in a sum not less than \$5,000. In addition, the Legion shall keep the grounds and yard adjoining the Hall in a neat and clean condition so it will not distract from its surroundings. This 20-year lease was approved by the Ashland City Council April 7, 1953 by a vote of 6 ayes and 0 nays.

The April 7, 1953 lease agreement stipulated that, "Ashland Post 14, American Legion shall have a first right and option to a renewal of this lease, upon the same terms and conditions as set forth herein for an additional period of ten (10) years." (Documents #1 and #2)

1973 The lease of the Hall to the Legion is renewed for a period of 10 years, running from January 1, 1973 to December 31, 1982. The terms of the lease were essentially the same as the 20-year lease that preceded it with the Legion making a payment of \$1 per year, maintaining fire and liability insurance, paying all utility bills and keeping the Hall and its grounds in good repair and condition. As with the original 20-year lease that ran from 1953 to 1972, the Legion was not permitted to sublet the Hall. The 10-year lease was signed by the lessee and the lessor on August 24, 1973 and recorded in Jackson County on September 5, 1973. (Document #3)

1983 Although the above 10-year lease expired December 31, 1982, the agreement was honored until June 28, 1983 when a new 3-year lease was agreed to. (Document #3)

1983 On June 28, 1983, the lease of the Hall by the City of Ashland to the American Legion Post 14 is renewed for a period of three (3) years. The official time covered by the three-year lease was January 1, 1983 to January 1, 1986. Note that the start of the lease was backdated to January 1, 1983 from the June 28, 1983 signing of the document. The

terms of the lease were essentially the same as the 10-year lease that preceded it with the Legion making a payment of \$1 per year, maintaining fire and liability insurance, paying all utility bills and keeping the Hall and its grounds in good repair and condition. As with the previous lease, the Legion was not permitted to sublet the Hall. (Document #4)

1985 Boy Scout Troop 112 starts meeting in the American Legion Hall once again. The Troop had used the Hall for its meeting in some earlier years. The return to the Hall for meetings in 1985 came about because one of the assistant scoutmasters at the time, Mr. Louie DiCroce, a Navy Seal in the Vietnam War, was a member of the American Legion and knew of the Legion's interest in scouting. (Attached letter from Patrick Shannon)

1986 In this year, the City and American Legion signed an agreement that contains the basic premise for free use of the facility for the Legion and scouts. As far as I have been able to determine, the entire issue resolves around and can be explained in this single two-page document. (City of Ashland Document 1986-037).

In 1986, the American Legion decided it could no longer afford to maintain the American Legion Hall so the Legion gave up its lease of the Hall to the City of Ashland as outlined in a two-page "Memorandum of Understanding" dated September 2 of that year (City of Ashland Document 1986-037) (Welton Document #5). In the Memorandum of Understanding, there is acknowledgement that the Legion had exclusive care and control of the Hall since its construction in 1921 by G. S. Butler. In the Memorandum of Understanding, it is stated that, "The City wishes to acknowledge the diligent care afforded this building by the Legion over the years and their contribution to civic improvement and youth programs." (From 1921 to 1986, the American Legion kept the grounds around the Hall in order, paid the insurance, did repairs, enlarged the building, managed the facility, re-roofed the building, paid the utilities and did all the other things home owners typically do).

The September 2, 1986 Memorandum of Understanding states in Section 1, "The Legion shall have exclusive use of the building for its scheduled activities while the Legion remains active; or the present building remains. (My underlining) These activities are as follows:

1. The regular monthly meeting held on the first and third Mondays of each month from 1:00 P. M. to Midnight.
2. State or Regional Legion meetings scheduled at least 30 days in advance.
3. All day on July 3, 4 and 5.
4. All day on the second Friday in September.
5. All day on November 10 or 11.
6. All day on the third Saturday and Sunday closest to March 16 of each year.
7. All other official Legion functions not listed above, provided that 30 days advance notice is given to the City. (My underlining)

With the passage of time, some of the above dates were no longer needed by the Legion and they were released to the City so that other events could be scheduled during those times.

The Memorandum of Understanding states, "The City will assume management, repairs, utilities and insurance of the building, effective September 15, 1986." This date is the first time in the history of the Hall that the City of Ashland had any such responsibility for the building. A copy of the September 2, 1986 Memorandum of Understanding is attached.

The justification for the free use of the American Legion Hall by scouting organizations resides in Point # 7 of Section 1 above. The Boy Scouts of America is considered a function of the American Legion. It is just that simple.

That the Boy Scouts of America is a function of the American Legion is made obvious by such evidence as:

1. The American Legion was chartered in 1919 and at its very first national convention held that year, the Legion passed a resolution stating its support for scouting! This was 6 years before the Legion began support of American Legion Baseball, 11 years before it started supporting Boys State/Nation and 35 years before initiating support of the American Legion Child Welfare Foundation.
2. While the Lions Club of Ashland has sponsored Boy Scout Troop 112 for the majority of the 100 years of the Troop's life, the local American Legion was a sponsor of the Troop for several years in the Troop's earlier year's of existence.
3. I have communicated with several Commanders of the American Legion including Dick Hoque (present Commander), Ted Sockman (immediate past Commander) and John d'Entremont (a Commander of some years ago). Without exception, the Commanders have confirmed their support of scouting as a function of the Legion. I am attaching a June 27, 2007 letter I received from past Commander John d'Entremont. You will notice he certainly claims scouting as one of the Legion's functions.
4. Nationally the American Legion currently sponsors more than 2,500 Scouting units around the country.

5. At its annual national convention, the American Legion recognizes outstanding Eagle Scouts. The winner of the event receives a \$10,000 scholarship and the three runner up boys get \$2,500 each.

6. The Legion's section on Scouting as a Legion activity contains the statement. "Few other activities generate more goodwill from the community."

7. Each year the Legion gives out "Square Knot Awards." These are given to Legion members who are dedicated to furthering the Scouting program.

8. Over the years and across the country, the Legion and Scouts have come together on numerous projects including the placement of flags in cemeteries for veterans on Veterans Day.

The above are a few examples indicating that Scouting is without a doubt a function of the American Legion and has been since the inception of the organization in 1919. Thus, there is no question but what Boy Scout Troop 112 and Cub Pack 112 qualify under Section 1, Point #7 in the 1986 Memorandum of Understanding between the City of Ashland and the Ashland chapter of the American Legion. This qualification as a function of the American Legion means the scouting organizations (scouts and cubs) have the right to free use of the Legion Hall if they follow proper reservation procedures.

On September 2, 2006, the 1986 Memorandum of Understanding expired because Section 6 of the 1986 document states, "This memo shall be effective for twenty (20) years from its signature and may be cancelled thereafter by either party giving thirty (30) days notice, otherwise it shall continue on a year to year basis." I have no training in law but it appears to me the Legion and its various functions (such as scouting) have had available to them free use of the American Legion Hall for the past 9 years on a year to year basis because neither the City nor the Legion has given

notice that they want to cancel the agreement that both parties signed in 1986 and which expired in 2006. If there are any legal documents that have been generated to alter this interpretation of the 1986 Memorandum or if there have been oral agreements that are legally binding, I am not personally aware of them nor are the American Legion Commander, the Lion Club president or the Scoutmaster of Troop 112.

Over the years, I have heard several people say that the Legion, scouts and cubs have free use of the American Legion Hall "in perpetuity." As far as I have been able to determine, this is not true. I assume this "idea" arose from the fact that the Legion had complete managerial control of the Hall for the first 65 years (1921-1986) of the Hall's existence and then in 1986 the Legion had an agreement with the City that gave the Legion and its functions (including scouting) continued free use of the Hall for another 20 years. Somehow, over the years, these facts grew into the tenet of "in perpetuity" in the minds of quite a number of individuals. Below are a few examples.

1. I am attaching a copy of a 1997 letter sent to Brian Almquist, City of Ashland Administrator at the time. It was written by Dwight Barber, an assistant scoutmaster for Troop 112 at the time. You will notice the that Mr. Barber is operating under the "in perpetuity" assumption.

2. In September of 2006, I was contacted by Mark Moeglein who was the adult leader of Cub Pack 112 at the time. Mark wanted me to check with the Parks and Recreation Department to see if the cubs could meet in the Legion Hall. I contacted Dawn Lang, Facilities Manager at the time, to ask her about the use of the Hall by the cubs. She responded in part with a September 11, 2006 email that said in part: "Depending on the time frame you need , we could possibly work something out on Tuesdays from 3-5 or 4-6 or Thursdays same sort of thing. I am unfortunately going to be out of the office for 2 weeks due to back surgery I need to have done so I won't be able confirm anything real soon. I will be back in the office the 2nd of October. If this needs to happen right away I need to ask you to

call the Park and Recreation Office, ask for Rachel or Becky and have them get you entered in to the computer. Also, let them know that you are Boy Scouts and we don't charge you. In not, contact me Oct. 2nd and I can figure out a time for you and enter you." (The underlining is mine.)

3. On January 11, 2007, the Parks and Recreation Department held a study session on use fees for their buildings. One of the subjects discussed was ways to increase revenues for the City. One commissioner, Joanne Eggers, noticed a Boy Scout Troop 112 parent, Carol Davis, in the audience. Ms. Eggers asked Ms. Davis something along the lines of, "Would the Troop be willing to pay for a share of janitorial, utilities and maintenance so taxpayers would not be subsidizing the Boy Scouts?" Ms. Davis told Ms. Eggers that she was not in a position to answer the question on behalf of the Troop committee. One week later (January 18), I was in the Rogue Credit Union on Center Drive in Medford when I met Rich Rosenthal, a parks commissioner and long-time friend of mine. I told him of my concern that the Scouts were being looked at with regard to a possible user fee for the Legion Hall. He said something along the lines of, "Do not be concerned. The scouts have free use of the Hall." I doubt that Rich has ever seen the 1986 Memorandum. He became a member of the Parks Commission and probably just heard from his colleagues that the Legion and scouts had free use of the Hall. He probably assumed "in perpetuity." I will ask him the next time I see him.

4. I attended a meeting of the Ashland City Council of February 6, 2007 where the subject of the City's fees and policies for all the indoor and outdoor facilities was being addressed. During the discussion in that meeting, Don Roberts, Director of Parks and Recreation at the time, told the Council that, "The Legion and Scouts have free use of Pioneer Hall." I do not know if Mr. Roberts was an "in perpetuity" believer or if he was operating with the knowledge that the Legion and scouts were in the first year of their year to year free use based on the 1986 Memorandum of Understanding.

5. I am attaching a letter I received from Patrick Shannon in 2007 concerning use of the Hall by the Legion and scouts. Mr. Shannon was scoutmaster of Troop 112 for 15 continuous years (unbelievable!), including during 1986 when the Memorandum of Understanding was created. The letter from this outstanding gentleman probably reflects the beliefs and conceptions (or maybe misconceptions) about "in perpetuity" use of the Hall that Legionnaires, scout leaders and Lions have been operating under for years.

I think the problem is that the individuals and groups who have heard of the free use of the Hall by the Legion and scouts have come to assume the "in perpetuity" idea when they may never have seen the 1986 Memorandum of Understanding, or if they did, they failed to notice that the Memorandum was for only 20 years or if they knew this, they just assumed the provision for cancellation of the agreement (Section 6) would never be utilized by either the Legion or the City.

I am not aware of any documents that replace the 1986 Memorandum of Understanding, I do not know the legal status of any verbal agreements that may have been made over the years and I do not know what role "grandfathering" plays in all of this. Consequently, I do not think I can be of any value to the issue beyond this point. It might be time for some legal experts to come in and look at the issue. To me, it appears the Legion and its functions have free use of the Hall on a year to year basis and are at the mercy of the City for continuation of this arrangement. Needless to say, I am not pleased with this conclusion but that is the picture the evidence paints. Hopefully, there is something that has transpired over the years and of which I am not aware that will prove my opinion to be wrong. Whatever resolution is reached concerning the issue of free use of the Legion Hall, I would hope that it is very clear and is placed in writing with copies provided to the Legion, Scouts and Lions. We all need to be on the same page and have the same interpretation of what is on that page.

I am sending copies of this memo to several people who have an interest in the free use of the American Legion Hall by the Legion and Scouts. They include:

Dick Hoque (Present Commander of the American Legion Post 14 which supports scouting in our area)

Ted Sockman (Immediate past Commander of American Legion Post 14)

Bob Miller (Present president of the Ashland Lions which have sponsored local scouts and cubs for about 75 years)

Pete Jorgensen (Immediate past president of the Ashland Lions)

John Ourant (Present Scoutmaster of Troop 112)

John Engelhardt (Immediate past Scoutmaster of Troop 112)

John Wurfl (Troop 112 Committee member and liaison between the Ashland Lions and the scouts and cubs sponsored by the Lions.)

Darryl Grupe (Former scoutmaster of Troop 112 and long-time supporter of scouting in the Rogue Valley)

If you would like additional information or you would like to meet with some of us from Troop 112, the Lions Club and the American Legion, please feel free to contact me. However, I think the issue is very clear. The Legion and scouts have a legal right to year to year free use of the Legion Hall right now but that can be cancelled by a 30-day notice if either the City or Legion decide they no longer want to continue the 1986 Memorandum of Understanding.

My cell phone is [541-621-3904](tel:541-621-3904) and home phone [541-535-7931](tel:541-535-7931).

I turned 79 earlier this month and it is my hope that before I go to that "Great Big Lions Den in the Sky" that we can reach a final understanding on the free use of the Hall by the Legion and the Scouts.

Dick Welton

PS On a purely personal note, I cannot imagine the City of Ashland charging our veterans and the organizations they support for use of a building which the Legion maintained in its entirety for 65 years (1921-1986) before turning that responsibility over to the City.

I think it is important to recognize what the Legion, the Scouts and the Lions do for the City of Ashland. The Legion is all about service. The Lions are all service. In fact, the motto of the organization is "We Serve." Scouting is all about service while instilling good values in boys and young men. When I see the scouts collecting food for the community or I watch them removing blackberries from North Mountain Park to allow for replacement by native plants (one of numerous Eagle Scout projects that benefit the City) or I see them working with the Lions and the Parks Department on Christmas tree recycling, I think to myself, "This is what community is all about. This working together is fun and it is what helps lead young men to future community service and leadership." Maybe, the issue should not be what we should charge the scouts, Legion and Lions for use of a City facility but rather what can we ask these organizations to give to the City in the way of continued service while building closer relationships for a more tight-knit community.

Of course, the above two paragraphs are just my personal opinions and may not necessarily represent the views of all or any members of the Legion, the Scouts or the Lions.

January 23, 1997

Brian Almquist
Administrator
City of Ashland
20 E. Main
Ashland, OR 97520

Dear Brian,

I am sending this letter to you to reconfirm your and the City of Ashland's understanding related to the Boy Scouts of America Troop 112's use of Pioneer Hall (formerly the old Legion Hall). The understanding at the time of the transfer of Pioneer Hall to the City of Ashland by the American Legion was that B.S.A. Troop 112 would have full access/storage to the Hall and its additions in perpetuity. We have continually held our Troop meetings there every Wednesday evening since before 1984. Because there have been past incidents that have caused problems, not only for our Troop, but others, I wish to alleviate any future misunderstandings with respect to the free usage of Pioneer Hall and its additions by B.S.A. Troop 112, by sending you this letter.

Since new employees of the City are a likely aspect of the future, we would appreciate it if present and future City employees, volunteers, Council members, the Mayor and anyone who is involved with Pioneer Hall and its additions be notified of this agreement.

This should alleviate any future confusion over the space in question.

I wish to thank you for all your help.

Sincerely,

Dwight Barber
Boy Scouts of America
Troop 112

January 22, 2007

To Whom It May Concern:

My name is Patrick Shannon, and this letter offers my recollections regarding Ashland Boy Scout Troop 112 and its use of Pioneer Hall for its weekly meetings.

I was the scoutmaster of Troop 112 from 1982 until 1997, and it was during my tenure that we began the current utilization of that meeting hall. In 1985, the business manager for Ashland Schools District informed us that we could no longer utilize Briscoe School's multi-purpose room for our meetings. The district could not afford to have a custodian or other schools representative on duty during the evenings, and this created a liability concern for them.

At that time, one of our assistant scoutmasters was Louis Di Croce, a decorated ex-Navy SEAL who happened to be a member of Ashland's American Legion Post 14. I asked Louie to inquire with the Legion as to whether they would be interested in allowing our scout troop to use their building for our meetings. They immediately agreed, and we began meeting in the Legion Hall in November of 1985. At that time, as an Army veteran, I also joined our local American Legion.

Our scout troop's association with the American Legion post continued through my tenure as scoutmaster. I learned from the Legion that our troop--- the oldest in Oregon, dating back to 1916--- had actually been sponsored by the Legion post several times over the decades, and had regularly used the Legion Hall as its meeting location during those earlier eras.

In September of 1986, the Legion and City of Ashland entered into a Memorandum of Understanding (City of Ashland Archives Document 1986-037). In this document, the City assumed management and maintenance of the Legion Hall, but the Legion retained exclusive use of the building for Legion functions. I recall that Ellie Ross, the recorder for the post at that time, told me the agreement stipulated that both the post and our scout troop would continue to use the building "in perpetuity". The Legion considered our scout troop to be an integral part of their youth outreach program. (On the national level, the American Legion encourages its posts to establish relationships with their local scout troops.) So, I was given the clear message that our scout troop's use of the building was somehow tied in with the Legion post's guaranteed future use.

Although I have never personally seen any deed or contract specifying this arrangement, I recall that prominent members of the Legion post during this period were Frank D'Entremont and Bob Dooms, and they would have been parties to this understanding as well.

I am confident that the City of Ashland values the many worthwhile accomplishments and public services offered by our community's Lions, Legionnaires, and Scouts. In keeping with that, I hope the City will recognize the historic relationship between the Pioneer Hall and its Legionnaire and Scout occupants.

Sincerely,

Patrick Shannon
464 Iowa Street
Ashland, Oregon

**VETERANS OF FOREIGN WARS
GRIZZLY POST 353**

P.O. Box 381
Ashland, OR 97520

July 20, 2015

Ashland Parks and Recreation
Attn: Amanda Glass
340 South Pioneer Street
Ashland, OR 97520

Re: Cancellation of Reservation Dates – Pioneer Hall

Dear Amanda

Earlier this year the Veterans of Foreign Wars, Grizzly Post 353, voted to incorporate with the Veterans of Foreign Wars, Crater Lake Post 1833 in Medford. We have now arrived at a time when our use of the Pioneer Hall is no longer necessary as all future meetings will be held at the Crater Lake Post.

Veterans of Foreign Wars, Grizzly Post 353 wishes to thank you personally for your service to us these past years. We also wish to thank the Ashland Parks and Recreation Department for the use of the Pioneer Hall.

It is our desire the hold dates Pioneer Hall was reserved for Grizzly Post 353 for the 2015 year be cancelled immediately and Pioneer Hall be available for others to use.

If I may be of any further assistance, please feel free to contact me at any time.

Sincerely


Melvin N. Clements
Post Adjutant

288 Orange Avenue
Ashland, OR 97520
541-482-4126