

PASSED

IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

ORDER NO. 99-12-15-1

) IN THE MATTER OF AMENDING CHAPTER 3  
) OF LANE MANUAL TO ADD PROVISIONS TO  
) THE MEMORANDUM OF UNDERSTANDING  
) BETWEEN THE BOARD OF COMMISSIONERS  
) AND THE FAIR BOARD FOR REMOVAL OF  
) FAIR BOARD MEMBERS AND INDEMNITY, AND  
) TO MAKE HOUSEKEEPING CHANGES (LM 3.160)

The Board of County Commissioners of Lane County orders as follows:

Lane Manual Chapter 3 is hereby amended by removing and substituting the following pages:

**REMOVE THESE PAGES**

Lane County Board of  
Commissioners/Fair Board  
Memorandum of Understanding  
i.e. 3-27a – 3-27e  
(a total of 5 pages)

**INSERT THESE PAGES**

Lane County Board of  
Commissioners/Fair Board  
Memorandum of Understanding  
i.e. 3-27a – 3-27e  
(a total of 5 pages)

Said pages are attached hereto and incorporated herein by reference. The purpose of these substitutions is to add provisions to the Memorandum of Understanding between the Board of Commissioners and the Fair Board for Removal of Fair Board members and indemnity, and to make housekeeping changes. (LM 3.160)

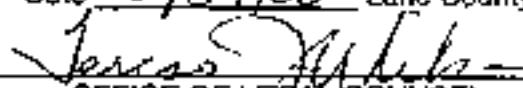
Adopted this 8th day of March 2000.



Chair, Lane County Board of Commissioners

APPROVED AS TO FORM

Date 2/24/00 Lane County

  
OFFICE OF LEGAL COUNSEL

LANE COUNTY  
BOARD OF COMMISSIONERS/FAIR BOARD  
MEMORANDUM OF UNDERSTANDING

Definitions. As used in this document:

"Fair Board" means the Lane County Fair Board, which shall be a lay commission appointed by and accountable to the Board of Commissioners for the operation and maintenance of the Fairgrounds.

"Fairgrounds Director" means the Director of the Lane County Fairgrounds, who shall be employed by and accountable to the Fair Board for the ongoing operation and maintenance of the Fairgrounds.

"Fairgrounds" means the ground and all other property owned, leased, used or controlled by the County and devoted to the use of the County Fair, including but not limited to the Convention Center, Administration Building, Auditorium, the Wheeler Pavilion, the Expo Halls, Livestock Building, Lane County Ice, and various other buildings and related structures.

Recitals

- A. Pursuant to ORS 565. 210(2), the Board of Commissioners shall appoint a board consisting of not less than three nor more than seven resident taxpaying citizens of the County to be known as the Lane County Fair Board. The Fair Board members shall serve staggered terms of three years each. At the first meeting in January, upon the expiration of the term of a Fair Board member, a successor shall be appointed to serve for three years. ORS 565. 210(5) provides that no more than one member of the Board of Commissioners may serve as a member of the Fair Board. Members of the Fair Board are subject to removal per 1999 Or Laws Ch. 681, for reasons as defined by Lane Code 2.300.
- B. Pursuant to ORS 565. 210(3), each member of the Fair Board is required to furnish a good and sufficient bond in favor of the County, conditional upon faithful performance of the duties of the office. The bond 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 each member, whichever is the lesser amount. The bond when approved by the Board of Commissioners shall be filed with the County Clerk. The premium on the bond shall be paid for by the Fair Board as an expense.
- C. Pursuant to ORS 565. 220, the members of the Fair Board shall, as soon as their bonds have been filed and approved, meet and organize by electing a president. A majority of the members of the Fair Board shall constitute a quorum for the transaction of all business at meetings. In the absence of the President another member of the Fair Board shall perform the duties of the President.

- D. The County Fair Funds are components of the Lane County Budget, and subject to review and approval by the Lane County Budget Committee, the Board of Commissioners and County staff as directed by the Board of Commissioners, as described in 32 Ops Atty Gen 193 (1965).
- E. Pursuant to ORS 565. 240, the Fair Board shall make and enforce all rules and regulations necessary for the proper conduct and management of their fairs and all activities conducted on the Fairgrounds. 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 all other times when the Fair Board deems such appointments necessary for the preservation of the peace and the protection of the 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.
- F. Under ORS 565. 230(1), the Fair Board has statutory authority for 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 Fairgrounds.
- G. Under ORS 565. 230(1), the Fair Board is entrusted and charged with the entire business management and financial and other affairs of the County Fair.
- H. Under ORS 565. 230(2), in order that the Fairgrounds and buildings may be utilized to the fullest extent for pleasure, recreation and public benefit, the Fair Board has statutory 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, entertainment, or public gatherings upon the Fairgrounds.
- I. In the exercise of its management authority and in accordance with ORS 565. 315, the Fair Board has authority to execute contracts and sign checks, concerning management of the Fairgrounds and of the Fair, including construction of capital improvements, subject to budget approval.
- J. Bonding requirements and previous commitments by the Board of Commissioners to the public are hereby recognized which pledge current and future County revenues generated by the Countywide room tax to debt service on certificates of participation for a Livestock Arena and an Ice Rink and on debt issued to finance other Fairgrounds capital projects approved by the Board of Commissioners. The use of room tax revenues for these purposes shall terminate when the debts are fully paid.
- K. The Board of Commissioners and the Fair Board have negotiated and hereby enter into this 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 or contractual matters.

Understandings. Below are stated the understandings between the Board of Commissioners and the Fair Board as to how the Fair Board shall perform its responsibilities under the statutes and Lane County Home Rule Charter.

1. The Fair Board is responsible for hiring, terminating and otherwise supervising the activities of a Fairgrounds Director. The Fairgrounds Director is accountable to the Fair Board and responsible for the operations and conditions of the Fairgrounds. The Fairgrounds Director shall serve as secretary to the Fair Board under ORS 565.220(3). The Fair Board shall annually evaluate the performance of the Fairgrounds Director and may award compensation adjustments within the salary range of the position as established by the Fair Board.
2. The Fair Board is authorized to hire, terminate and otherwise supervise staff to operate and manage Fairground facilities in accordance with the Oregon Revised Statutes and the Lane County Charter. All personnel decisions, including but not limited to establishing new positions, reclassifications, etc., may be made by the Fair Board so long as they are in conformance to the budget as adopted and state laws.
3. The Fair Board shall operate and otherwise manage the Fairgrounds, including the Convention Center, Administration Building, Auditorium, the Wheeler Pavilion, the Expo Halls, the Livestock Building, Lane County Ice and all other facilities located at the Fairgrounds. The Fair Board is responsible for recruiting bookings, scheduling, establishing rental fees, general promotion, food service, concessions, maintenance and all other related operational activities.
4. The Fair Board has authority to make expenditures from the Fair Funds. The Fair Board shall comply with public purchasing laws and administrative rules as per state statutes. The Fair Board may contract with the County Department of Finance and Management Services for central purchasing services at the Fair Board's option.
5. The Fair Board may contract with the County for management services, accounting, bookkeeping, payroll services and legal services. If the Fair Board elects to perform these services itself or to contract for these services elsewhere, the County Department of Management Services may, upon Fair Board request, review and make recommendations to the Fair Board regarding its accounting, bookkeeping, and payroll systems for conformance with minimum standards prior to implementation.

Lane County Commissioners

Lane County Fair Board

/s/  
Chair

/s/  
President

Date: \_\_\_\_\_

Date: \_\_\_\_\_

LANE COUNTY  
BOARD OF COMMISSIONERS/FAIR BOARD  
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- F. Under ORS 565. 230(1), the Fair Board has statutory authority for 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 Fairgrounds.
- G. Under ORS 565. 210230(1), the Fair Board is entrusted and charged with the entire business management and financial and other affairs of the activities conducted on the FairgroundsCounty Fair.
- H. Under ORS 565. 230(2), in order that the Fairgrounds and buildings may be utilized to the fullest extent for pleasure, recreation and public benefit, the Fair Board has statutory 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, entertainment, or public gatherings upon the Fairgrounds.
- I. In the exercise of its management authority and in accordance with ORS 565.290 and 565. 315, the Fair Board has authority to execute contracts and sign checks, concerning management of the Fairgrounds and of the Fair, including construction of capital improvements, subject to budget approval.
- J. Bonding requirements and previous commitments by the Board of Commissioners to the public are hereby recognized which pledge all current and future County revenues generated by the Countywide room tax to debt service on voter-authorized bonds in 1977 for the construction of an Equestrian and Convention Center and on certificates of participation for a Livestock Arena and an Ice Rink and on debt issued to finance other Fairgrounds capital projects approved by the Board of Commissioners. The use of room tax revenues for these purposes shall terminate when the debts are fully paid.
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5. The Fair Board may contract with the County for Management Services, accounting, bookkeeping, payroll services and legal services. If the Fair Board elects to perform these services itself or to contract for these services elsewhere, the County Department of Finance and Management Services shall, upon Fair Board request, review and make recommendations to the Fair Board regarding its accounting, bookkeeping, and payroll systems and legal services for conformance with minimum standards prior to implementation.

67. All Fairgrounds facilities and activities including but not limited to the County Fair, Convention Center, Administration Building, Auditorium, the Wheeler Pavilion, the Expo Halls, the Livestock Building, and Lane County Ice will operate solely on self-generated revenues, without subsidy by the County's General Fund.
78. The Fair Board shall fully compensate the County General Fund for all direct and indirect expenditures incurred by the General Fund for Fairgrounds activities.
89. Disbursement of funds within the special fund(s) established for the functions of the Fair Board shall be made in accordance with Local Budget Law and any laws specifically governing such.
910. Periodic reports describing Fairgrounds operations shall be delivered to the Board of Commissioners. These reports shall describe current and anticipated events, past, current and projected financial condition and additional information as determined by the Fair Board or requested by the Commissioners. The reports shall also be delivered to the Office of County Administration.
1011. Semi-annual meetings of the Fair Board and Board of Commissioners shall be scheduled in the months of February and July to discuss topics of mutual concern.
1112. The Board of Commissioners shall appoint one of its members to serve as liaison with the Fair Board President. The County Administrator shall serve as a liaison with the Fairgrounds Director and shall facilitate day-to-day communication and cooperation. Questions, answers, complaints and information requests shall be channeled through the liaisons. When major actions or major projects are contemplated by either the Board of Commissioners or the Fair Board, each Board shall communicate with the other early in the process.
12. The Fair Board shall defend and indemnify the Board of Commissioners and the County from liability arising out of personnel or contractual matters occurring under the Fair Board's direction, management or authority, to the extent permitted by law.
13. This agreement is binding on both parties and can only be amended by the concurrence of both parties. This document shall be reviewed annually and reaffirmed and/or modified based on that review.

Lane County Commissioners

Lane County Fair Board

/s/ Cindy Weckderyer  
Chair

/s/ Robert H. Mattson  
President

/s/ Bobby Green, Sr.

/s/ Cleve E. Dundi

/s/ Ellic Dundi

/s/ Francisca E. Johnson

/s/ Peter Sorenson

/s/ T. Dean Hansen

/s/ Steve Cornacchia

/s/ Jon V. Jaqua

Date: July 29, 1998

Date: July 29, 1998