

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Study Session Worksheet

Presentation Date: 4/8/2014 **Approx Start Time:** 10:30 a.m. **Approx Length:** 60 Min

Presentation Title: Clackamas County Event Center Livestock Building

Department: Business & Community Services

Presenters: BCS Director Gary Barth, Event Center Executive Director Laurie Bothwell

Other Invitees: Chris Storey County Counsel, Laura Zentner Deputy Director BCS, Marc Gonzales Finance Director, Jeff Jorgenson, County Facilities Manager.

WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

Determine options for dealing with the structurally deficient Livestock Building at the Event Center, currently closed to the public. Need a facility solution before the County Fair in August 2014.

EXECUTIVE SUMMARY:

On February 24, 2014 Associated Consultants Inc., a structural engineering firm, provided a structural observation report for the Clackamas County Event Center Livestock Building. This was the second structural review in the last year. The purpose of the most recent review was to evaluate the structural condition of the building following a recent snowfall. The review was limited to areas of structure exposed to view only. No drawings were available and no material testing or remote sensing was conducted.

The initial assessment indicated areas of increasing decay in the building's roof framing causing the roof joists and beams to deflect excessively under the weight of snow, ice and water. With no way of draining, the water is creating large ponds at the low ends of the roof joists which remains an issue even after storms have passed and several days of dry weather have occurred. The wood columns in the building are embedded in the concrete floor slab. Constant water leakage from the roof keeps the slab wet which has resulted in decay at the base of the columns. In some areas the columns have settled as much as six inches.

Due to years of leaking and moisture penetration it is the opinion of the structural engineering firm that the building is not safe for the use of events. Based on this recommendation the facility was closed and remains closed pending further direction from the Board.

The building has many structural issues and it is likely that the cost required for upgrades, repairs, and remodeling may exceed the value of a replacement building. However, for historic value and purposes, improvements can be made. New footings must be installed under all existing posts keeping the base of wood above the slab for future protection. Rotted posts should be removed and replaced. Intensive investigation will be required before design and construction drawings and costs can be finalized

FINANCIAL IMPLICATIONS (current year and ongoing):

Options range from 1) erecting a temporary structure on another area of the Fairgrounds for \$52,000 to meet the short-term needs of the County Fair scheduled for August 2014 and retaining the existing building for possible renovation at a cost to be determined or 2) deconstructing the existing facility at an estimated cost of \$100,000 - \$150,000, erecting a temporary facility in its place for \$52,000 for the 2014 County Fair and constructing a permanent replacement structure in its place at a cost to be determined. The County Fair and Event Center budget has the funds for a temporary structure but no funds have been identified for the deconstruction of the existing facility, reconstruction of the existing facility or a new replacement facility.

LEGAL/POLICY REQUIREMENTS:

County Fairs and Shows are governed under ORS 565 Fairs and Exhibits. Several relevant sections are:

565.230 Management of county fairs

(1) The county fair board has the exclusive management of the ground and all other property owned, leased, used or controlled by the county and devoted to the use of the county fair, and is entrusted and charged with the entire business management and financial and other affairs of such fair.

565.275 Fair district

- Creation of a Fair District would be a possible funding solution

565.330 Maintenance of fairgrounds and buildings

ORS 565.330 is intended to be a funding mechanism to benefit County Fairs; however Property Tax limitation measures have had an impact on the use of this funding tool

(1) In any county the county court may, at the time of making the annual estimate of the county levy for county purposes, include in the estimate and levy a sum not exceeding one one-hundred-sixtieths of one percent (0.0000625) of the real market value of all taxable property within the county, computed in accordance with ORS 308.207 (Computation of real market value for taxing or bonding limitations), to cover the cost of maintaining the county fairgrounds and buildings, erecting new buildings and general operating expenses. The tax shall be collected in the same manner as other taxes are collected, shall be placed in a special fund to be known as the fair fund and warrants drawn thereon by the county fair board.

(2) The limitation provided by subsection (1) of this section on the amount of the levy does not apply to any specific levy for the purpose described in subsection (1) of this section that receives approval of a majority of the voters voting at a county-wide election.

PUBLIC/GOVERNMENTAL PARTICIPATION:

Per ORS 565.230 the Fair Board has responsibility for the entire business management of the facilities devoted to use of the county fair; therefore staff recommends that the Fair

Board be informed of outcomes of discussions and decisions that may impact the facilities at the county fair and event center.

OPTIONS:

1. Deconstruct structurally deficient Livestock Building assuming funds can be identified and erect in its place a temporary facility for use only during the county fair to be held in August 2014. The temporary facility would be covered by the County Fair and Event Center budget. Continue with the temporary facility solution for fairs in future years.
2. Retain the existing building and solicit bids for reconstruction to correct structural deficiencies in time for the August 2015 County Fair. This option would require a new source of capital funds for that reconstruction. Explore listing the Livestock Building on Historical Registers if benefits warrant. Erect a temporary facility at another location on the fairgrounds for use only during the county fair to be held in August 2014 using funds in the County Fair and Event Center budget.
3. Deconstruct structurally deficient Livestock Building assuming funds can be identified and use existing funds to erect in its place a temporary facility for use only during the county fair to be held in August 2014. Plan, fund and construct a new replacement facility(s) in time for the August 2015 Fair. This option would require a new source of capital funds for the construction of new facilities.

RECOMMENDATION:

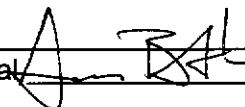
Staff respectfully recommends Option 2 - seek bids on repairing the structurally deficient facility, identifying funding sources needed for the repairs, and erect a temporary facility in another location for use during the August 2014 County Fair.

If the cost of repairs is quickly determined to be too high to be financially viable for the long term solution, then staff recommends subsequently moving to Option 3 as the long term solution which will require identifying new sources of capital funds.

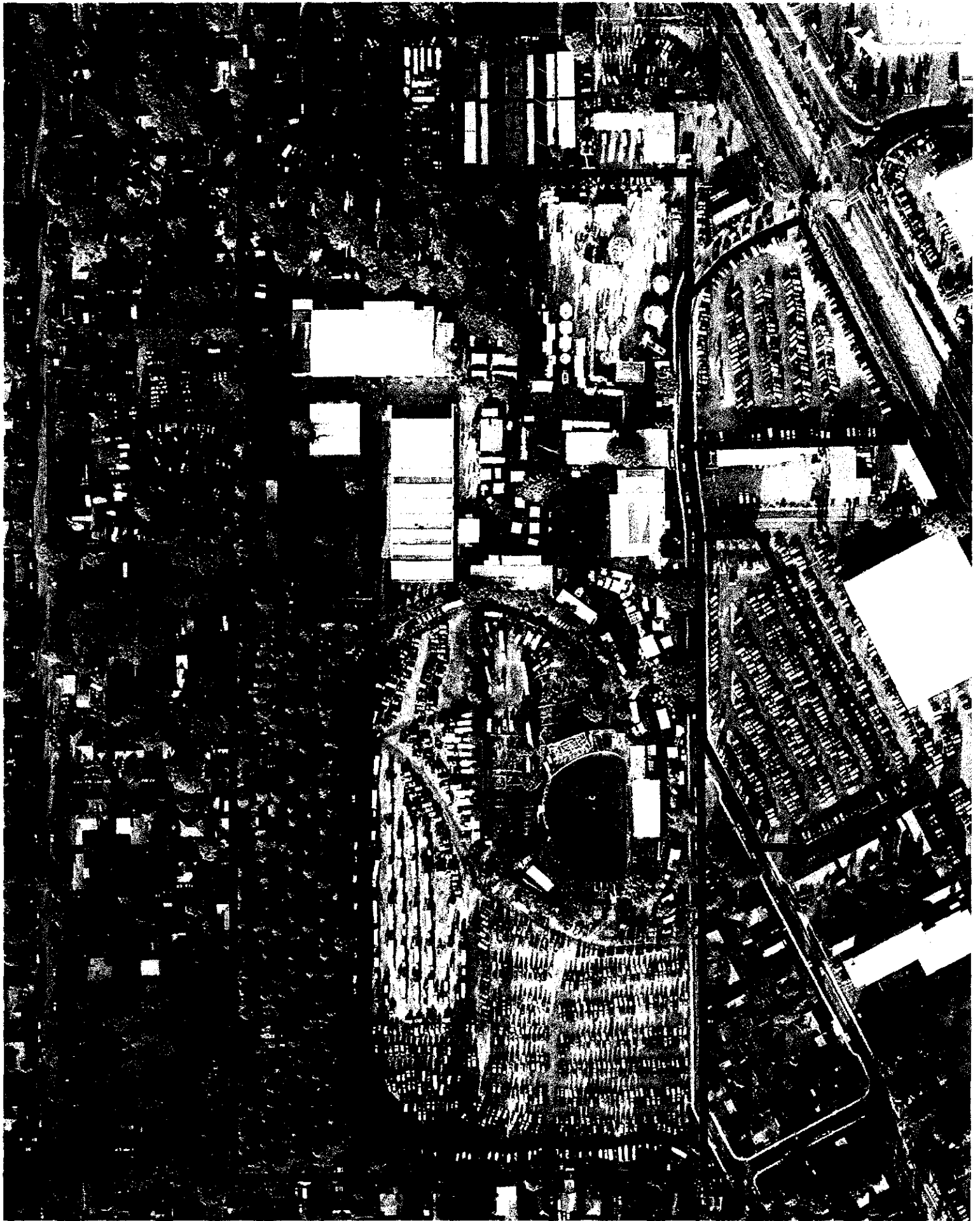
ATTACHMENTS:

1. Map of Fairgrounds
2. Structural Report February 2014
3. Structural Report May 2013
4. Staff Presentation September 21, 2010
5. ORS Chapter 565 – Fairs and Exhibits
6. Washington County Fair Board Bylaws
7. Washington County Fair Board MOU

SUBMITTED BY:

Division Director/Head Approval _____
Department Director/Head Approval  Director NCPRD
County Administrator Approval _____ Administrator NCPRD

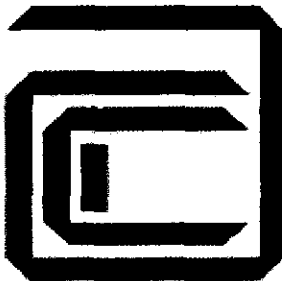
For information on this issue or copies of attachments, please contact Gary Barth @ 503-742-4299



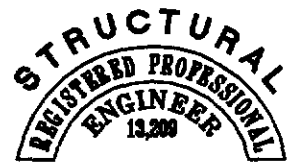
Clackamas County Event Center Livestock Building Clackamas Count, Oregon



Structural Review after Recent Snow Fall



Associated
Consultants,
Inc. Structural Engineers



EXPIRES: 6-30-

100 East 13th Street • Suite 10 • Vancouver, Washington 98660
Phone: (503) 384-0460 • (360) 699-0607



**Associated
Consultants,
Inc.** Structural Engineers

February 24, 2014

Mr. Jay Raskin, AIA
Nathan Good Architects, PC
800 NW Sixth Street, Suite 304
Portland, Oregon 97209

**Re: Clackamas County Event Center
Livestock Building
Structural Observation Report**

Dear Mr. Raskin,

At your request we have visited the above-referenced building, walked through, and have performed structural observation. The purpose of the review was to evaluate the structural condition of the existing building after the recent snow fall. Our review was limited to any areas of the structure, which was exposed to view. Original drawings for the building are not available. We have not performed any material testing or remote sensing.

There are increasing areas of decay in the building's roof framing since we observed the building last. During the recent snow event it appears that the roof joists and beams deflected *excessively under the weight of snow and once the snow melted the water had no ways of draining and created large ponds at the low ends of the roof joists.* Water was dripping in several locations when we visited the building, even after few days of dry weather.

As you know the wood columns are embedded in concrete floor slab. Constant water leaking from the roof has kept the slab wet and that has resulted in decay at the base of columns, in couple of places the columns have settled as much as six inches. This also caused excessive water retained on top of roof.

Due to years of leaking and moisture penetration the building framing has decayed excessively. We believe at this condition the building is not safe to be used for events.

This building has many structural issues and it should be noted that it is likely that the cost required for upgrades, repairs, and remodeling may exceeds the value of a replacement building. However if it is so desired to restore the building for historic reasons, the recommended list of improvements as per our earlier report should be followed.

100 East 13th Street • Suite 10 • Vancouver, Washington 98660
Portland (503) 384-0460 • Vancouver (360) 699-0607

In addition new footings should be installed under all existing posts keeping the base of wood above the slab for future protection. Posts that are rotted should be removed and replaced.

To better understand estimated cost of improvements we believe a contractor should take an inventory of items which require repair and replacement.

As noted in our earlier report intensive investigation will be required before construction design and drawings can be finalized.

We hope that the above information will be sufficient for estimation and feasibility studies.

Please do not hesitate to call us if you have any questions or comments or if we can provide further assistance.

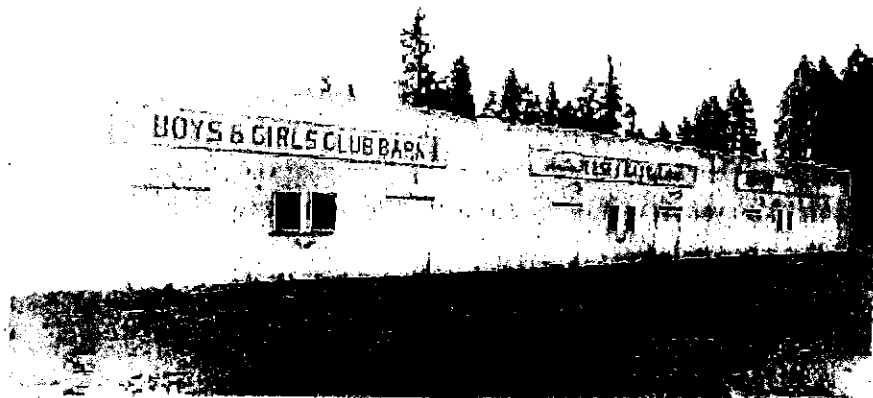
Sincerely yours;

Manouch Yaganeh, P.E.
Associated Consultants, Inc.



Clackamas County Event Center Livestock Building Report

Canby, Oregon



May 16, 2013

Ecola Architects, PC
2418 SW Troy Street
Portland, Oregon 97219
(503) 206-6802

Associated Consultants Inc.
Structural Engineers
100 East 13th Street, Suite 10
Vancouver, Washington 98660
(503) 384-0460

A. Code Review

Although agricultural livestock buildings are typically U-Utility occupancies, the Livestock Building is by the public to view the livestock. This public use makes its occupancy an A3 Assembly occupancy. Since most of the area is taken up with livestock pens, only the aisles and circulation should be considered to determine the occupancy load. While there are no egress doors per se, there is ample egress openings from the building when the sliding doors are open.

An A3 Occupancy permits a wide variety of assembly uses and removal of the livestock pens could open it up for these uses. However, the Livestock Building is not well set up to accommodate these uses since the structural posts are located close together, limiting flexibility. In addition there is lack of heating and proper egress doors. The latter would also be a concern for the fire marshal.

The building is wood framed, Type V construction, one story, and does not have an automatic sprinkler system. The height of the building is 18.5 feet. It is located within the Clackamas County Fairgrounds and has more than 30' separating it from most other structures (except for a small pavilion on the south side. The size of the building, approximately 42,160 square feet exceeds the 6,000 square feet allowed with this type of construction (Table 503), even when building area modifications allowed with adequate separation from other buildings bring this closer to 22,000 sf (Section 506).

A building of this size and occupancy currently is required to have an automatic sprinkler system, which would have to be dry system since the building is not heated.

There is no requirement that the building be upgraded to meet current code unless there is a change of use or substantial alteration. Alterations to the building need to comply with current code, but there is some flexibility depending on what is being altered.

B. Historic Review

The Clackamas County Fairground is considered a significant cultural resource by the County and the Livestock Barn (Stock Barn #1) is contributing structure. The Clackamas County Fair Association purchased the property in 1909. The first permanent buildings were built in 1924, which included the Livestock Barn. The Fairgrounds are considered eligible, but not listed, for the National Register.

The Livestock Building has a decorative front on the south side that hides the multi-shed roof structure behind. The original south facade had lapped siding, pilasters creating a division of bays, and double windows between the sliding doors. There were originally only five bays. The most eastern bay was added later, as was the porch structure and office on the north side. The current building has metal siding, the pilasters have been removed except at the top of the wall, and the wood windows on the south wall have been eliminated. A concrete foundation with a concrete stem wall was installed at some point. The original floor was dirt, but is now mostly concrete, except for the west end that is used for horses. The structure of the barn is exposed, showing the framing of posts, brackets and framing of the monitor window walls. The side walls have been covered in plywood.



structure. The wind beams horizontally span between columns in the exterior walls. The walls are sheathed with 1x straight sheathing on the inside. Outside face of walls are covered with metal siding. The 6" thick stem walls appear to be cast using plywood forms and they may have been added at a later date as an attempt to fix dry rot at base of walls. It is not clear if there are any footings and anchor bolts. We did not detect use of any hardware or connectors anywhere in the building framing. At the north and east sides of the building some covered areas has been added. These structures consist of corrugated metal roofing applied over wood framed roof supported on beams and posts.

There appear to be areas of decay in the roof framing due to years of leaking and moisture penetration. These members require replacement or strengthening.

We have performed structural analysis for the framing members and discovered that some framing members are inadequate to provide support for code required snow load of 25

pounds per square foot. Roof joists are stressed by as much as 186% for longer spans. Some 6x8 roof beams are overstressed as much as 200%. One may say since 1924 there must have been years which this area received heavy snow fall and obviously the building has performed, however code requires buildings to be designed to support 25psf minimum snow load.

Prior to structural improvement as suggested below we highly recommend closing the building and not allowing people in when ground snow exceed 6".

The roof has been constructed with series of single pitched sections with vertical window walls (saw-tooth shaped) which provides the space natural lighting. However the multi planes of roof diaphragms do not have adequate boundary elements and collectors to make them work together as a single diaphragm and span between vertical supporting elements. The roof and walls are sheathed with spaced sheathing (shiplap) which is no longer recognized by building code for diaphragm and shear-wall construction. The framing lacks adequate lateral load path for wind and seismic forces. Laterally this construction does not come close to meeting the requirements of the recent building code. Again one may wonder the effect of Columbus Day Storm of 1962 on this building and how it performed.

The building department does not require any upgrade or improvement for this building unless the building undergoes remodels and structural alterations or a change of occupancy. Any improvement at this point would be voluntarily selected by the owners. As a minimum we believe some of the maintenance issues such as roof leakage and framing decay should be repaired as soon as possible since this situation can only get worse and more dangerous.

The building requires structural improvement for both gravity and lateral (seismic and wind) loads. Following is our recommendation.

Immediate Action

- Prior to structural improvement as suggested below we highly recommend closing the building and not allowing people in when ground snow depths exceed 6".

Near Term

- Repair roof and roof drainage system

Long Term

- Gravity Load Improvements
- Lateral Loading improvements
- Automatic Sprinkler system
- Consider listing the Event Center on the National Register as part of strategic plan

Gold Architects
 Architects
 1000 West 10th Street
 Suite 100
 Anchorage, AK 99501
 Phone: (907) 562-1000
 Fax: (907) 562-1001
 www.goldarchitects.com

Structural Engineer
 David J. Smith, P.E.
 License No. 10000
 Home: (907) 562-1000
 www.djsmith.com

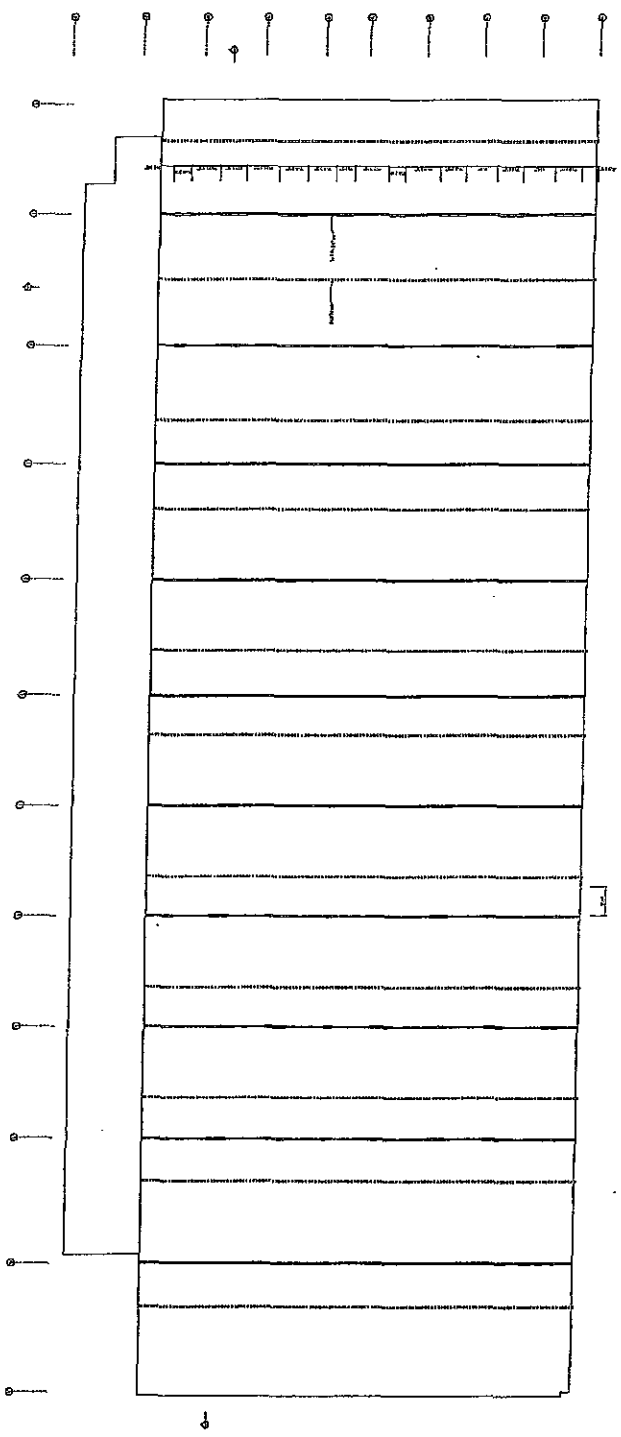
EVENT CENTER
 621 N.E. 11th Avenue
 Anchorage, AK 99501



MONITOR PLAN

Project No. 001-4
 Date: April 2, 2010

A2
 EXISTING



1 MONITOR PLAN

SCALE: 1/4" = 1'-0"



⑥ NORTH ELEVATION

SCALE 1/8" = 1'-0"



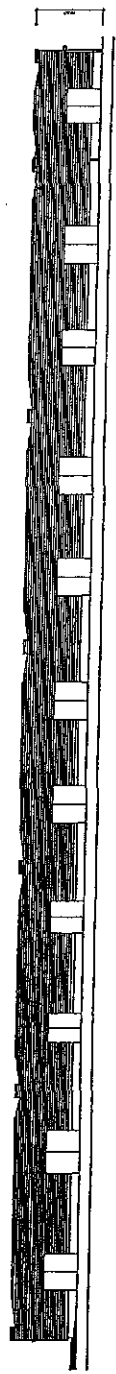
③ WEST ELEVATION

SCALE 1/8" = 1'-0"



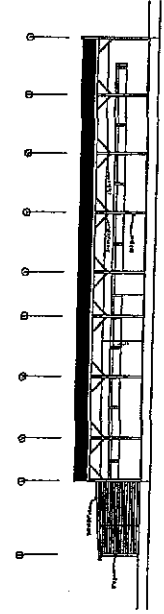
④ EAST ELEVATION

SCALE 1/8" = 1'-0"



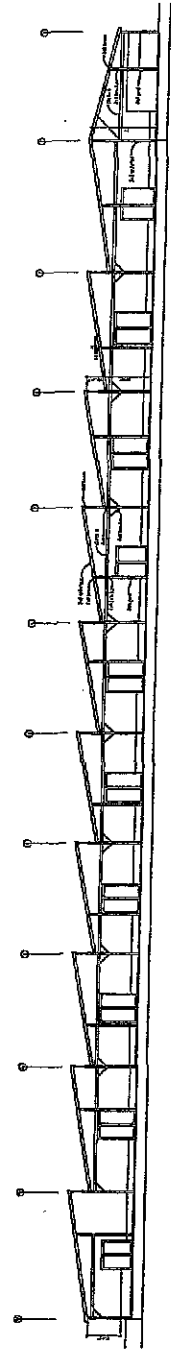
③ SOUTH ELEVATION

SCALE 1/8" = 1'-0"



② NORTH/SOUTH SECTION

SCALE 1/8" = 1'-0"



① EAST/WEST SECTION

SCALE 1/8" = 1'-0"

Early Architects
 Architects
 248 NW 13th Street
 Portland, OR 97209
 Tel: 503.228.4422
 Fax: 503.228.4422
 http://www.earlyarchitects.com
 info@earlyarchitects.com

Structural Engineer
 David H. Baker
 1000 NE Oregon Street
 Portland, OR 97232
 Phone: 503.241.4000
 www.dhbaker.com

OWNER: Clatsop County Fairgrounds
 694 NE 4th Avenue
 Clatsop, OR 97019
EVENT CENTER

SECTIONS & ELEVATIONS
 Project No: 904
 Date: April 22, 2010

A.4
 EXISTING

Heidenreich, J

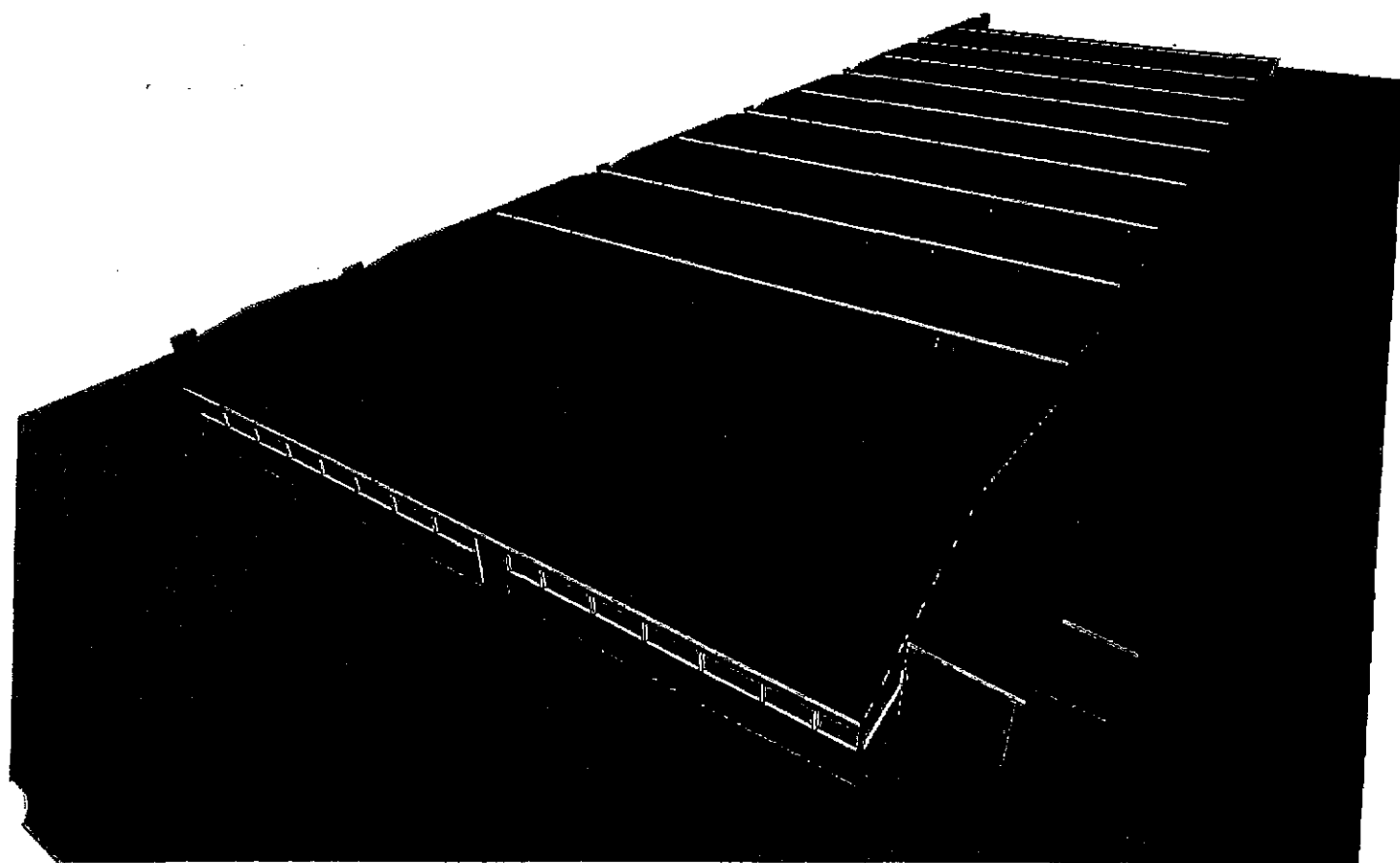
From: Jay Raskin [jay@ecolaarchitects.com]
Sent: Tuesday, April 02, 2013 4:24 PM
To: Manouch Yaganeh PE
Cc: Heidenreich, J
Subject: Event Center Images

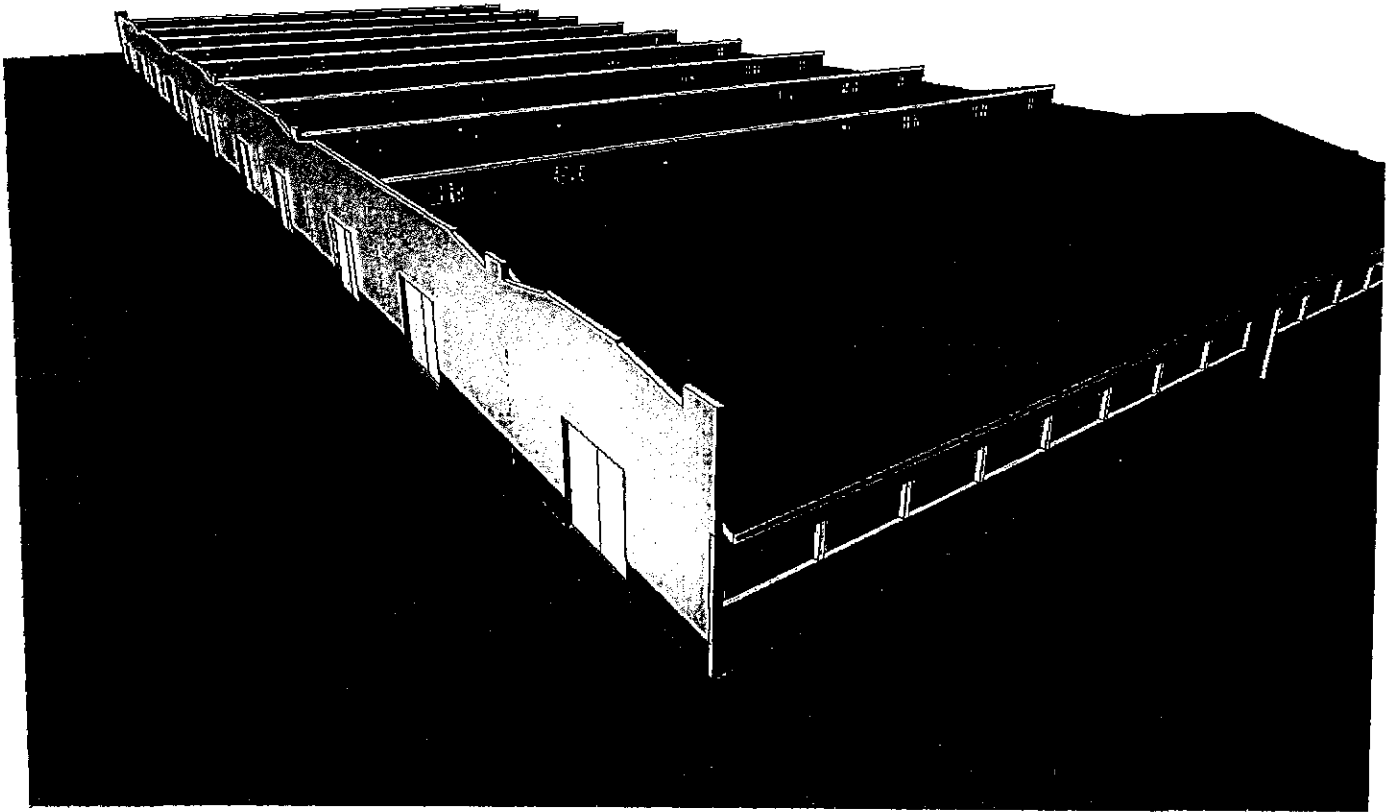
Here are some 3D view of the Event Center

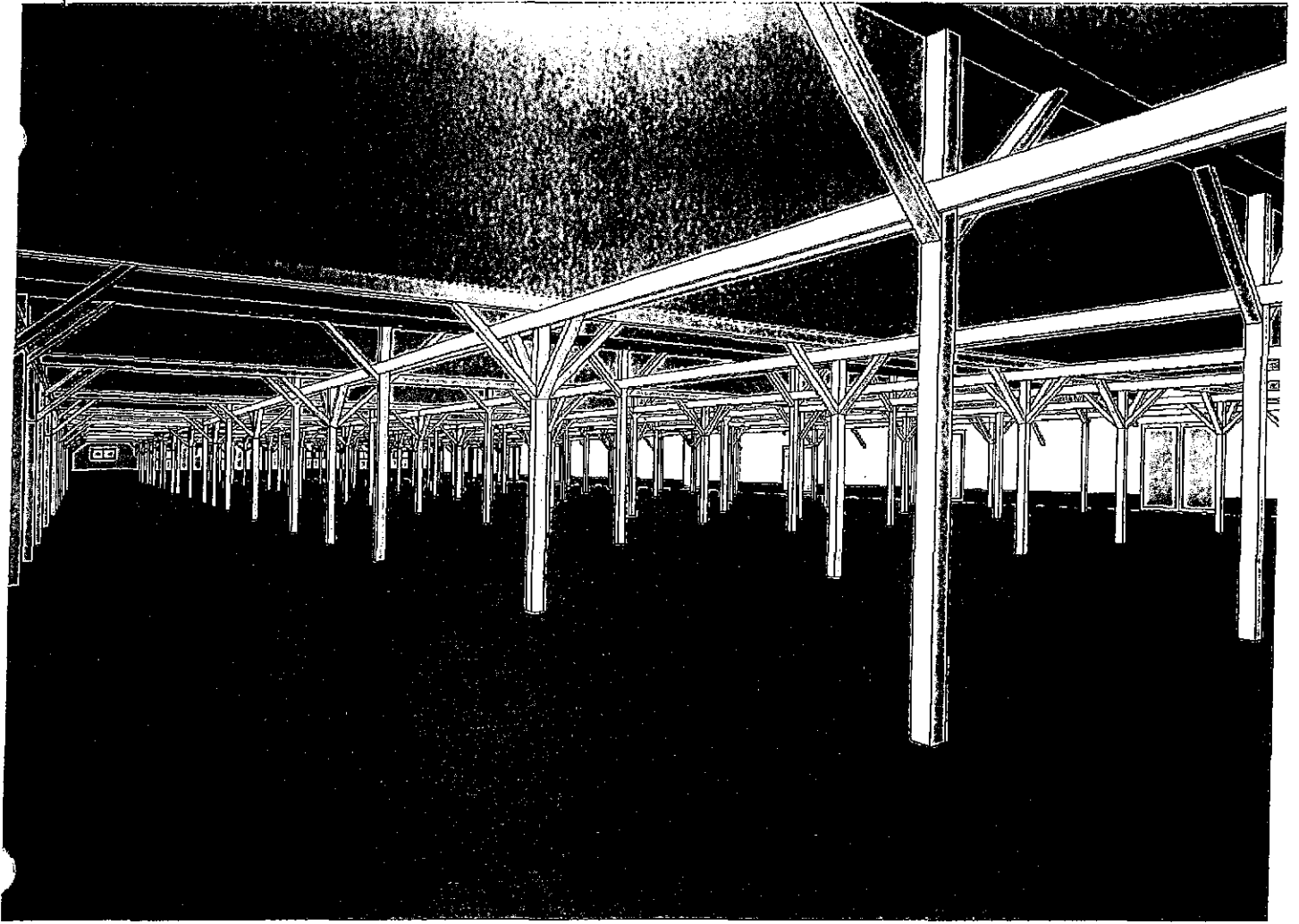
Jay Raskin, AIA

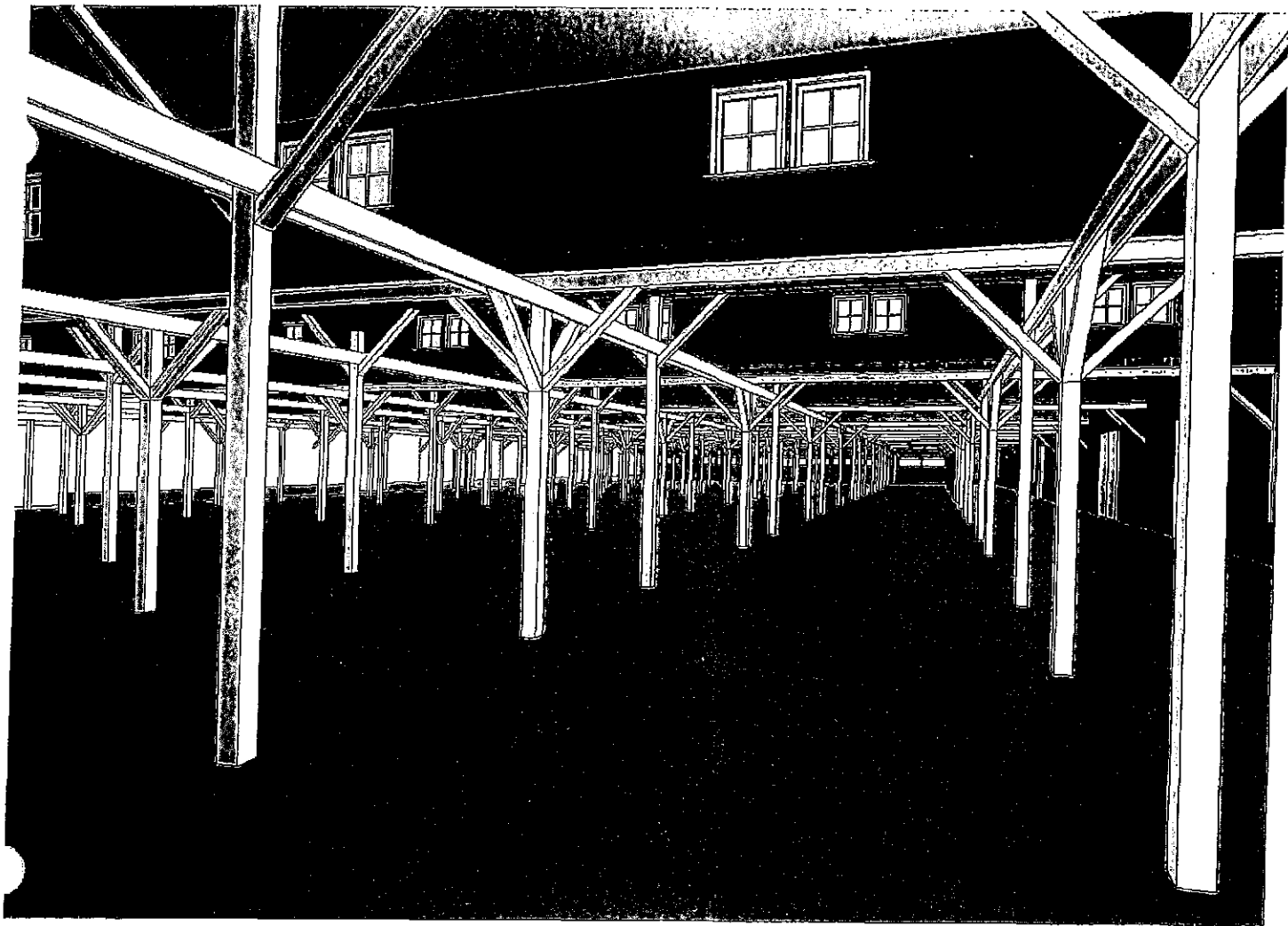
Ecola Architects, PC
2418 SW Troy Street
Portland, Oregon 97219
Tel PDX: (503) 206-6802
Tel: Cannon Beach: (503) 436-2162
Fax: (971) 229-1098
www.ecolaarchitects.com
<https://www.facebook.com/EcolaArchitects>

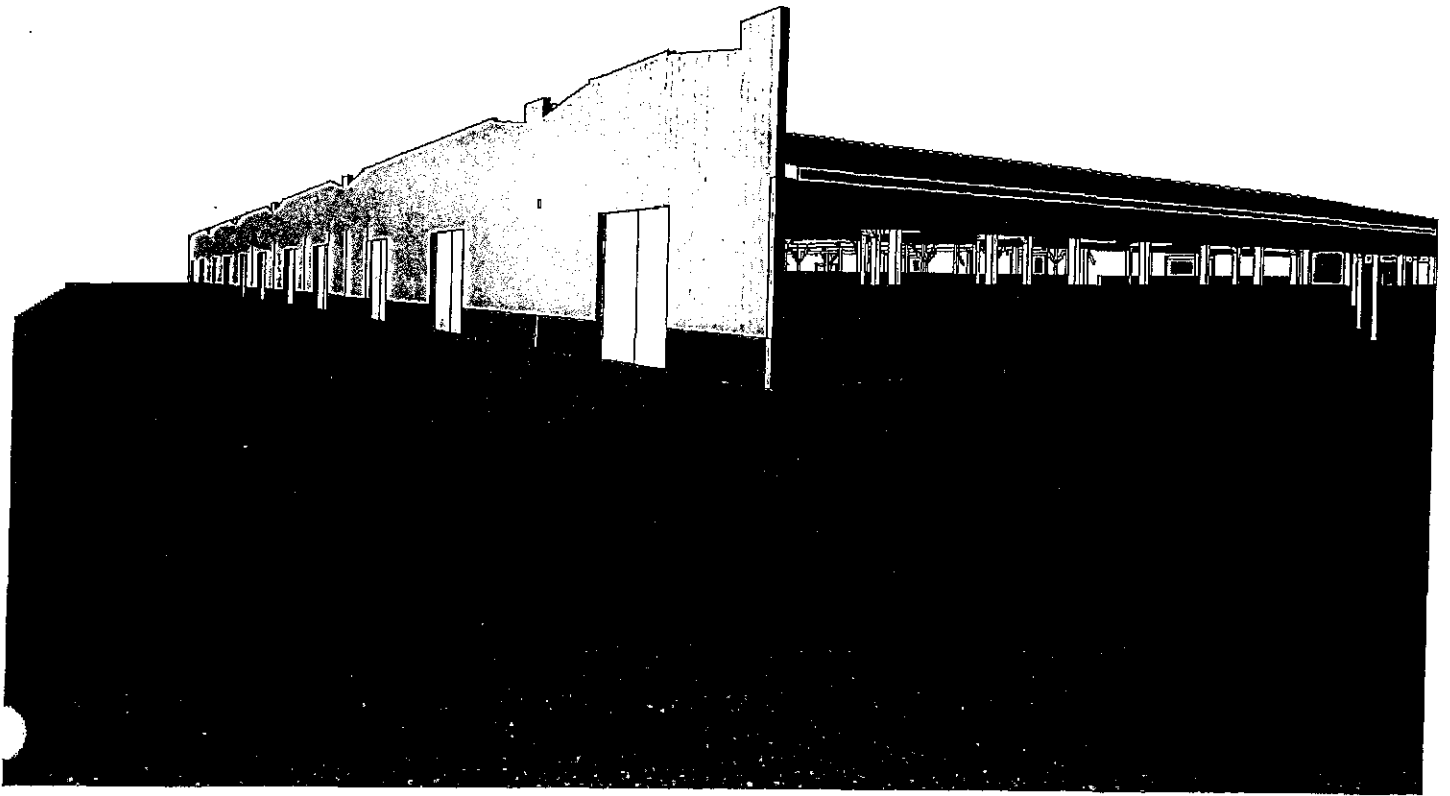
Please consider the environment before printing this e-mail











Spam

Not spam

Forget previous vote

CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

Staff Presentation Worksheet

Presentation Date: September 21, 2010 Time: 11:00 am Length: 30 minutes

Presentation Title: Clackamas County Fair Briefing

Department: Business & Community Services, Gary Barth

Presenters: Laurie Bothwell, Fair Director
Darrell Ricksger, Fair Board President

POLICY QUESTION

What are the future needs and goals for the fair? How can the County be of assistance?
How can we enhance our partnership?

ISSUE & BACKGROUND

The purpose of the County Fair Fund is to account for the general operation, facility maintenance and capital outlay needs of the Annual County Fair held in August of each year. During the remainder of the year, other Event Center activities are held on the 55-acre premises. The 104th County Fair was held in August 2010.

In the 2010/11 budget, self-generated revenues account for 69% of the County Fair income. An interfund transfer of Transient Room Tax provides an additional 26% of total revenue with the remaining 5% accounted for in fund balance. Personal services costs comprise about 33% of total expenditures. This includes a year round staff of 7 and additional seasonal workers. Materials and services, which make up 54% of total expenditures include all fair expenses, building and grounds maintenance, insurance and utilities. Capital outlay projects total 6% of budget.

The Fair Director will speak to the following:

- Attendance as compared to prior years
- Revenue as compared to prior years
- Future of fair – How to increase attendance/Capital development
- Needs of fair – Facility related
- Fair Director and Fair Board President priorities

SUBMITTED BY:

Division Director/Head Approval _____

Department Director/Head Approval _____

County Administrator Approval _____

For information on this issue or copies of attachments, please contact Laurie Bothwell @ 503-266-1136

County Fair Briefing

September 21, 2010

The first County Fair was held in Gladstone Park in 1907. In 1908, the Clackamas County Fair Association organized and began selling membership certificates at \$5.00 per share to provide funds to purchase the Canby site. The Fair moved to Canby in 1909.

In 1980, the Clackamas County voters approved a 6% transient room tax, with 5/6 of the proceeds going to the operation, maintenance and improvement of the Fairgrounds. (The distribution formula was changed in 1985, with a smaller amount going to the fair). We will receive a total of \$396,000 from this distribution in fiscal year 2010/11.

The Clackamas County Fair is well known for its traditional values and is acclaimed throughout the northwest as one of the best County Fairs in the region. In 2010, 126,875 citizens attended or participated in the Fair which is up 3.5% from last year. The highest attendance for the county fair was in 1996 with a total of 151,115.

Fifty-four nonprofit groups participated in the Fair this year. Fifteen food booths also participated and generated an estimated \$131,000 in gross revenues. The Clackamas County Junior Livestock Auction generated \$218,000 for 4H and FFA youth. It was down 33 lots (category of animal) but, averaged \$40.00 more per lot than last year. In other words, the buyers were supporting the auction extremely well. A pig went for \$5.80 to yield \$1,618 and a beef sold for \$3.50 lb for a total of \$4,200. This year the Clackamas County 4-H program had 543 exhibitors, which is down about 1% from last year.

The Clackamas County Fair would not be successful without the many organizations and volunteers that contribute each year. For example, the Safety Street program, a program which gives children and adults the opportunity to speak with safety professionals, utilized close to 200 volunteers. The Clackamas County Safe Communities Program organizes the groups and volunteers involved in the Fair. These groups represent a wide section of our community and include organizations such as Think First, The Poison Control Center, ACTS, CCOM, TSC, Clackamas County Sheriff's Office, United State Marines and Oregon Impact.

In 2009, a new digital highway sign was erected changing our name from the Clackamas County Fair to the Clackamas County Event Center. The purpose of the name change was to highlight the fact that we are a year around facility. This change should help to generate more event center revenue.

We host many different events including weddings, car shows, auto swaps, horse shows and dog shows. Over 200,000 people attend these activities generating millions back into Clackamas County. Some of these events draw people from all over the United States and Canada. For example, the Clackamas Kennel Club had participants from as far as Massachusetts, Pennsylvania Texas, and Canada.

The Event Center is also a staging and landing site for Life Flight and Life Reach. We are also a training site for the County's K-9 Kings and for the Canby Police S.W.A.T. Team and other training activities.

We are working towards the Event Center becoming an Emergency Shelter for the citizens and pets in Clackamas County. In fact, on October 20th a Regional Animal Emergency Exercise will be taking place. Several Counties will be participating, including Washington, Multnomah and Clark County. The Clackamas County Red Cross will also be operating a shelter in the Main Pavilion for citizens in the area.

The needs for the Fair and Event Center are not long but will be costly. The buildings (most of them built in the 1920 and 30's) are worn and need extensive repair or need to be replaced. For example, the Livestock Barn is slowly deteriorating and needs to be replaced. The cost will be in the millions. If it was replaced, we believe significant revenue could be generated by renting it throughout the year.

The Clackamas County Fair Improvement Foundation currently has \$230,000 in funds to contribute toward the Livestock Barn. These funds have been generated from water sales (during the County Fair) and the Build a Barn Auction. The Fair Improvement Foundation will be meeting in the next couple of weeks to discuss using some of the funds to pursue grant opportunities.

How can the County Commissioners be of assistance? We believe the Board could support the Fair in several ways:

- *Supporting the Fair Board and Director*
- *Attending Event Center functions*
- *Volunteering at special events*
- *Assisting with the marketing of the Event Center by helping with communications and the targeting of potential customers.*
- *Assisting with the implementation of creative ideas to generate more revenue and improve facilities.*

My vision is to produce a County Fair that exceeds all County Fairs while remembering traditions, agriculture, education and family values. In addition, I would like to reach out and *build relationships* with the citizens of Clackamas County so the Fairgrounds will be a place where citizens can gather and be proud.

Chapter 565 — Fairs and Exhibits

2007 EDITION

FAIRS AND EXHIBITS

AGRICULTURE

GENERAL PROVISIONS

565.010 Definitions

OREGON STATE FAIR

565.021 State Fair Advisory Committee

565.030 Advisory committee functions

565.040 Oregon State Fair established

565.050 State fair purposes; use of properties; duration

565.060 Rules

565.071 Authority of Oregon State Fair and Exposition Center to require fingerprints

565.080 Management of fair property; powers and duties of director; rules; peace officers; state not liable for premiums

565.090 Location of state fair; acquisition of adjacent lands; repair of facilities

565.095 Issuance of revenue bonds; disposition of proceeds; security for bonds

565.103 Issuance of lottery bonds; principal amount; disposition; legislative findings; State Fair Capital Project Fund

565.107 Oregon State Fair Account; source; uses

565.109 Acceptance and disposition of gifts, grants and donations

565.114 Legislative findings

565.116 Cooperation with nonprofit, tax exempt organizations

565.120 Licenses to do business on state fairgrounds; disposition of proceeds

565.130 Businesses that may be licensed; when other license may be required

565.140 Buildings and facilities for 4-H Clubs and Future Farmers of America

565.150 Armory on grounds of Oregon State Fair

- 565.160 Horse barn facilities on grounds of Oregon State Fair
- 565.170 Homemaking arts and crafts facility on grounds of Oregon State Fair
- 565.190 Financing county exhibits at state fair

COUNTY FAIRS AND SHOWS

- 565.210 County fairs; county fair board; members; appointment; term; bond or letter of credit
- 565.220 County fair board; organization; quorum; president and secretary
- 565.225 Removal of county fair board member
- 565.230 Management of county fairs; licenses; disposition of proceeds; donations of real property; agreements for limitation of liability
- 565.240 Rules and regulations; peace officers; appointment and powers
- 565.260 Fair board or agricultural society existing prior to June 4, 1913
- 565.265 Abolishment of county fair board
- 565.268 Agreements for fair association to exercise powers of county fair board
- 565.271 Initiation of proceedings for replacement of county fair board by fair district
- 565.275 Fair district; powers; district board
- 565.310 County fair not held; disposition of funds
- 565.315 Handling and disbursing of moneys in connection with county fairs; financial statement
- 565.325 County fair fund; purpose; source of moneys
- 565.330 Maintenance of fairgrounds and buildings; tax levy

COUNTY FAIR COMMISSION

- 565.405 "Director," "commission" defined for ORS 565.410 to 565.450
- 565.410 County Fair Commission; members; terms; vacancies
- 565.415 Compensation and expenses of commission members
- 565.420 Duties and powers of commission officers; quorum
- 565.435 Commission staff assistance; costs
- 565.440 Rules

- 565.442 County fair board annual reports
- 565.443 County fair annual audits; rules
- 565.445 County Fair Account; use of moneys
- 565.446 Legislative findings
- 565.447 Lottery proceeds allocation to County Fair Account
- 565.449 County Fair Account distribution
- 565.450 Budget preparation procedure

REGULATIONS AND LAW ENFORCEMENT AT FAIRS GENERALLY

- 565.610 Conducting business on or near grounds of fair or society
- 565.620 Admission to fairs except through special gates prohibited
- 565.630 Regulation of public events
- 565.640 Peace officers; authority; power of arrest
- 565.650 Justices of the peace given jurisdiction

PENALTIES

- 565.990 Penalties

GENERAL PROVISIONS

565.010 Definitions. As used in this chapter, unless the context requires otherwise:

- (1) "Board" means county fair board.
- (2) "County court" includes board of county commissioners.
- (3) "County fair" means an exhibition held for the purposes of disseminating knowledge concerning, and encouraging the growth and prosperity of, all agricultural, stock raising, horticultural, mining, mechanical, artistic and industrial pursuits in a county, including the racing of animals and vehicles.
- (4) "County fairgrounds" means the ground and all other property owned, leased, used or controlled by a county and devoted to the use of a county fair. [Amended by 1969 c.239 §1; 1977 c.55 §11; 1997 c.435 §1; 2005 c.777 §21]

OREGON STATE FAIR

565.015 [1977 c.55 §13; repealed by 2005 c.777 §48]

565.020 [Amended by 1967 c.135 §2; 1969 c.314 §65; 1971 c.542 §3; 1973 c.792 §25; 1977 c.55 §14; 1981 c.545 §13; 2001 c.24 §1; repealed by 2005 c.777 §48]

565.021 State Fair Advisory Committee. (1) The State Parks and Recreation Director shall appoint

a State Fair Advisory Committee to provide advice and assistance to the director on matters regarding the operation of the Oregon State Fair.

(2) The advisory committee shall consist of seven members appointed by the director for four-year terms. The director shall appoint:

(a) A resident from each congressional district of Oregon. The director shall seek to ensure that those persons reflect a broad-based representation of the industrial, educational and cultural interests active in state fair activities, such as agricultural, stock raising, horticultural, mining, mechanical, artistic and industrial pursuits.

(b) Two persons to represent county fair interests. The director may give consideration to nominations suggested by the County Fair Commission established under ORS 565.410.

(3) The members of the advisory committee serve at the pleasure of the director. The director may fill a vacancy on the advisory committee by appointing a person to fill the unexpired term.

(4) Each member of the advisory committee is entitled to compensation and reimbursement of expenses, as provided in ORS 292.495, from moneys appropriated to the State Parks and Recreation Department for that purpose.

(5) The advisory committee shall select one of its members as chairperson and another as vice chairperson, for such terms and with such duties and powers necessary for the performance of the functions of those offices as the advisory committee determines appropriate.

(6) The advisory committee shall meet at the call of the director. [2005 c.777 §12]

Note: 565.021 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 565 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

565.030 Advisory committee functions. The State Fair Advisory Committee shall provide advice and assistance to the State Parks and Recreation Director on matters regarding the operation of the Oregon State Fair and shall solicit and encourage support throughout the state to improve the quality of and participation in the fair to achieve the purposes and objectives of ORS 565.050. [Amended by 1977 c.55 §16; 1979 c.357 §1; 1999 c.342 §1; 2005 c.777 §22]

565.040 Oregon State Fair established. There is established a state institution to be designated and known as the Oregon State Fair, which shall be administered and operated by the State Parks and Recreation Department. [Amended by 2005 c.777 §23]

565.050 State fair purposes; use of properties; duration. The objects and purposes of the Oregon State Fair are to disseminate knowledge concerning, and to encourage the growth and prosperity of all agricultural, stock raising, horticultural, mining, mechanical, artistic and industrial pursuits in this state. To this end the State Parks and Recreation Director shall operate the business and properties of the Oregon State Fair as a year-round fair and exposition center, display historical objects and do all things necessary or expedient for the full utilization of the properties and facilities of the fair. The director shall conduct an annual state fair for a period of not more than 17 days' duration beginning and ending on such dates as the director considers appropriate. [Amended by 1955 c.146 §1; 1973 c.537 §1; 1977 c.55 §17; 1985 c.675 §5; 2005 c.777 §24]

565.060 Rules. In accordance with any applicable provision of ORS chapter 183, the State Parks and Recreation Commission may adopt rules to carry out the provisions of this chapter. [Amended by 1977 c.55 §18; 2005 c.777 §25]

565.070 [Amended by 1977 c.55 §19; 1991 c.331 §83; 1997 c.631 §496; repealed by 2005 c.777 §48]

565.071 Authority of Oregon State Fair and Exposition Center to require fingerprints. For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Oregon State Fair and Exposition Center may require the fingerprints of a person who:

- (1)(a) Is employed or applying for employment by the center;
- (b) Provides services or seeks to provide services to the center as a contractor or volunteer; or
- (c) Is a licensee of the center or is applying for a license, or renewal of a license, that is issued by the center; and
- (2) Is, or will be, working or providing services in a position:
 - (a) In which the person has direct access to persons under 18 years of age, elderly persons or persons with disabilities;
 - (b) In which the person is providing information technology services and has control over, or access to, information technology systems that would allow the person to harm the information technology systems or the information contained in the systems;
 - (c) That has payroll functions or in which the person has responsibility for receiving, receipting or depositing money or negotiable instruments, for billing, collections or other financial transactions or for sales or distribution of tickets or other instruments that can be exchanged for goods, services or access to events on center grounds;
 - (d) In which the person has key access to buildings and grounds that contain private property belonging or entrusted to exhibitors, promoters, licensees and event coordinators;
 - (e) In which the person has access to personal information about employees, licensees or members of the public including Social Security numbers, dates of birth, driver license numbers, medical information, personal financial information or criminal background information; or
 - (f) In which the person provides security, design or construction services for government buildings, grounds or facilities. [2005 c.730 §8]

Note: 565.071 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 565 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

Note: The Oregon State Fair and Exposition Center was abolished by section 1, chapter 777, Oregon Laws 2005, which transferred the powers of the center to the State Parks and Recreation Department. The text of 565.071 was not amended by enactment of the Legislative Assembly to reflect the abolishment and transfer. Editorial adjustment of 565.071 for the abolishment of the Oregon State Fair and Exposition Center has not been made.

565.080 Management of fair property; powers and duties of director; rules; peace officers; state not liable for premiums. (1) The State Parks and Recreation Director shall have care of the Oregon State Fair property and be entrusted with the direction of its business and financial affairs. The director shall prepare, adopt, publish and enforce all necessary rules for the management of the Oregon State Fair, its meetings and exhibitions and for the guidance of its officers or employees.

(2) The director may appoint all necessary marshals to keep order on the grounds and in the buildings of the Oregon State Fair during all exhibitions. The marshals so appointed shall be vested with the same authority for such purposes as executive peace officers are vested by law.

(3) The director shall establish charges for entrance fees, gate money, lease stalls, stands, parking space, buildings, restaurant sites; conduct shows, exhibitions, races and all manner of business notwithstanding the provisions of ORS 227.286 and do all other things the director considers proper in the operation of a year-round fair and exposition center and the annual state fair. The state is in no event liable for any premium awarded or debt created by the director beyond the amount annually appropriated therefor.

(4) The director may enter into sponsorship agreements for the receipt of moneys, services, products or other items of value. A sponsorship agreement entered into under this subsection is not subject to

ORS 279.835 to 279.855 or ORS chapter 279A or 279B. [Amended by 1973 c.537 §2; 1977 c.55 §20; 1999 c.89 §1; 2003 c.794 §299; 2005 c.777 §§26,27]

565.090 Location of state fair; acquisition of adjacent lands; repair of facilities. (1) The Oregon State Fair shall be permanently located on the present grounds now owned by the state and heretofore devoted to Oregon State Fair purposes, located in the City of Salem, in Marion County. Those grounds and such additional lands as may hereafter be obtained by the State Parks and Recreation Department for the purposes of the Oregon State Fair are dedicated for the use of the Oregon State Fair and for other departmental programs.

(2) The department may obtain by donation, exchange or purchase such lands adjacent to the present grounds, including improvements thereon, as it may deem necessary and advisable to facilitate the use of such grounds and may construct, remodel and repair buildings and facilities deemed by it necessary in the operation of the Oregon State Fair and for other departmental programs. [Amended by 1973 c.537 §3; 1977 c.55 §21; 2005 c.777 §28]

565.095 Issuance of revenue bonds; disposition of proceeds; security for bonds. (1) In accordance with any applicable provisions of ORS chapter 286A, the State Parks and Recreation Director, with the approval of the State Parks and Recreation Commission, may request the State Treasurer to issue revenue bonds in an amount not to exceed \$10 million.

(2) Moneys received from the issuance of revenue bonds may be expended for land acquisition, capital construction and improvements and for paying current operating and other expenses of the Oregon State Fair.

(3) Revenue bonds issued pursuant to this section shall be secured by revenues received by the director from activities conducted at the Oregon State Fair, and shall not be a general obligation of the State Parks and Recreation Department or the State of Oregon. [1985 c.675 §2; 1991 c.703 §49; 2005 c.777 §29; 2007 c.783 §221]

565.100 [Amended by 1977 c.55 §22; 1979 c.602 §4; 1983 c.72 §4; repealed by 1985 c.675 §4]

565.102 [1983 c.72 §3; repealed by 1985 c.675 §4]

565.103 Issuance of lottery bonds; principal amount; disposition; legislative findings; State Fair Capital Project Fund. (1) Pursuant to ORS 286A.560 to 286A.585, lottery bonds may be issued to fund projects for the improvement, restoration, upgrading and preservation of systems, facilities and equipment of the Oregon State Fair.

(2) The use of lottery bond proceeds is authorized based on the following findings:

(a) The activities of the Oregon State Fair promote Oregon's agricultural industry and its products;

(b) The promotion of agricultural products expands markets, which in turn creates jobs and stimulates economic development of the industry; and

(c) The Oregon State Fair draws patrons from throughout the region and creates jobs and substantial economic activity for the Salem and Keizer areas.

(3) The aggregate principal amount of lottery bonds issued pursuant to this section may not exceed the sum of \$20,167,661 and an additional amount estimated by the State Treasurer to be necessary to pay bond-related costs. Lottery bonds issued pursuant to this section shall be issued only at the request of the State Parks and Recreation Director.

(4) The net proceeds of lottery bonds issued pursuant to this section shall be deposited in the State Fair Capital Project Fund, which is hereby established in the State Treasury separate and distinct from the General Fund.

(5) The proceeds of lottery bonds issued pursuant to this section shall be used only for the purposes set forth in subsection (1) of this section and for bond-related costs. [1999 c.702 §5; 2001 c.942 §12; 2005 c.777 §30]

Note: 565.103 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 565 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

565.105 [1975 c.550 §9b; repealed by 1977 c.281 §2 and 1977 c.855 §20]

565.106 [1977 c.55 §24; 1981 c.106 §5; repealed by 1985 c.675 §4]

565.107 Oregon State Fair Account; source; uses. (1) The Oregon State Fair Account is established as a separate account within the State Parks and Recreation Department Fund. Interest earned on moneys in the account shall be credited to the account. The account shall consist of:

(a) Proceeds from the sale of revenue bonds authorized to be issued by ORS 565.095.

(b) Moneys received by the State Parks and Recreation Director from activities conducted at the Oregon State Fair.

(c) Moneys received by the director by appropriation, gift, grant or other donation from any source or otherwise paid to the director pursuant to law. Moneys received as a result of a gift, grant or donation shall be separately accounted for within the account and shall be available only for the purpose specified in the gift, grant or donation or, if no purpose is specified, for any purpose that the State Parks and Recreation Commission determines is consistent with the intent of the donor or grantor.

(2) Interest earned on moneys held for debt service payments and rebates and interest earned on the proceeds from the sale of revenue bonds pursuant to ORS 565.095 shall be separately accounted for within the account and shall be available only for the purpose of retiring bond indebtedness.

(3) Interest earned on moneys received by the director as a result of a gift, grant or donation shall be separately accounted for within the account and shall be available only for the purpose specified in the gift, grant or donation or, if no purpose is specified, for any purpose that the commission determines is consistent with the intent of the donor or grantor.

(4) Moneys in the account established by subsection (1) of this section are appropriated continuously to the State Parks and Recreation Department. Subject to subsection (2) of this section, the department may use the account moneys for:

(a) The payment of operating and other expenses of the Oregon State Fair.

(b) Land acquisition, capital construction and capital improvements at the Oregon State Fair.

(c) The payment of principal and interest on all revenue bonds issued pursuant to ORS 565.095.

(d) Any purpose designated by the donor or grantor of a gift, grant or donation, or for any other purpose that the commission determines is consistent with the intent of the donor or grantor. [1985 c.675 §3; 1987 c.659 §1; 1989 c.966 §62; 1999 c.343 §3; 2005 c.777 §31; 2007 c.315 §1]

565.109 Acceptance and disposition of gifts, grants and donations. The State Parks and Recreation Director may accept gifts, grants and donations of moneys, property or any other valuable thing on behalf of the Oregon State Fair. Unless use of moneys, property or valuable things received under this section is limited by the donor or grantor, the moneys, property or valuable thing may be used in any manner that the State Parks and Recreation Commission determines to be consistent with the intent of the donor or grantor. [1999 c.343 §1; 2005 c.777 §32]

Note: 565.109 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 565 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

565.110 [Amended by 1965 c.342 §1; 1973 c.74 §1; 1977 c.55 §25; repealed by 1985 c.675 §4]

565.112 [1987 c.659 §3; repealed by 2005 c.777 §48]

565.114 Legislative findings. The Legislative Assembly finds and declares that:

(1) The successful solicitation of gifts, grants and donations for the benefit of the Oregon State Fair allows the operation, improvement and maintenance of facilities or programs enjoyed by the public. The receipt of gifts, grants and donations for the benefit of the Oregon State Fair reduces the amount of public moneys that must be spent for the operation, improvement and maintenance of facilities or programs.

(2) The successful solicitation of gifts, grants and donations by a nonprofit, tax exempt organization for the benefit of the Oregon State Fair minimizes the cost to the state of obtaining those gifts, grants and donations. Cooperation between the State Parks and Recreation Department and such an organization, including the provision of tickets and other promotional items, facilities, supplies, staff and services by the department for use by such an organization in connection with fund raising efforts, serves a public purpose by increasing the ability of the organization to successfully solicit gifts, grants and donations for the benefit of the Oregon State Fair. [2003 c.750 §1; 2005 c.777 §33]

Note: 565.114 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 565 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

565.116 Cooperation with nonprofit, tax exempt organizations. (1) The State Parks and Recreation Director may cooperate with any nonprofit, tax exempt organization designated by the director as an appropriate organization to solicit gifts, grants and donations for the benefit of the Oregon State Fair.

(2) The director may advise and receive advice from an organization described in subsection (1) of this section. The director may, if allowed by the charter and bylaws of the organization, serve as a regular or nonvoting board member of the organization. The director may not chair the board of directors, vote for or appoint other board members, control the financial affairs of the organization or oversee the day-to-day operation of the organization.

(3) The director may provide tickets, promotional items and facilities to the organization without charge for use in increasing the ability of the organization to successfully solicit gifts, grants and donations for the benefit of the Oregon State Fair.

(4) The director may provide supplies, staff and services to the organization at cost for use in increasing the ability of the organization to successfully solicit gifts, grants and donations for the benefit of the Oregon State Fair.

(5) The director shall submit an annual accounting report to an appropriate committee of the Legislative Assembly designated by the Speaker of the House of Representatives and the President of the Senate. The report must contain a detailed description of all tickets, promotional items, facilities, supplies, staff and services provided under subsections (3) and (4) of this section, the specific disposition or application thereof made by the organization and any resulting benefit to the Oregon State Fair.

(6) The director may enter into an agreement for the donation to the Oregon State Fair of goods, services and public improvements by a nonprofit, tax exempt organization. [2003 c.750 §2; 2005 c.777 §34]

Note: 565.116 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 565 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

565.120 Licenses to do business on state fairgrounds; disposition of proceeds. The State Parks and Recreation Director is authorized to issue a license permitting the holder of the license to conduct any business therein named upon the grounds of the Oregon State Fair. Issuance of licenses shall be in

accordance with the competitive bidding requirements of ORS 279.835 to 279.855 and ORS chapters 279A and 279B for the awarding of public contracts, to the extent those procedures are practicable. The funds arising therefrom shall become a part of the Oregon State Fair Account. [Amended by 1973 c.537 §4; 1977 c.55 §26; 1985 c.675 §6; 2003 c.794 §300; 2005 c.777 §§35,36]

565.130 Businesses that may be licensed; when other license may be required. (1) Licenses under ORS 565.120 may be issued permitting any business to be conducted upon the grounds of the Oregon State Fair which under the laws of this state may be conducted at any place within the state, including the sale of malt, vinous or distilled liquor.

(2) Any business so licensed by the State Parks and Recreation Director is not required to pay license to any city, county or state, other than to the director as provided in ORS 565.120, for conducting a business upon the grounds of the Oregon State Fair. However, nothing in this section shall interfere with the laws of this state requiring a license for the operation of a restaurant or requiring a license to be obtained from the Oregon Liquor Control Commission for the sale or distribution of alcoholic liquors. [Amended by 1973 c.537 §5; 1977 c.55 §27; 2005 c.777 §37]

565.140 Buildings and facilities for 4-H Clubs and Future Farmers of America. The buildings and facilities therein that are planned, constructed, altered, furnished and equipped by the State Parks and Recreation Department at the state fairgrounds, as authorized by chapter 442, Oregon Laws 1957, shall be used primarily for the housing and dining of members of 4-H Clubs and of Future Farmers of America and for exhibit and contest space for nonlivestock exhibits of both groups. These buildings and facilities therein shall be available for other groups only at times other than during the state fair and as authorized by the department. [1957 c.442 §1; 1959 c.52 §1; 1985 c.565 §84; 2005 c.777 §38]

565.142 [1957 c.442 §2; repealed by 1977 c.855 §20]

565.150 Armory on grounds of Oregon State Fair. (1) When construction of an armory containing an auditorium is authorized under ORS 396.505 to 396.545 in Marion County, if the State Parks and Recreation Department and the General Staff of the Oregon National Guard arrive at a mutually satisfactory agreement for the use of the armory by the department, the department may, notwithstanding the provisions of ORS 565.090, permit such armory to be constructed on the grounds of the Oregon State Fair and grant control over such armory and grounds to the General Staff for the period that such armory and grounds are used for military purposes. When such armory and grounds are no longer used for military purposes, the control over them shall revert to the department.

(2) For purposes of this section, "control" does not include the power to sell, lease, mortgage or in any other way encumber an armory constructed under subsection (1) of this section. [1959 c.615 §§1,2; 2005 c.777 §39]

565.160 Horse barn facilities on grounds of Oregon State Fair. (1) The State Parks and Recreation Department shall plan, construct, alter, furnish and equip horse barn facilities at the Oregon State Fair suitable for stabling horses. These facilities shall also include rest rooms suitable for public use. The department shall also plan, construct, alter, furnish and equip storm sewers on the grounds of the Oregon State Fair.

(2) Notwithstanding any other provision of law pertaining to sale of public property, the State Treasurer, with the approval of the investing agency, may sell any site or facility described in subsection (1) of this section or interest therein so acquired by offer for sale by sealed bid. However:

(a) Any or all bids may be rejected.

(b) The state has first option to purchase at the highest bid accepted. [1961 c.634 §§1,6,7; 1973 c.537 §6; 1985 c.731 §29; 2005 c.777 §40]

565.170 Homemaking arts and crafts facility on grounds of Oregon State Fair. The State Parks

and Recreation Department shall plan, construct, alter, furnish and equip on the grounds of the Oregon State Fair a facility suitable for housing exhibits and providing contest space for the homemaking arts and crafts. [1963 c.613 §1; 2005 c.777 §41]

565.180 [1963 c.613 §§2,3; 1965 c.56 §3; repealed by 1975 c.75 §5]

565.190 Financing county exhibits at state fair. A county court is authorized to appropriate out of the general fund of the county not otherwise appropriated money for the purpose of sponsoring a county exhibit at the annual state fair. This section shall not be deemed to limit the authority of a county which has adopted a charter under section 10, Article VI, Oregon Constitution. [1973 c.537 §7]

COUNTY FAIRS AND SHOWS

565.210 County fairs; county fair board; members; appointment; term; bond or letter of credit. (1) Any county may hold county and industrial fairs, but only one county fair shall be held in each county.

(2) Except as provided in ORS 565.265, in counties holding county fairs, the county court of such county shall appoint a board consisting of not less than three nor more than seven members, to be known as the county fair board. Members of the county fair board must be residents of the county, except that the county court may elect to appoint not more than one board member who is a resident of an adjoining county. When the first members of the board are appointed under this section, one member shall be appointed for a term to expire the January next following appointment, one for a term to expire one year from the January next following appointment, and one for a term to expire two years from the January next following appointment. In addition to the three members, the county court may, at any time, appoint not more than four additional members, the fourth and sixth members to be appointed for a term to expire one year from the January next following appointment and the fifth and seventh members, if any, for a term to expire two years from the January next following appointment. Annually thereafter, at the first meeting in January, upon the expiration of the term of a member, a successor shall be appointed to serve for three years.

(3) The court shall require each member of the board to furnish a good and sufficient bond or an irrevocable letter of credit issued by an insured institution as defined in ORS 706.008 in favor of the county, conditioned upon the faithful performance of the duties of the office. The bond or letter of credit for each member shall be in a sum equal to \$10,000 or 20 percent of the total revenues received by the fair in the last fiscal year ending prior to the appointment of such member, whichever is the lesser amount. The bond or letter of credit when approved by the county court shall be filed with the county clerk. The premium on the bond or the fee for the letter of credit shall be paid for by the county fair board as an expense of the board.

(4) No more than one member of the county court may serve as a member of the county fair board.

(5) A member of a county fair board appointed under this section may be removed from office for cause as provided in ORS 565.225. [Amended by 1957 c.118 §1; 1961 c.684 §1; 1981 c.134 §1; 1985 c.716 §1; 1991 c.331 §84; 1995 c.710 §1; 1997 c.435 §2; 1997 c.631 §497; 1999 c.59 §178; 1999 c.681 §7; 2007 c.421 §1]

565.220 County fair board; organization; quorum; president and secretary. (1) The members of a county fair board shall, as soon as their bonds have been filed and approved, meet and organize by electing a president and selecting a secretary.

(2) A majority of the members of the board shall constitute a quorum for the transaction of all business at meetings. In the absence of the president another member of the board shall perform the duties of the president.

(3) The secretary provided for in subsection (1) of this section is not required to be a member of the board. The secretary shall execute a bond or furnish an irrevocable letter of credit, as required of board

members by ORS 565.210. [Amended by 1953 c.675 §12; 1961 c.684 §2; 1965 c.513 §2; 1967 c.275 §2; 1991 c.331 §85]

565.225 Removal of county fair board member. A member of a county fair board appointed under ORS 565.210 may be removed by the county court for inefficiency, neglect of duty, misconduct in office, incompetence, incompatibility, dereliction of duty or other good cause, as those terms may be defined by county ordinance. A member of the fair board shall not be removed by the county court until after the member receives a copy of a statement containing the cause for removal and a hearing on the removal is held. The statement shall be given to the member at least 10 days prior to the hearing, at which the member must have an opportunity to be heard in person or by counsel. When the county court removes a member of the fair board, a record of the proceedings, together with the cause for removal and findings thereon, shall be filed in the office of the county clerk. [1999 c.681 §2]

565.230 Management of county fairs; licenses; disposition of proceeds; donations of real property; agreements for limitation of liability. (1) The county fair board has the exclusive management of the ground and all other property owned, leased, used or controlled by the county and devoted to the use of the county fair, and is entrusted and charged with the entire business management and financial and other affairs of such fair.

(2) In order that the fairgrounds and buildings may be utilized to the fullest extent for pleasure, recreation and public benefit, the board shall at all times have the authority to provide park facilities for the public or to issue licenses and grant permits for the holding of any exhibitions, shows, carnivals, circuses, dances, entertainments or public gatherings upon the fairgrounds. During the progress of county agricultural or industrial fairs and not otherwise, any such businesses so licensed by the board shall not be required to pay license to any city or county other than to the board as provided in this section. The board shall fix the sum to be paid for such permits and licenses, which shall be issued and signed by the president and secretary of the board. The moneys received from the issuance of such permits and licenses shall be deposited to the credit of the fair fund and warrants drawn against it the same as upon the disbursement of any other fair funds.

(3) Donations of real property for the use of the county fair shall be made by an instrument that may be accepted for recording by a county clerk. An instrument of donation shall be recorded in the records of the county clerk where deeds are located. The donated property shall be used in compliance with the express intentions and purposes set forth in the instrument of donation.

(4) A county court may conclude that an agreement is needed to protect the county and the county court from liability relating to personnel or contractual matters. If the county court asks the county fair board to begin negotiations for an agreement, the county fair board and the county court must enter into an agreement concerning the rules, policies and procedures to be used in the conduct of fair activities for the purpose of limiting the liability of the county for personnel and contractual matters. However, if a county court determines that an agreement is unnecessary or that an existing agreement provides sufficient protection from liability, then an agreement under this subsection is not required. [Amended by 1953 c.675 §12; 1969 c.239 §4; 1969 c.693 §1; 1999 c.681 §8]

565.240 Rules and regulations; peace officers; appointment and powers. The board may make and enforce all rules and regulations necessary for the proper conduct and management of their respective fairs. It may appoint such marshals or police as may be necessary to keep order and preserve the peace during the time and at the place of holding the fairs and at all other times when the board deems such appointments necessary for the preservation of the peace and the protection of public and private property upon the fairgrounds. The officers so appointed have the same authority for the preservation of order and making arrests upon the grounds as would a deputy sheriff.

565.250 [Repealed by 1981 c.134 §4]

565.260 Fair board or agricultural society existing prior to June 4, 1913. If there existed on June 4, 1913, a county fair board, or an agricultural society in any county holding a county fair within the county, the board shall be considered the county fair board of the county by the provisions of ORS 565.210 to 565.310, and shall be governed under the rules and bylaws already in force of the association, provided there is only one county fair held in each county. [Amended by 2005 c.22 §384]

565.265 Abolishment of county fair board. (1) As provided in this section and ORS 565.268 and 565.271, a county court may abolish the county fair board appointed under ORS 565.210.

(2) A county court may initiate proceedings to abolish the county fair board by issuing an order creating a county fair advisory committee with six members who shall all be residents of the county. Upon issuance of the order under this subsection, the county court shall appoint three members to the advisory committee and the county fair board shall appoint three members. The advisory committee shall consider the relevant issues and make recommendations concerning the abolition of the county fair board and, if abolition is recommended, the future operation of the county fair by either a fair association or a fair district. If a majority of the advisory committee agrees that abolishing the county fair board is in the best interests of the residents of the county, the advisory committee shall recommend abolition of the county fair board. If the advisory committee recommends abolition of the county fair board, the county court and the county fair board may meet to consult and negotiate concerning the future operation of the county fair and fairgrounds. If the county court and the county fair board agree that it is in the best interests of the residents of the county to have a fair association or fair district replace the county fair board, the county court may adopt a resolution that expresses the intention of the county court to abolish the county fair board, sets forth the reasons for the intended action, states that either a fair association or a fair district will replace the county fair board and declares that the abolition of the county fair board is in the best interests of the residents of the county.

(3) A resolution adopted by a county court under subsection (2) of this section must be accompanied by a resolution adopted by the county fair board that acknowledges the proposed action of the county court and declares that abolition of the county fair board is in the best interests of the residents of the county. The resolution adopted by a county fair board under this subsection must be adopted at a regular public meeting of the county fair board and filed with the county court.

(4) After adoption of the resolutions described in subsections (2) and (3) of this section, the county court shall conduct a public hearing concerning the abolition of the county fair board at which testimony of interested persons and other evidence shall be received.

(5) Notice of the public hearing required by subsection (4) of this section shall be published twice in at least two newspapers of general circulation in the county. The first notice shall be published between the 90th day and the 60th day before the hearing. The second notice shall be published between the 30th day and the 20th day before the hearing.

(6) After the public hearing required by subsection (4) of this section, the county court shall consider *the testimony given and the other evidence received at the hearing*. If the county court determines that abolishing the county fair board is in the best interests of the residents of the county, the county court shall issue an order abolishing the county fair board and authorizing either the creation of a fair district or an agreement with a fair association for the purpose of managing and operating the county fair. The abolition of the county fair board shall be effective on the date specified in the order. [1999 c.681 §3; 2003 c.101 §1]

565.268 Agreements for fair association to exercise powers of county fair board. (1) As used in this section, a "fair association" means a corporation incorporated under ORS chapter 65 that has a board of directors with at least three members and that is authorized by its articles of incorporation to exercise the powers and perform the functions exercised and performed by a county fair board under ORS 565.210 to 565.310.

(2) If the order issued by a county court under ORS 565.265 authorizes an agreement with a fair association, the county court, before the abolition of the county fair board, shall enter into an agreement

with a fair association for the management and operation of the county fair. Except as otherwise provided in the agreement, a fair association may exercise all of the powers and authority granted to a county fair board under ORS 565.210 to 565.310.

(3) An agreement between a county court and a fair association under this section may not provide for the conveyance or other transfer of public property to the fair association unless the public property is transferred as allowed by the laws of this state. [1999 c.681 §4]

565.270 [Repealed by 1959 c.579 §1]

565.271 Initiation of proceedings for replacement of county fair board by fair district. If the order issued by a county court under ORS 565.265 authorizes the formation of a fair district to replace the county fair board, the county court, before the abolition of the county fair board, shall initiate the formation of the fair district by order as provided in ORS 198.835. After initiation of formation proceedings as provided in this section, a fair district may be created as provided in ORS 198.705 to 198.955 and 565.275. [1999 c.681 §5]

565.275 Fair district; powers; district board. (1) A fair district may:

(a) Have and use a common seal.

(b) Sue and be sued in its name.

(c) Make and accept any and all contracts, deeds, leases, releases and documents of any kind that, in the judgment of the district board, are necessary or proper to the exercise of any power of the district, and to direct the payment of all lawful claims or demands.

(d) Assess, levy and collect taxes to pay the cost of acquiring sites for the county fair and constructing, reconstructing, altering, operating and maintaining the ground and all other property devoted to the use of the county fair, the expenses incurred in the business management and financial and other affairs of the county fair and any lawful claims against the district.

(e) Employ all necessary agents and assistants.

(f) Call elections after the formation of the district.

(g) Generally do any acts necessary and proper to the complete exercise and effect of any of its powers or the purposes for which it was formed.

(2) The officers of the district shall be a board of five members elected by the electors of the district. The district board shall be the governing body of the district and shall exercise all powers of the district.

(3) Five district board members shall be elected at the election for district formation. If the effective date of the formation of the district occurs in an odd-numbered year, two district board members shall be elected for four-year terms and the other three district board members shall be elected for two-year terms. If the effective date of the formation occurs in an even-numbered year, two district board members shall be elected for three-year terms and the other three district board members shall be elected for one-year terms. The district board members shall be elected at large by position number. Each district board member shall hold office until election and qualification of a successor.

(4) ORS chapter 255 governs the nomination and election of district board members and the conduct of district elections.

(5) The district board in each year shall determine and fix the amount of money to be levied and raised by taxation for the purposes of the district.

(6) A county may convey or otherwise transfer public property to a fair district as provided by law. [1999 c.681 §6; 2001 c.104 §231; 2003 c.802 §143]

565.280 [Amended by 1959 c.579 §2; 1963 c.495 §5; 1969 c.298 §15; 1981 c.134 §2; 1991 c.459 §434; repealed by 1993 c.682 §13]

565.290 [Amended by 1959 c.579 §3; 1963 c.495 §6; repealed by 1993 c.682 §13]

565.300 [Repealed by 1963 c.495 §9]

565.310 County fair not held; disposition of funds. Should a board decide not to hold a county fair, the county court may in its discretion expend such funds, or any portion thereof, for paying premiums upon exhibits of livestock, agricultural and horticultural products at any fair, land products show or livestock exposition held in this state. Any or all of such funds not so used shall be held by the county treasurer in a reserve fund to be available for use by the county fair board in subsequent years.

565.315 Handling and disbursing of moneys in connection with county fairs; financial statement. (1) Notwithstanding any other provision of law relating to the disbursement of county fair moneys from the county treasury, in order to pay promptly prize moneys, premiums, wages, necessary costs of repairs and other claims requiring prompt payment in connection with any county fair, the county fair board, at any time, may draw warrants for such amounts as it deems necessary to make such payments, payable to the county fair board, upon funds in the county treasury available for the purpose of making such payments. Such warrants shall be drawn by the board and signed by the president and secretary thereof.

(2) The board shall place any moneys drawn from the county treasury under subsection (1) of this section in an insured institution as defined in ORS 706.008, and may withdraw such moneys for the purpose of making the payments referred to in subsection (1) of this section by checks signed by the president and secretary of the board. All moneys in such checking account not expended during the year such moneys were drawn from the county treasury and placed therein shall be available for use by the board in subsequent years for the purpose of making the payments referred to in subsection (1) of this section.

(3) The board shall keep and make available to the county clerk and county treasurer a complete list of all warrants drawn and deposited in the checking account and all checks drawn against such checking account under this section.

(4) The board shall, once each year, file with the county clerk a complete financial statement showing all funds received and disbursed. There may be included in the report such suggestions and recommendations as in its opinion would make for the improvement and advancement of agricultural and related industries of the fair. [1955 c.665 §1; 1981 c.134 §3; 1983 c.327 §8; 1997 c.631 §498]

565.320 [Repealed by 1955 c.209 §1]

565.325 County fair fund; purpose; source of moneys. (1) Each county that holds a county fair shall establish and maintain a fair fund. The fair fund may be expended only for the promotion and operation of the county fair and to provide, maintain and improve county fairgrounds, buildings, facilities and improvements on the county fairgrounds for the county fair and other events authorized by the county fair board.

(2) All moneys received from activities conducted at the county fair or at the county fairgrounds or facilities, and all moneys received by a county fair as the licensee for pari-mutuel wagering on races conducted at or on behalf of the fair shall be deposited in the county fair fund. [1985 c.716 §3; 1997 c.435 §3]

565.330 Maintenance of fairgrounds and buildings; tax levy. (1) In any county the county court may, at the time of making the annual estimate of the county levy for county purposes, include in the estimate and levy a sum not exceeding one one-hundred-sixtieths of one percent (0.0000625) of the real market value of all taxable property within the county, computed in accordance with ORS 308.207, to cover the cost of maintaining the county fairgrounds and buildings, erecting new buildings and general operating expenses. The tax shall be collected in the same manner as other taxes are collected, shall be placed in a special fund to be known as the fair fund and warrants drawn thereon by the county fair board.

(2) The limitation provided by subsection (1) of this section on the amount of the levy does not apply to any specific levy for the purpose described in subsection (1) of this section that receives approval of a majority of the voters voting at a county-wide election. [Amended by 1955 c.209 §2; 1963 c.9 §33; 1983 c.646 §1; 1991 c.459 §435]

565.340 [Repealed by 1953 c.675 §12]

565.350 [Repealed by 1953 c.675 §12]

565.360 [Repealed by 1953 c.675 §12]

565.370 [Repealed by 1953 c.675 §12]

565.380 [Repealed by 1953 c.675 §12]

565.390 [Repealed by 1953 c.675 §12]

565.400 [Repealed by 1953 c.675 §12]

COUNTY FAIR COMMISSION

565.405 “Director,” “commission” defined for ORS 565.410 to 565.450. As used in ORS 565.410 to 565.450:

- (1) “Director” means the Director of Agriculture.
- (2) “Commission” means the County Fair Commission created by ORS 565.410. [1969 c.298 §2]

565.410 County Fair Commission; members; terms; vacancies. (1) There hereby is established the County Fair Commission, consisting of eight members. The Director of Agriculture, or a staff member of the State Department of Agriculture appointed by the director, shall serve as a member of the commission without vote. The director shall appoint seven other members who are persons interested in fair activities. Three of such members must reside in the area east of the Cascade Mountains, three members must reside in the area west of the Cascade Mountains, and one member shall be from the state at large.

(2) The term of office of each voting member is three years, but all members serve at the pleasure of the director. Before the expiration of the term of a voting member, the director shall appoint a successor whose term begins on January 1 next following. A voting member is eligible for reappointment, but no voting member may serve more than two consecutive terms. If there is a vacancy for any cause, the director shall make an appointment to become immediately effective for the unexpired term. [1969 c.298 §3]

565.415 Compensation and expenses of commission members. A voting member of the County Fair Commission shall receive a per diem allowance of \$30 when engaged in the performance of official duties, including necessary travel time. In addition, subject to any applicable law regulating travel and other necessary expenses of state officers and employees, all members of the commission shall be reimbursed for actual and necessary travel and other expenses incurred by them in the performance of official duties. [1969 c.298 §5; 1979 c. 844 §1]

565.420 Duties and powers of commission officers; quorum. (1) The County Fair Commission shall select from among its members such officers, for such terms and with such duties and powers necessary for performance of such offices as the commission determines.

(2) A majority of the voting members of the commission constitutes a quorum for the transaction of

business. [1969 c.298 §6]

565.423 [2001 c.916 §10; 2003 c.14 §351; repealed by 2005 c.777 §48]

565.425 [1969 c.298 §7; repealed by 2001 c.916 §6]

565.430 [1969 c.298 §8; 1993 c.18 §129; repealed by 2001 c.916 §6]

565.435 Commission staff assistance; costs. The Director of Agriculture shall provide the County Fair Commission with such clerical and staff assistance as the director considers appropriate to assist the commission in carrying out its duties. The cost of any such clerical and staff assistance shall be paid for from the County Fair Account created by ORS 565.445. [1969 c.298 §9]

565.440 Rules. In accordance with any applicable provision of ORS chapter 183, the County Fair Commission may promulgate such rules as may be necessary to carry out the provisions of ORS 565.410 to 565.435. [1969 c.298 §10]

565.442 County fair board annual reports. (1) On or before October 31 of each year, a county fair board must submit to the County Fair Commission, on a form approved by the commission, data for the period since the preceding report date regarding:

- (a) Use of the county fairgrounds by youths and adults;
- (b) Participation in county fairs by youths and adults;
- (c) Evidence of community involvement in county fairs;
- (d) Attendance at county fair and nonfair events;
- (e) The most recent fiscal year budget for the county fairgrounds and evidence of compliance with open meeting law pursuant to ORS 192.610 to 192.690 in developing the budget;
- (f) Compliance with public contracting and purchasing law under ORS 279.835 to 279.855 and ORS chapters 279A, 279B and 279C;
- (g) The most recent business plan for the county fairgrounds;
- (h) Maintenance of liability insurance in an amount satisfactory to the County Fair Commission; and
- (i) Use of state funds distributed to the county fairs.

(2) If a county fair board fails to timely submit the data required by subsection (1) of this section, the county fair administered by that board is ineligible for state funding, including but not limited to, funding under ORS 565.445, for a period determined by the County Fair Commission, not to exceed one year. A county fair may appeal a commission decision under this subsection to the Director of Agriculture, whose decision is subject to ORS chapter 183.

(3) The County Fair Commission may contract for the collection and summarizing of data required to be submitted under subsection (1) of this section. The commission shall send a summary of the data to the Director of Agriculture. [2001 c.916 §3; 2003 c.517 §4; 2003 c.794 §301]

565.443 County fair annual audits; rules. (1) An annual audit of county fair records must include an identification of fair policies relating to matters specified in this section. The audit shall include an examination of available county fair records to check for compliance with the policies. The results of the compliance check must be included within the scope of the opinion expressed by the auditor regarding the county fair records.

- (2) Fair policies that are subject to subsection (1) of this section are policies regarding:
 - (a) Animal welfare;
 - (b) Environmental issues;
 - (c) Participation in professional development activities; and
 - (d) Compliance with the federal Americans with Disabilities Act of 1990 (P.L. 101-336), as amended.

(3) The County Fair Commission may adopt rules for carrying out this section. Upon the request of a county fair or an auditor, the County Fair Commission may issue a declaratory ruling whether a particular county fair policy is a policy described in subsection (2) of this section. A county fair may appeal a commission ruling under this subsection to the Director of Agriculture, whose decision is subject to ORS chapter 183. [2001 c.916 §2]

565.445 County Fair Account; use of moneys. (1) The County Fair Account is established separate and distinct from the General Fund. All moneys in the account are continuously appropriated to the County Fair Commission.

(2) The account shall consist of moneys allocated under ORS 565.447. Moneys credited to the account may be expended by the County Fair Commission for the administration of ORS 565.410 to 565.450, not to exceed \$40,000 per biennium.

(3) Subject to ORS 565.442 (2) and subsection (2) of this section, on the first business day of each calendar year the County Fair Commission shall disburse the moneys in the County Fair Account to the county fair boards in equal shares. [1969 c.298 §11; 1971 c.595 §1; 1979 c.844 §2; 1989 c.463 §1; 2001 c.916 §4; 2003 c.517 §3]

565.446 Legislative findings. The Legislative Assembly finds and declares that financial support of county fairs will result in economic development for areas where fairgrounds are located by promoting, expanding or preventing the decline of businesses and that the use of the net proceeds from the operation of the Oregon State Lottery to fund county fairs is an appropriate use of state lottery funds under section 4, Article XV of the Oregon Constitution, and ORS 461.540. [2001 c.811 §1]

Note: 565.446 to 565.449 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 565 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

565.447 Lottery proceeds allocation to County Fair Account. (1) Subject only to the availability of unobligated net lottery proceeds, there is allocated from the Administrative Services Economic Development Fund to the County Fair Account created under ORS 565.445 an amount equal to one percent of the net proceeds from the Oregon State Lottery, but not to exceed \$1.53 million annually, adjusted biennially pursuant to the change in the Consumer Price Index, as defined in ORS 327.006, between January 1, 2001, and January 1 immediately preceding commencement of the biennium.

(2) The allocation of moneys from the Administrative Services Economic Development Fund under this section is subject to the requirements in section 4, Article XV of the Oregon Constitution, for deposit of specified amounts of the net proceeds from the Oregon State Lottery into the Education Stability Fund and into the Parks and Natural Resources Fund and shall be made only after satisfaction or payment of:

(a) Amounts allocated to Westside lottery bonds issued under ORS 391.140 or to the reserves or any refunding related to the Westside lottery bonds in accordance with the priority for allocation and disbursement established by ORS 391.130;

(b) All liens, pledges or other obligations relating to lottery bonds or refunding lottery bonds due or payable during the year for which an allocation is to be made; and

(c) Amounts required by any other pledges of, or liens on, net proceeds from the Oregon State Lottery. [2001 c.811 §2; 2002 s.s.2 c.4 §3; 2002 s.s.3 c.6 §19; 2003 c.14 §351a]

Note: See note under 565.446.

565.449 County Fair Account distribution. The County Fair Commission shall make an annual distribution each January of the unexpended balance of moneys credited to the County Fair Account under ORS 565.447 as provided in ORS 565.445. [2001 c.811 §3; 2001 c.916 §8]

Note: See note under 565.446.

565.450 Budget preparation procedure. The County Fair Commission shall prepare and adopt budgets in the same manner as provided for preparation and adoption of budgets in ORS 576.425 to 576.435 as set forth in the 2001 Edition of Oregon Revised Statutes. [1971 c.595 §3; 2003 c.604 §104]

565.455 [1995 c.796 §1; repealed by 2003 c.517 §1]

565.510 [Amended by 1953 c.675 §12; 1969 c.239 §2; repealed by 1983 c.327 §16]

565.520 [Amended by 1969 c.239 §3; repealed by 1983 c.327 §16]

565.530 [Amended by 1953 c.675 §12; repealed by 1969 c.239 §9]

565.540 [Repealed by 1983 c.327 §16]

565.550 [Amended by 1953 c.675 §12; repealed by 1969 c.239 §9]

565.560 [Repealed by 1983 c.327 §16]

565.570 [Repealed by 1983 c.327 §16]

REGULATIONS AND LAW ENFORCEMENT AT FAIRS GENERALLY

565.610 Conducting business on or near grounds of fair or society. (1) No person shall set up any shop, booth, wagon or other vehicle for the sale of spirituous or other liquors, cigars, provisions or other articles of traffic, or shall sell or otherwise dispose of any liquors, cigars, goods, wares, merchandise, meals, lunch or any article of traffic whatever on the grounds of the Oregon State Fair, or on any grounds owned or occupied by a county fair board or any county or district society formed for the promotion and encouragement of agriculture, stock growing or horticulture, or within one-half mile of such grounds, without having paid the State Parks and Recreation Department, county fair board or such society the license for the privilege, or obtained the written consent of the department or county fair board or of the president and secretary of such society.

(2) Nothing in this section shall restrain any person except during fairs or exhibitions or other public events or meetings on the grounds of the Oregon State Fair or of any county fair board or of such societies, and for two days prior and two days subsequent thereto. This section does not extend to any person regularly and continuously carrying on business within one-half mile of the premises mentioned. [Amended by 1953 c.675 §12; 1969 c.239 §5; 1973 c.537 §8; 1977 c.55 §28; 2005 c.22 §385; 2005 c.777 §42]

565.620 Admission to fairs except through special gates prohibited. No person shall gain admission, or attempt to gain admission, to the grounds of the Oregon State Fair or of a county fair board or of any society mentioned in ORS 565.610 during their annual fairs or exhibitions, or at any public events or meetings on the grounds of the Oregon State Fair, county fair board or societies on their grounds, or grounds occupied by them or either of them, except through the special gates kept by the State Parks and Recreation Department, county fair boards or societies for that purpose. [Amended by 1953 c.675 §12; 1969 c.239 §6; 1973 c.537 §9; 2005 c.777 §43]

565.630 Regulation of public events. The State Parks and Recreation Director, any county fair board and every society mentioned in ORS 565.610 may regulate its prices of admission, licenses and

all matters pertaining to the conduct of its annual fairs, exhibitions or other public events or meetings. The penalty for violation of its rules and regulations is as provided by ORS 565.990 (2). [Amended by 1953 c.675 §12; 1969 c.239 §7; 1973 c.537 §10; 2005 c.777 §44]

565.640 Peace officers; authority; power of arrest. The peace officers of the State Parks and Recreation Department, county fair board or any of the societies mentioned in ORS 565.610, during the continuance of each annual fair or other public event or meeting, and for three days prior and two days subsequent thereto, on the grounds of the Oregon State Fair or on any grounds owned or occupied by a county fair board or such society for fairs, exhibitions or other public events or meetings, shall have all the authority of a deputy sheriff and may make arrests for violations of the provisions of ORS 565.610 to 565.650 or other laws of this state, or the rules or regulations of the department, county fair board or such society. [Amended by 1953 c.675 §12; 1969 c.239 §8; 1973 c.537 §11; 2005 c.777 §45]

565.650 Justices of the peace given jurisdiction. Justices of the peace shall have jurisdiction of all offenses against the provisions of ORS 565.610 to 565.640.

PENALTIES

565.990 Penalties. (1) Violation of ORS 565.610 is a Class D violation. Any person who, after conviction and fine for a violation of ORS 565.610, repeats the offense shall, upon conviction, be fined double the maximum amount imposed by this subsection for the first violation.

(2) Violation of ORS 565.620 is punishable, upon conviction, by a fine of \$5. [Amended by 1999 c.1051 §201]

BYLAWS
Washington County Fair Board

Article I. Name

The name of this body shall be the Washington County Fair Board hereinafter referred to as the "Fair Board."

Article II. Purpose and Authority

Section 1. Purpose.

- a. To oversee the planning, preparation and production of the County Fair.
- b. To provide input to the Washington County Board of Commissioners and Fairgrounds Advisory Committee in site planning and development activities related to the Fairgrounds Master Plan and Capital Project Plans.
- c. To encourage participation by local partner agencies and groups interested in the annual Fair.
- d. To maintain open lines of communication and information sharing with the community, Fairground Advisory Committee, other committees and all levels of government interested in the annual Fair.
- e. To explain and/or advocate for the Fair and Fairgrounds to various audiences, stakeholders and venues.

Section 2. Authority. The Fair Board is established by the Board of Commissioners pursuant to ORS 565.210 to 565.290.

Article III. Membership of the Fair Board

Section 1. Number. The Fair Board shall consist of seven (7) members.

Section 2. Appointment. The members of the Fair Board shall be appointed by the Board of Commissioners. The members of the Fair Board serve in accordance with and subject to the provisions of ORS 565.210 to 565.290.

- a. In the event of vacancy before expiration of the appointed term, the Board of Commissioners may appoint the balance of the term, or choose to leave the position vacant. If the appointment is made, the service to fill out that partial term shall not prevent reappointment for two complete terms at the discretion of the Board of Commissioners.

Section 3. Representation.

- a. Fair Board members may represent different geographic areas of Washington County.
- b. One County Commissioner may serve as a member of the Fair Board in lieu of appointing a lay citizen.

- c. Fair Board members will generally represent the following interests: agriculture, livestock, youth/education, exhibitors/vendors, urban agriculture and other interests as determined by the Board of Commissioners.

Section 4. Resignation. Any member may resign membership by submitting such resignation in writing to the County Administrative Office and shall set forth the effective date of the resignation.

Section 5. Term of office. The term of office for members of the Fair Board shall generally be three (3) years. Terms begin upon appointment, and will end on December 31 of the designated year. At the conclusion of a term, a Fair Board member will "hold over" and continue in that position until one of the following:

- a. Board of Commissioners reappoints that member to another term;
- b. Board of Commissioners appoints another person to that position;
- c. Fair Board member chooses not to continue and so notifies the County Administrative Office.

Section 6. Term limits. Fair Board members may serve no more than two consecutive terms, unless otherwise approved by the Board of Commissioners.

Section 7. Removal of members from the Fair Board

- a. The secretary shall notify the County Administrative Office Liaison of any recommendations to remove a member from membership in the Fair Board and the reasons therefore.
- b. Fair Board members may be removed by the Board of Commissioners for cause under the criteria listed in ORS 565.225.

Article IV. Officers and Terms of Office

Section 1. Officers. The officers of this Fair Board shall consist of a president and vice-president.

Section 2. Elected officers; terms thereof. At the first meeting of the Fair Board each year in January, the Fair Board shall elect a president and vice-president. Officers shall be elected by a majority vote of the Fair Board members constituting a quorum at the January meeting. Officers may be reelected. Officers elected by the Fair Board shall serve for a one-year term or until their successors have been duly elected and qualified.

Section 3. Secretary. The secretary shall be the staff person described in Article VIII. The secretary is not a member of the Fair Board and does not have authority to vote.

Section 4. Duties of Officers

- a. The duties of the officers shall be those customarily performed by such officers together with those responsibilities prescribed by these Bylaws of the Fair Board, and such other duties as may be assigned by the Board of Commissioners.

- b. The duties of the President are:
 - a. To preside at all meetings of the Fair Board;
 - b. To establish the agenda for all Board meetings and call special Board meetings when necessary;
 - c. To enforce the rules of order and sign all official documents;
 - d. To vote on matters before the Fair Board. The President may second motions but shall not make motions unless the President first relinquishes the position of Presiding Officer for the purpose of making such motion.
 - e. To be the official spokesperson for the Fair Board to the Board of Commissioners; unless this responsibility is delegated to another member of the Fair Board;
 - f. To see that all directives of the Bylaws and the Board of Commissioners are enforced and/or carried out;
 - g. To be an ex officio member of all committees.
- c. The duties of the Vice-President are to assume the duties of the President in the absence of the President, during which time the Vice-President has the duties, powers, and responsibilities of the President.
- d. In the absence of both the President and Vice President, the President shall appoint a President Pro Tem who shall have, at such time, the authority to sign appropriate documents.

Section 5. Vacancies in an elected office. If there is a vacancy of any Fair Board office, a special election to fill the vacancy shall be held at the next regular Fair Board meeting, provided that notice of such vacancy is provided to all members of the Fair Board three (3) days in advance of the meeting.

Section 6. Vacancies of committee chairs. The president shall fill a vacancy of a committee chair.

Section 7. Removal of an elected officer. Any elected officer of the Fair Board may be removed from office by affirmative vote of two thirds of the voting members attending a regular or special meeting. Following removal, the Fair Board, as its first item of business, shall elect a person from among its membership to fill the office.

Article V. Meetings

Section 1. Regular business meetings. The Fair Board shall meet as needed but will generally meet once a month unless the monthly meeting is cancelled.

Section 2. Meeting times. The Fair Board's regular business meeting is on the first Wednesday of each month. The Fair Board may meet more often as the need arises.

Section 3. Meeting location. Meetings of the Fair Board will generally take place at the Fair Complex. If the meeting is to be held at another location a notice indicating the

location shall be provided to each member at least three (3) days in advance of the meeting and to the Hillsboro Argus at least 24 hours in advance of such meeting. All meetings shall be conducted in Washington County.

Section 4. Special meetings

- a. Special meetings for any purpose may be scheduled by majority vote or called by the President.
- b. Notice of a special meetings called by the President shall contain, in addition to the date, time, and place of the meeting, a list of the agenda items to be considered at the meeting. Such notice shall be provided to each member personally or by e-mail, reasonably calculated to be received at least three (3) days prior to such meeting.

Section 5. Executive sessions

- a. The Fair Board may enter executive session in compliance with ORS 192.610 to 192.690.
- b. The President, vice-President, or secretary shall make reasonable effort to obtain advice of County Counsel prior to entering executive session.
- c. During executive session the only members that may be in attendance are the Fair Board, members of the Board of Commissioners, any staff not expressly excluded, members of the press and those additional persons expressly authorized by the Fair Board.
- d. Minutes shall be kept in accordance with Article V, Section 10.
- e. An executive session may be conducted as part of a regular, special, or emergency meeting.
- f. At the start of the executive session, the chair shall inform members of the press in attendance of their rights and responsibilities in attending executive sessions under Oregon law.

Section 6. Quorum and voting requirements.

- a. Quorum. The minimum number of voting members that must be present to have a valid meeting is a majority of the current membership of the Fair Board.
- b. Concurring votes to do business: The minimum number of voting members that must concur on matter in order to do business is a majority vote of the members present.

Section 7. Public Meeting Law. All meetings of this Fair Board shall comply with ORS 192.610 to 192.690 (Public Meeting Law).

Section 8. Voting.

- a. Each member of the Fair Board shall be entitled to one vote on matters before the Fair Board.
- b. No vote shall be made by a proxy.
- c. Votes shall be cast by voice or the showing of hands at the discretion of the President.

Section 9. Notice. Fair Complex staff shall cause notice of a meeting's date, time, location, and proposed agenda to be provided in accordance with these Bylaws and this section. Notice may be via email and/or the Fair Complex website.

- a. Notice of regular and special meetings shall be provided not less than three (3) calendar days prior to such meeting.
- b. Notice of an emergency meeting shall be provided as practical under the circumstances, but notice shall not be less than 24 hours.
- c. The proposed agenda of the Fair Board shall include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of the Fair Board to consider additional subjects.

Section 10. Minutes

- a. The secretary, or, if the secretary is absent, another person designated by the President, shall keep minutes of public meetings that comply with ORS 192.610 to 192.690.
- b. Except for executive sessions, the minutes of a meeting shall contain, in addition to the members, the names and title, if any, of every other person who participates in the meeting. The secretary should also include in the minutes the name of any other person whose presence is considered germane to the proceedings.
- c. If an executive session is conducted during a meeting, the minutes shall comply with ORS 192.650 and contain, in addition to any other requirement under ORS 192.650:
 - (1) The names and title, if any, of every person who is present at any time in the meeting room during the executive session;
 - (2) The reference to the authority for calling the executive session as set forth in ORS 192.660 (1) (a) to (k);
 - (3) The time the executive session commenced and ended; and
 - (4) The action taken, if any, after returning to the public portion of the meeting.
- d. The minutes shall be reviewed at the Board's next regular meeting and approved at a time determined by the Fair Board.

Article VI. Committees

Section 1. In order to carry out the work of the Fair Board, committees may be created by a majority vote of the Fair Board. The Fair Board shall provide to each committee so created a written description of the purpose and scope of activity of such committee. The written description may be in the form of the minutes if the minutes otherwise complies with the contents required by this section.

Section 2. The President may appoint committee chairs and recommend committee members for Fair Board approval. Such committee appointments may be from members of the Fair Board membership or otherwise. Committee chairs shall provide written or oral reports of their committee activities to the Fair Board. Members appointed to a committee who are not members of the Fair Board may vote only at committee meetings.

Section 3. A committee shall meet at such times as shall be designated by the chair of the special committee and shall report back to the Fair Board at the time designated by the Fair Board.

Section 4. Committees are subject to the public meetings laws as well as these bylaws and Policy Resolutions of the Fair Board.

Article VII. Parliamentary Authority

Section 1. Authority. Except as otherwise provided by law and except where the Fair Board directs or acts to the contrary, the parliamentary process of the Fair Board shall be generally governed by Robert's Rules of Order.

Section 2. Policy Resolutions of the Fair Board. The Fair Board has adopted and may adopt as necessary and from time to time review Policy Resolutions to govern the details of the administration of the Fair Board. Copies of its Policy Resolutions shall be provided in a timely manner to each member of the Fair Board, the Washington County Administrative Office Liaison, and County Counsel.

Article VIII. Staff support to the Fair Board

Section 1. A Fair Complex staff person shall act as secretary to the Fair Board.

Section 2. The secretary shall have the following duties and responsibilities:

- a. To enter and maintain in the books of the Fair Board true minutes of all meetings and executive sessions;
- b. To give all notices required by these Bylaws, or as required by state law; and
- d. To assist the Fair Board on questions of parliamentary procedure for the conduct of Fair Board meetings.

Article IX. Compliance with State and Local County Law and Policy

Section 1. The Fair Board and each of its members shall comply with provisions of state law including, but not limited to: ethics laws (ORS Chapter 244), local budget laws (ORS Chapter 294), public contracting laws (ORS Chapters 279A, 279B and 279C), and public records and meetings laws (ORS Chapter 192). Fair Board members shall be provided will copies of all relevant statutes.

Section 2. The Fair Board and each of its members shall comply with provisions of Washington County policies whose application includes boards, committees, and commissions.

Section 3. Effect of failure to comply with the Public Meeting Laws. A decision made by the Fair Board that is in violation of ORS 192.610 to 192.690 may be cured if the Fair Board reinstates the decision while in compliance with ORS 192.610 to 192.690.

Article X. Recommendations

Section 1. Form of Recommendations. If consideration and approval of a matter before the Fair Board results in a recommendation to the Board of Commissioners, the Fair Board shall make such recommendation on a form that satisfies this section.

Section 2. Contents of the Recommendation. The recommendation shall be in writing and at a minimum contain a description of the matter under discussion by the Fair Board, the date(s) of the discussion on the matter, a brief description of any public comments received that addressed the matter, a recommendation on the matter, sufficient findings of fact to support the recommendation, and the results of the vote on the matter. Each recommendation shall bear the signature of the President.

Section 3. Submission to the Board of Commissioners. Any recommendation adopted by the Fair Board shall be provided to the Board of Commissioners within two weeks (if not sooner required by the Fair Board) of being signed by the chair.

Article XI. Miscellaneous Provisions

Section 1. These Bylaws may be amended by an affirmative vote of a majority of the Fair Board.

Section 2. The Fair Board shall receive legal representation by the Office of County Counsel.

Section 3. The Fair Board will maintain a favorable liaison with County Officials and staff members.

**Washington County
And
Washington County Fair Board
Memorandum of Understanding (MOU)**

- Parties:** Washington County, acting by and through its Board of Commissioners ("County").
- Washington County Fair Board, appointed by the Board of Commissioners ("Fair Board").
- Definitions:** "Board of Commissioners" means the duly elected governing body of Washington County.
- "County Fair" means the annual Washington County Fair (including Horse Fair) event, inclusive of the time set for the public use and reasonable time for set up and tear down, unless stated otherwise.
- "Fairgrounds" or "Fair Complex" means the ground and all other property owned, leased, used or controlled by Washington County located at 873 NE 34th Avenue, Hillsboro, Oregon.
- Purpose:** To clarify the understanding between the parties regarding: 1) the annual County Fair event, 2) the management of certain Fairgrounds property both when it is and is not devoted to the use and production of the County Fair, 3) the protocols between the parties, and 4) provide some protection from liability for the County for personnel and contractual matters related to Fair Board and its members' activities.
- Recitals:**
- A. The County's powers are exercised by and through the Board of Commissioners, per the County's Charter, statute, County ordinances, adopted County policies and state statutes.
 - B. The Board of Commissioners exercises some of its powers through delegations of authority and responsibility to various appointed boards, officers, and employees of the County.
 - C. Regarding the County Fair, the Fair Board is also empowered by state statute. It is desirable and in the best interests of all to clarify, by this MOU, the protocols that are to govern the management of the Fairgrounds and the production of the County Fair.
 - D. The primary function of the Fair Board is to oversee the planning, preparation and production of the County Fair. The Board of

Commissioners should provide adequate staff assistance to the Fair Board to discharge this responsibility.

- E. During the period of the County Fair, the Fair Board will have the use and control of the Fairgrounds or such part of it as is needed for the County Fair purposes.
- F. During the rest of the year, the management of the Fairgrounds will be the responsibility of Washington County via a Fairgrounds Manager, who will provide for day-to-day oversight pursuant to the direction of the Assistant County Administrator, in accordance with County policies and procedures and subject to the ultimate decision making authority of the Board of Commissioners.

Understanding: Now Therefore, the parties agree to the following provisions, relationships, protocols and matters set forth below:

- 1. Fair Board: The Board of Commissioners will appoint up to a seven person Fair Board. One County Commissioner may serve as a member of the Fair Board in lieu of appointing a lay citizen, with the concurrence of a majority of the Board of Commissioners.
 - a. Each member must be a resident of the County.
 - b. The Board of Commissioners will appoint a Fair Board that generally represents the following interests:
 - i. Agriculture
 - ii. Livestock
 - iii. Youth/Education
 - iv. Exhibitors/Vendors
 - v. Urban Agriculture (e.g. Farmer's Market)
 - vi. Other Interests as determined by the Board of Commissioners
 - c. Fair Board members generally serve terms of three years. Terms begin upon appointment, and will end on December 31 of the designated year. Fair Board members may serve no more than two consecutive complete terms, unless otherwise approved by the Board of Commissioners.
 - d. At the conclusion of a term, a Fair Board member will "hold over" and continue in that position until one of the following: 1) the Board of Commissioners reappoints that member to another term, 2) the Board of Commissioners appoints another person to that position; or 3) the member chooses to not continue and so notifies the Board of Commissioners.
 - e. In the event of a vacancy before expiration of the appointed term, the Board of Commissioners may appoint to fill the balance of the term, or choose to leave the position vacant. If the appointment is made, the service to fill out that partial term

shall not prevent reappointment for two complete terms at the Board of Commissioner's discretion. In deciding whether or not to fill a vacancy, the Board of Commissioners shall consider: the amount of time left in the term, the current composition of the Fair Board, the business pending before the Fair Board and such other factors as the Board of Commissioners deems relevant.

- f. Pursuant to ORS 565.210(3), each member of the Fair Board is required to furnish a good and sufficient bond or irrevocable letter of credit in favor of the County, conditional upon faithful performance of the duties of the office. The County will secure the bonds with charges to be assessed as appropriate to the Fair Fund.
 - g. Fair Board members may be removed by the Board of Commissioners for inefficiency, neglect of duty, misconduct in office, incompetence, incompatibility, dereliction of duty, breach of any of the agreements in this MOU, or for other good cause as good cause may be defined by county ordinance. Procedures to remove a member from office shall be conducted in accordance with state statute. The County is not liable for decisions or activities of the Fair Board, or any of its members, that are outside the scope of their duties, or constitute malfeasance in office or willful or wanton neglect of duty.
2. Officers: Annually, the Fair Board shall elect a President and Vice-President. Each will perform the duties normally associated with those offices. One officer will be designated as liaison to the Board of Commissioners.
 3. Secretary: The Fair Board will annually select a secretary, who may be a member of the Fair Board or the Fair Board may utilize the Fairgrounds Manager or designee, as the secretary. The County will secure the secretary's bond with charges to be assessed as appropriate to the Fair Fund. The secretary will be the official custodian of the Fair Board records and will perform the duties normally associated with that office, plus such other duties as assigned by the Fair Board.
 4. Procedures:
 - a. The Fair Board may establish the procedures it deems best in order to discharge its responsibilities subject to the terms of this MOU and to applicable laws, such as Oregon's public records and meeting laws, and government standards and practices law. Copies of the Fair Board's meeting notices and minutes will be provided to the County Administrative Office.

- b. The Fair Board shall comply with all applicable state laws and County policies, procedures in terms of contracts, personnel, budget and fiscal management.
- c. The Fair Board shall award all public purchasing contracts, permits and licenses related solely to the County Fair, and has authority to cancel or terminate such contracts as provided in the contract or by law. The Fair Board agrees to follow the County's purchasing rules and procedures. In accordance with these rules, the County Board of Commissioners will serve as the contract agency and local contract review board for the Fair Board, and the County's contract review process and competitive exemption rules also apply to the Fair Board. The Fairgrounds Manager (or designee) will manage contracts, permits and licenses.
- d. The Fair Board is prohibited from soliciting, negotiating, awarding or executing any contracts, permits, licenses or other documents that, in any manner, may impact the County's authority over the Fairgrounds outside the County Fair, without approval of the County Administrative Office. The Fairgrounds Manager (or designee) shall review contracts, permits, licenses, and other documents prior to award and execution to ensure compliance with this provision. In the event of impact on the County's authority outside the County Fair, the County Administrative Office has authority to require document modifications or conditions to the approval, including that the County execute the contract and that it manage matters outside the County Fair.
- e. To the extent possible and practicable, the Fair Board shall require third party contractors to defend, and indemnify the Fair Board, its members, Washington County, its Commissioners, officers, agents and employees and provide additional insured coverage for the same on the contractor's liability insurance, in addition to any other standard County contract provisions.
- f. In the event it was necessary for the County to execute contracts, permits, or licenses prior to the first meeting of the current Fair Board, if there are any in the name of the "Fair Board" which cover matters solely outside the County Fair, the parties agree that Washington County assumes full responsibility and management of those contracts, permits and licenses.
- g. In the event it was necessary for the County to execute contracts, permits or licenses prior to the first meeting of the current Fair Board, if there are any in the name of the "Fair Board" which cover matters both related and unrelated to the County Fair, the parties agree that the name of the contracting

party will be the County, but by this MOU, the Fair Board is solely responsible for management and liability to the extent it concerns County Fair matters. The parties will cooperate in resolving an equitable accounting in such contracts.

5. Use of Certain Fairgrounds Property for County Fair: The County agrees to devote the Fairgrounds to the exclusive management of the Fair Board during the time for the County Fair. Any actual use of property not expressly devoted for the use of the County Fair in accordance with this provision does not constitute devotion by implication. Access to Fairground property and facilities will be provided to the Fair Board and other related interests during interim fairground operations. Access during such periods will be guided by County policy and procedures.
6. County Fair: The Fair Board is responsible to ensure that a suitable County Fair is planned, prepared and produced each year. To discharge this responsibility, the Fair Board has and may exercise all related powers including:
 - a. Making rules and regulations for the conduct and management of the County Fair (ORS 565.240).
 - b. Providing security during the County Fair, including, if necessary, the appointment or approval of marshals or police (ORS 565.240).
 - c. Setting the dates for the County Fair.
 - d. In exercising the above powers, the Fair Board shall give priority to: 1) the personal safety and security of members of the public who attend, as well as those who work and participate in the Fair, and 2) the security and preservation of the property being used at the Fairgrounds. The Fair Board shall maintain and keep the Fairgrounds in good condition during the County Fair, normal wear and tear excluded, and shall not contract for public works or capital improvements without prior written approval of the County.
 - e. The Fair Board shall ensure that the County Fair business is conducted in compliance with all applicable statutes and policies and protocols. The County Board of Commissioners, Fair Board, County Administrative Office, Chief Finance Officer, and Fairgrounds Manager agree to consult and collaborate to assure the Fair Board is able to achieve compliance.
 - f. Annually, the Fair Board will develop or update short and long-term plans for the planning, preparation, development, promotion and production of the County Fair. Copies of the business plan and updates will be furnished to the County Board liaison and the County Administrative Office liaison,

and will be reviewed during the joint meeting between the Board of Commissioners and the Fair Board.

7. Authority and Management of Fairgrounds Outside of County Fair:
The County will manage the use of the Fairgrounds at times other than during the County Fair. The County's responsibility is to maximize the use of the Fairgrounds to the fullest extent possible for the pleasure, recreation, education and benefit of the public outside the County Fair and to maintain and preserve the Fairgrounds. As deemed appropriate by the Fair Board, it may make reasonable proposals to the County on ways to more fully utilize the Fairgrounds and to meet both the County's and Fair Board's interests. The Fair Board will not exercise authority over the Fairgrounds at times other than the County Fair without the express approval of the County.
8. Fairgrounds Manager/Personnel/Volunteers: The County agrees to provide adequate administrative assistance to the Fair Board to discharge its responsibility to provide the County Fair, including providing meeting space and access to the Fairgrounds as appropriate for Fair Board business, both during the County Fair and otherwise.
 - a. The County will employ a Fairgrounds Manager whose duties include 1) providing support to the Fair Board in planning, preparing and producing the County Fair; and 2) providing oversight and coordination of the Fairgrounds outside the period set aside for the County Fair. The Fairgrounds Manager reports to and is supervised by the Assistant County Administrator (or designee). In relation to the planning, preparation and production of the County Fair, the Fairgrounds Manager will receive direction from the Fair Board. The Fairgrounds Manager will supervise assigned County staff and volunteers. The Fairgrounds Manager will be evaluated annually by the Assistant County Administrator or designee following consultation with the Fair Board.
 - b. In the event of a vacancy of the Fairgrounds Manager position, the Assistant County Administrator will consult with the Fair Board on the position description for the Fairgrounds Manager, and will solicit advice and recommendation of the Fair Board with respect to the selection of the Fairgrounds Manager.
9. Structure/Organization/Liaison:
 - a. Initially, the Fairgrounds Manager will report to the Assistant County Administrator; however, during the first year, the County Administrative Office will evaluate the appropriate placement of the function within the County organization. In doing so, the County Administrative Office will seek input from the Fair Board.

- b. The Assistant County Administrator and the Fairgrounds Manager will ensure communication, exchange of information, access to County support services and other such coordination with the Board of Commissioners, Fair Board and County departments as is useful or necessary.
 - c. The Fair Board shall designate one of its members to be a liaison with the Board of Commissioners. The Assistant County Administrator or designee will serve as the County's liaison with the Fair Board. Liaisons shall keep their respective board members and each other apprised of all significant activities, events, or issues that may arise, in particular, any which would likely impact the other Board. When major actions or projects are contemplated which affect the County or the County Fair, the liaisons shall bring it to the attention of the County Chairperson and the Fair Board President for the purpose of scheduling a joint meeting to discuss and consult regarding the proposed action or project.
10. Business Plan(s): The Fairgrounds Manager will assist the Fair Board to develop a suitable business plan for the production of the County Fair. Additionally, the Fairgrounds Manager will assist the County to develop a suitable business plan for the year-round management of the Fairgrounds. The Fair Board and the Board of Commissioners will review the business plans annually at their joint meeting.
11. Facilities Maintenance Plan: The Fairgrounds Manager and County Facilities Manager, with input from the Fair Board, will develop an annual Facilities Maintenance Plan for Fairground buildings and structures. The plan will identify and prioritize maintenance related projects.
12. Fairgrounds Master Plan and Capital Projects Plan: The Board of Commissioners may create a Fairgrounds Development Advisory Committee to provide advice and counsel on the Fairgrounds Master Plan, Fairgrounds Capital Projects Plan and other major site related initiatives. The Fair Board President (or designee) will represent the Fair Board on the Committee.
13. Budget and Fiscal
- a. The Fairgrounds Manager and other assigned staff will provide the fiscal oversight, accountability and reporting for the County regarding the Fairgrounds and will provide the same oversight, accountability and reporting for the Fair Board and County regarding the County Fair. The Fair Board and the County shall ensure that the Fairgrounds and the County Fair are operated in compliance with all applicable state and county

laws, ordinances, rules, policies and procedures relating to budget and fiscal management.

- b. The parties, including Fairgrounds Manager, Assistant County Administrator, Chief Finance Officer and County Counsel will collaborate to maintain the Fair Fund within the budget that satisfies ORS 565.325 and applicable county budget and fiscal policies.

14. County and Fair Board Liability: It is a mutual objective of the Board of Commissioners and the Fair Board to implement such fiscal, budget, legal and management policies, procedures and practices to limit the exposure and liability of the County, the Board of Commissioners and the Fair Board.

- a. Subject to section 1. *DM* above, the County will arrange for insurance or self insurance to cover decisions or activities of the Fair Board and its members that are within the scope of their duties, and that do not constitute malfeasance in office or willful or wanton neglect of duty. The County will determine the coverage and limits that are reasonable based on the risks. Coverage amounts will be no less than the limits of the Oregon Tort Claims Act. Insurance, if purchased, for the Fair Board and its members constitutes an expense of the County Fair and will be expensed from the Fair Fund.
- b. The County will secure the bond coverage described above in Sections 1 and 3.
- c. The Fair Board may consult with the County Risk Manager as it deems advisable to ensure that these objectives are met with respect to the County Fair.
- d. The County will secure or provide insurance as it deems reasonable for its risks related to the Fairgrounds, including for services provided to the Fair Board relating to the County Fair covered by this MOU.
- e. The Office of County Counsel will provide legal representation to the Fair Board.

15. Annual and Other Joint Meetings:

- a. At least annually at a reasonable time after completion of the County Fair, the Board of Commissioners and Fair Board will hold a joint meeting, the purpose of which will be to review the reports described below and to discuss topics of mutual concern. At or prior to the meeting, the Board of Commissioners will be presented with the following:
 - i. The annual report furnished to the County Fair Commission (ORS 565.442).
 - ii. The most recent annual County Fair audit pursuant to ORS 565.443.

- iii. A summary of any significant operational issues or unresolved matters that have arisen since the last joint meeting.
 - iv. An evaluation of the County's administrative support and recommendations for improvement.
 - v. The current business plan.
 - vi. Information describing current and anticipated events, past, current and projected financial condition and such additional information as determined by the Fair Board or requested by the Board of Commissioners.
 - vii. An overview of the work and deliberations of the Fairgrounds Development Advisory Committee.
 - viii. The current Facilities Maintenance Plan.
- b. The Board of Commissioners and the Fair Board may schedule and hold additional joint meetings as mutually determined to be needed or desired. Scheduling of additional joint meetings is subject to the reasonable availability of the members of both boards.

16. Amendments: This MOU may be amended from time to time as needed, by mutual written consent of both parties.

Dated this 16 day of March, 2010.

Washington County

Washington County Fair Board

Tom Bruner Doreen Hillman

Date: 3-16-10

Date: 3.3.2010

APPROVED WASHINGTON COUNTY
 BOARD OF COMMISSIONERS
 MINUTE ORDER # 10-68
 DATE 3-16-10
 BY Barbara Heitmanek
CLERK OF THE BOARD