

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Dissolving the Scappoose )  
Parks and Recreation District Without )  
Election )

ORDER NO. 58 -2010

WHEREAS, on June 2, 2010, pursuant to ORS 198.920, the Scappoose Parks and Recreation District (hereinafter, the "District") adopted Resolution 2010-1, initiating dissolution proceedings for the District, a copy of which is attached hereto as Exhibit A, and is incorporated herein by this reference; and

WHEREAS, on July 7, 2010, Resolution 2010-1 was filed with the County Board of Commissioners; and

WHEREAS, on August 2, 2010, pursuant to ORS 198.925, the District Board adopted Findings of Fact, which are attached hereto as Exhibit B, and are incorporated herein by this reference; and

WHEREAS, the District Attorney submitted the Findings of Fact to the Board of Commissioners and the County Clerk on August 3, 2010; and

WHEREAS, pursuant to ORS 198.930 the District Board has proposed a dissolution plan dated July 20, 2010, a copy of which is attached hereto as Exhibit C, and is incorporated by this reference; and

WHEREAS, pursuant to the District's Plan for Dissolution, the District has no liabilities with the exception of bills for prior District elections from 1984 through 2009, totaling \$23,771.97, and further indicating that the District's only asset is a bank account balance in the amount of \$266.37; and

WHEREAS, according to the District's Plan for Dissolution, the District proposes to convey all District assets to the County, and proposes to have the County waive its right to be reimbursed for the costs of District elections; and

WHEREAS, pursuant to ORS 198.940, the election on dissolution normally required by ORS 198.935 shall be dispensed with and the County Board of Commissioners shall declare the district dissolved and proceed in accordance with ORS 198.945, if the Board finds that dissolution is in the interest of the people of the County, and that the District has failed regularly to elect District Board members in accordance with the Principal Act of the District; and

WHEREAS, the Columbia County Clerk has submitted a letter dated August 31,

2010, establishing that the District has regularly failed to elect District Board members in accordance with the Principal Act of the District; and

WHEREAS, a copy of the Clerk's letter is attached hereto as Exhibit D, and is incorporated herein by this reference; and

WHEREAS, the Board of County Commissioners finds that it is in the best interest of the people of the County to dissolve the District; and

WHEREAS, the Board of County Commissioners finds that the District has failed regularly to elect District Board members in accordance with the Principal Act of the District;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Scappoose Parks and Recreation District is dissolved pursuant to ORS 198.940.
2. Pursuant to ORS 198.945, after the affairs of the District have been fully settled all books and records of the District shall be deposited by the board of trustees in the office of the County Clerk. At the same time, the Board of Trustees shall execute under oath, and file with the County Board, a statement that the District has been dissolved and its affairs liquidated. From the date of the statement, the corporate existence of the District is terminated for all purposes.
3. The Board of County Commissioners agrees to accept payment in the amount of \$266.37 in full satisfaction of the District's obligation to pay outstanding costs associated with District elections from 1984 to 2009 (\$23,771.97).

DATED this 10<sup>th</sup> day of November, 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By: \_\_\_\_\_  
Anthony Hyde, Chair

By: \_\_\_\_\_  
Earl Fisher, Commissioner

By: \_\_\_\_\_  
Rita Bernhard, Commissioner

Approved as to form

By: Samuel Hanson  
Office of County Counsel

EXHIBIT A

Scappoose Parks and Recreation District

Resolution 2010-01

Be it resolved, that the Scappoose Parks and Recreation District be declared dissolved per ORS 198.920 and records and remaining funds be turned over to Columbia County.

*Grandson M. Muehlen*  
Chairman

7-7-10  
Date

*[Signature]*  
Vice-Chairman

7 JULY 2010  
Date

*[Signature]*  
Secretary

July 7, 2010  
Date

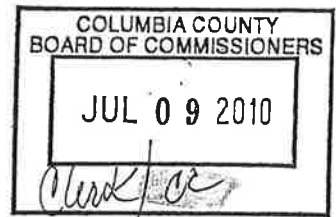
*Kay Fair*  
Treasurer

7-7-10  
Date

COLUMBIA COUNTY

JUL 12 2010

COUNTY COUNSEL



July 7, 2010

Columbia County Commissioners  
Courthouse  
St Helens, Oregon 97051

On June 2, 2010, at a regular scheduled monthly meeting the Scappoose Park and Recreation District passed the enclosed Resolution 2010-01. At the July 7, 2010 meeting there was a second reading of the resolution.

The Scappoose Parks and Recreation District lacks support in both funding and participation.

It is with deep regret that the Board of the Scappoose Parks and Recreation District requests the Columbia County Commissioners to take the necessary steps to dissolve the Scappoose Parks and Recreation District.

Very Truly Yours,

  
Geraldine Meyers, Chairman

  
Ed DeCoste, Vice Chairman

  
Tim Ohling, Secretary

  
Kay Fail, Treasurer

EXHIBIT B



230 STRAND STREET  
ROOM 328  
COUNTY COURTHOUSE  
ST HELENS OR 97051  
(503) 397-0300  
FAX (503) 397-2760

OFFICE OF THE DISTRICT ATTORNEY  
COLUMBIA COUNTY, OREGON  
R. STEPHEN ATCHISON  
DISTRICT ATTORNEY

DALE L. ANDERSON, CHIEF DDA  
JENNI JORDAN, DDA  
JOHN N. BERG, DDA  
KIMBERLYN SILVERMAN, DDA  
DENISE KEPPINGER, DDA  
DAWN HUNT, OFC MGR  
JANICE FALTERSACK, VICTIM ASSIST

August 3, 2010

Tony Hyde, Chair  
Columbia County Board of Commissioners  
230 Strand Street  
St. Helens, Oregon 97051

RE: Scappoose Parks and Recreation District

Dear Chairman Hyde:

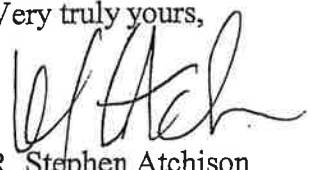
The Board of the Scappoose Parks and Recreation District has petitioned to begin the process of dissolution of the District. According to ORS 198.975 one of the first steps needed in the process is for the Board to file with you a set of Findings of Fact.

Enclosed you will find those Findings of Facts as adopted by the District Board on August 2, 2010.

Pursuant to ORS 198.925(2) the District Board also discussed the requirement of a "plan of dissolution." The Board asked me to pass on to you that, in the Board's opinion, there is no need for a formal plan because there are no assets, other than a small amount of cash, to dispose of and their only debt is to the County for past election costs.

If you have any questions or wish to discuss this matter further, please contact me.

Very truly yours,

  
R. Stephen Atchison  
District Attorney

RSA:dh

Enclosure

cc: Park Board  
Columbia County Counsel

COLUMBIA COUNTY  
AUG 03 2010  
COUNTY COUNSEL

### Findings of Fact

The Board of Directors of the Scappoose Parks and Recreation District, having initiated dissolution proceedings, do hereby make the following Findings of Fact as required by ORS 198.925:

- (a) The Board finds that the District has no indebtedness to any bondholder or other similar creditor. The Board acknowledges that it is indebted to Columbia County in the amount of \$23,771.97 for expenses incurred in conducting elections in prior years; and
- (b) The Board finds that the District holds no real property; and
- (c) The Board finds that there are no uncollected taxes or assessments owing to the District from any source; and
- (d) The Board finds that the only personal property held by the District is \$266.37 deposited in account number 346401 with the St. Helens Community Federal Credit Union; and
- (e) The board finds that there should be no costs attributable to dissolution of the District.

These Findings of Fact were duly adopted by the Board at a public meeting held Monday, August 2, 2010, at Scappoose, Oregon. These Findings of Fact are hereby transmitted to the Columbia County Board of Commissioners for further action pursuant to ORS Chapter 198.

DATED this 2<sup>nd</sup> day of August, 2010

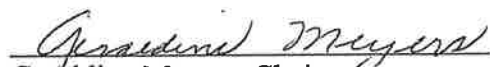
  
Geraldine Meyers, Chair  
Scappoose Parks and Recreation District

EXHIBIT C

July 20, 2010

Columbia County Commissioners  
Courthouse  
St Helens, Oregon 97056

RE: Scappoose Park and Recreation District

Columbia County Commissioners:

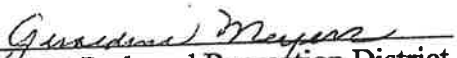
On July 8, 2010 the Scappoose Park and Recreation District delivered to the County Commissioners our letter dated July 7, 2010, which included Resolution 2010-01. This included the reasons we are asking the Commissioners to take steps to dissolve our District, per ORS 198-920 and all other related statues.

The Scappoose Park and Recreation District has no uncollected taxes, no real property, no assets of any kind, except for a bank account balance of \$266.37.

The District has no liabilities with the exception of the attached bills for prior elections. Those bills include elections for 1984 thru May 2009, except for the election held in March 1997, which was paid in full.

Upon request we are prepared to transfer to Columbia County all funds held by the Scappoose Park and Recreation District, as well as all books and records of the District presently in the possession of the District Board.

Very Truly Yours,

  
Scappoose Park and Recreation District  
Geraldine Meyers, Chairman

COLUMBIA COUNTY

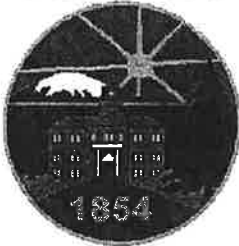
JUL 20 2010

COUNTY COUNSEL

cc: Elizabeth Huser, County Clerk  
Sarah Hanson, County Counsel

Attached: Election Bills  
Minutes- SP&R Meeting 7/7/10

COLUMBIA COUNTY



OREGON

EXHIBIT D

ELIZABETH E. HUSER  
County Clerk of Columbia County  
Courthouse, 230 Strand St., St. Helens, Oregon 97051-2041  
Telephone: (503) 397-3796  
(503) 397-7214 - Elections

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Recording, Dog Control, Elections, Board of Equalization

August 31, 2010

Columbia County Board of Commissioners  
Anthony Hyde, Chairman  
230 Strand St.  
St. Helens, OR 97051

Re: Scappoose Park and Recreation District

Dear Tony:

This letter addresses the past elections of the Board of Directors of the Scappoose Park and Recreation District.

In the May 2007 election, no candidates filed for the 3 open positions. Three people were elected by write-in votes and accepted the office. They were Tim Ohling, Geraldine Meyers and Patricia Kay Fail.

In the May 2009 election, no candidates filed for the 2 open positions. Two people were elected by write-in votes but only one accepted the office. Ed Decoste accepted and Robert Anderson did not.

I have also included an itemized statement of election costs due the county for the district.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth E. Huser".

Elizabeth E. "Betty" Huser  
Columbia County Clerk



Scappoose Park & Rec Itemized Billing			
DATE OF ELECTION	COSTS		
April 1984	\$ 1,013.47		
September 1984	\$ 1,103.49		
March 1985	\$ 825.42		
March 1987	\$ 543.29		
March 1989	\$ 838.92		
May 1990	\$ 1,934.95		
March 1991	\$ 867.90		
March 1993	\$ 789.92		
May 1993	\$ 4,006.83		
March 1995	\$ 675.09		
March 1997	\$ 0.00	\$ 942.93	paid
March 1999	\$ 1,062.76		
November 2000	\$ 2,813.35		
March 2001	\$ 1,759.81		
May 2003	\$ 1,078.69		
May 2005	\$ 1,647.48		
May 2007	\$ 1,253.92		
May 2009	\$ 1,556.68		
Total Due	\$ 23,771.97		