

CROOK COUNTY COURT-FAIR BOARD OPERATING AGREEMENT

RECITALS

WHEREAS, the Crook County Court and the Crook County Fair Board have recognized the need and desire to strengthen the working relationships and clarify the statutory authority and operating policies of the two (2) Boards as related to the County Fairgrounds; and

WHEREAS, it is in the best interest of the citizens of Crook County to adopt the Crook County Court-Fair Board Operating Agreement.

AGREEMENT

NOW, THEREFORE, the Crook County Court does hereby agree to execute and adopt this Crook County Court-Fair Board Operating Agreement; and

IT IS FURTHER AGREED, that the Crook County Court does hereby recognize that the County Fair Board has the authority to execute all contracts necessary for the operating of the Fairgrounds as specified in this Crook County Court-Fair Board Agreement and as set forth in Oregon Revised Statutes (ORS) Chapter 565, subject to State and County Contracting Rules.

Definitions:

“Fair Board” means the Crook County Fair Board, a lay board appointed by the Crook County Court pursuant to the provisions of ORS 565.210.

“Fairgrounds” means all of that real property, including, but not limited to Tax Lots 13100, 13200, 13300, 13400, 13500, 13600, 13700 and 13800 in Section 5 (but not including the County owned-and operated RV park adjacent to the Fairgrounds) and Tax Lot 203 in Section 8, all in T15S, R16EWM, Crook County, Oregon, and all of the improvements thereon owned, leased, used, controlled, or intended by the County to be devoted to and used for the County Fair and the Fairgrounds.

Policy Statement:

It is the policy of Crook County, in accordance with the provisions of ORS Chapter 565.230(2), that the Fairgrounds and related buildings and improvements be utilized to their fullest extent for the pleasure, recreation and public benefit of the citizens of Crook County.

The Crook County Fair Board is responsible for operations, finances and general conditions of the Fairgrounds and all events and activities thereon.

Pursuant to the provisions of ORS Chapter 565.230, the County Fair Board is vested with the exclusive management of the Fairgrounds and related property, and is entrusted and charged with the entire business and financial management of such facilities.

The County Fair Board shall operate the facilities under its jurisdiction entirely from revenues derived from the facilities and other funds dedicated by law and by the County Court through the County budget process to the County Fair and the Fairgrounds.

RESPONSIBILITIES OF COUNTY COURT AND FAIR BOARD

1. The Fair Board shall furnish a good and sufficient bond for each Board member, the Fairgrounds Manager, and the Board Secretary as provided for by ORS 565.210(3). Such bonds, when approved by the County Court, shall be filed with the County Clerk. The premiums on the bonds shall be paid for the Fair Board as an expense of the Board (ORS 565.210(3)).
2. The Fair Board has the exclusive authority and responsibility for the management of the Fairgrounds and all other property owned, leased, used, controlled or intended by the County for use of the County Fair and all other events and activities on the Fairgrounds authorized by the Board, and the Board is entrusted and charged with the entire business management and financial and other affairs of the Fair and the Fairgrounds (ORS 565.230(1)); with the exception that any use change involving the Fairgrounds properties and/or facilities shall be a joint decision between the County Court and the County Fair Board.
3. The Fair Board, under its authority to operate and otherwise manage the Fairgrounds properties and facilities, may adopt and enforce rules and regulations governing the operating and management of the Fair, Fairgrounds, facilities and conduct of users and visitors. The Board may appoint or employ such marshals, police or other security personnel as deemed necessary for the preservation of the peace and the protection of public and private property upon the Fairgrounds (ORS 565.240).
4. In order that the fairgrounds, and buildings and improvements thereon, may be utilized to the fullest extent for pleasure, recreation and public benefit, the Fair Board shall at all times have the authority and responsibility to provide such facilities for the public and issue and grant permits for the holding of any exhibitions, shows, carnivals, circuses, dances, entertainments or other public or private gatherings upon the fairgrounds (ORS 565.230(2)).
5. It is recognized that the County is the legal owner of the properties and improvements managed by the Fair Board. The Fair Board is subject to County policies with regard to capital improvements and said improvements shall be approved by the County Court.

6. The County Court, in accordance with the provisions of ORS 565.325, shall establish and maintain a "County Fair Fund." The County Fair Fund shall be a component of the Crook County budget and subject to State law, local budget law and County policy. All moneys appropriated by the County Court from County funds, all revenues derived from grounds and facility rental, and all monies received by the County designated for purposes of the County Fair or for Fairgrounds operations or improvements such as the State funds from the State Department of Agricultural, and any other funds as may be agreed upon in the future between County Court and Fair Board shall be deposited in the County Fair Fund. All funds received by the Fair Board shall be deposited with the County Treasurer. All expenditures approved by the Fair Board shall be paid from funds on deposit with the County Treasurer.
7. The County Court may annually allocate County general fund monies to the Fair Fund.
8. The Fair Manager shall annually submit to the Fair Board a proposed budget for the Fair Board's consideration. The Fair Board shall approve or modify such budget and submit it to the County Budget Committee for further proceedings in accordance with the budget schedules and policies established by the County Court. The Fair Board shall annually propose a budget for the expenditure of fair funds, and all other funds necessary for and utilized annually in the operation and management of the fairgrounds. The proposed budget shall be formulated according to County Budget policy and submitted to the County Budget Officer for review and approval by the County Budget Committee and the County Court according to the annual budget calendar. The Fair Board shall originate and submit to the County Budget officer all requests for transfers within the County Fair fund, the appropriation of contingency funds, or supplemental budgets. Such requests shall be subject to County Court approval or denial.
9. The County Fair Board shall establish a capital improvement fund with contributions from the County General Fund, County Room Tax and any other funds agreed upon.
10. Notwithstanding any other provisions of law relating to the disbursement of County Fair monies from the County treasury in order to pay promptly prize monies, premiums, wages, necessary costs of repairs and other claims requiring prompt payment in connection with the County Fair or other fairgrounds operations and events, the County Fair Board may submit bills approved by the Board Member and management to the County treasurer to be paid from the Fair Fund on the 10th or the 25th bill run.
11. The Fair Board shall authorize expenditures from the Fair Fund only for the promotion and operating 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 Fair Board, and only in accordance with state law, County policy and budgetary appropriations.

12. The Fair Board will make a recommendation for the hiring of a candidate for Fairgrounds Manager. The County Court will make the actual hire. The Fairgrounds Manager shall be responsible for the hiring of additional employees. However, since all employees are County employees, any actions that would be impacted by Federal, State and/or County laws and policies shall be approved by the County's Human Resource Director or County Counsel. Prior to undertaking any termination or disciplinary action against any employee, the Board shall seek and abide by the advice of County Counsel. All employees shall operate in accordance with County policies and benefits. In the event that the Fairgrounds Manager position is open, the County Court shall appoint an Interim Manager, based upon the recommendation of the Fair Board, to perform all the duties of the Fairgrounds Manager pending hire of a permanent manager.
13. The Fair Board recognizes that it is a unit of Government and that it has an obligation to act in strict accordance with all applicable policies, regulations and laws of Crook County and State and Federal law, and shall seek the advice of County Counsel to determine the correct interpretation of such laws and to act in accordance with such advice as given.
14. The Fairgrounds Manager shall manage and direct the operations of the County Fairgrounds in accordance with State law, County policies and Fair Board policies.
15. The Fairgrounds Manager is accountable to the Fair Board, and is responsible for the day-to-day management of the Fairgrounds and all other employees and is further responsible for the operations and conditions of the grounds and buildings. The Manager is also responsible for the financial condition of the operations. The Manager shall direct and supervise other Fairgrounds employees in accordance with County Personnel Policies. The defense of any personnel or other action undertaken by the Fair Board, which results in litigation and/or claims, which is not covered by the County's insurance carrier shall be paid for from funds appropriated for use by the Fair Board. If there are not sufficient funds available, the County Court will pay the obligation. Monies paid by the County shall be reimbursed through subsequent Fairgrounds budgets. This provision shall not apply to judgments against individual Board members for official misconduct, which shall remain the personal liability of the Board member.
16. The Fair Board and the Crook County Court, in succession, shall annually evaluate the performance of the Fairgrounds Manager and recommend the

level of compensation to be received per the job description and performance. The Fairgrounds Manager shall annually evaluate the performance of all other Fairgrounds employees and recommend the level of compensation to be received per the relevant job description and performance in accordance with compensation policies established by the County Court. The evaluation forms for such evaluations shall be provided by the Human Resources Department.

- 17. As requested by either the Fair Board or County Court, meetings of the Fair Board and County Court shall be scheduled to discuss topics of mutual concern.
- 18. Copies of the minutes of Fair Board meetings will be delivered to the County Court Office the day following approval by the Fair Board.
- 19. The Parties may terminate this Agreement at any time by mutual consent and either party may terminate this Agreement for convenience with thirty (30) days notice to the other. In the event of termination, management of the fairgrounds shall revert to Oregon Revised Statutes Chapters 565.210 through 565.330. Termination of this Agreement shall not affect any right or obligation accruing to the parties prior to termination.

APPROVED this ____ day of 2012.

CROOK COUNTY FAIR BOARD

CROOK COUNTY COURT

Board Chair

Judge Mike McCabe

Board Vice Chair

Commissioner Ken Fahlgren

Board Member

Commissioner Seth Crawford

Board Member

Board Member

Board Member

Board Member