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EXECUTIVE OFFICE

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SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 89-029

RELATING TO THE EVERGREEN
STATE FAIR AND FAIRGROUNDS

BE IT ORDAINED:

Section 1. Snohomish County Code Section 2.10.010, last amended by Ordinance No. 88-011 on March 30, 1988, is amended to read:

2.10.010 Executive functions. The following functions of government not otherwise provided for in the charter are deemed executive functions and shall be performed by the county executive:

(1) Approval of all bonds and assignments of account running to or for the benefit of the county, including but not limited to: officials and employees bonds, except that the bond of the county executive shall be approved by the council; cash bonds, bonds issued by a surety company, or assignments of account given to assure performance or maintenance; cash bonds, bonds issued by a surety company, or assignments of accounts to assure performance of conditions incidental to land use activities or to any other license or permit issued by the county; but not including any bond required in any civil or criminal court proceeding;

(2) Approval of change orders and orders for extra work on any contracts; provided that the amount of any change order so approved shall not exceed twenty-five thousand dollars (\$25,000); and provided further that the total of change orders so approved on any contract shall not exceed ten percent (10%) of the contract price. All change orders not approvable by the county executive and all supplements and amendments to contracts requiring council approval shall be submitted by the executive to the council for approval;

(3) Determination that the performance or other consideration to be delivered to the county under the terms of any contract has been performed or delivered; and to accept such performance or other consideration on behalf of the county. The executive shall keep the council advised of developments which will unreasonably delay completion of any contract or unreasonably increase the costs thereof;

(4) Approval of all insurance policies and certificates of insurance;

(5) Approval of payrolls of county officials and employees;

(6) Approval of and signing of all licenses to occupy or use Evergreen State ((Fairground))Fairgrounds property ~~((;which-licenses-the-administrative-director-was--heretofore authorized-to-approve-and-sign))~~as provided in SCC 2.32.150;

(7) Upon receipt of any claim against the county, or any pleading in connection therewith, the county executive shall immediately forward copies thereof to the prosecuting attorney and the county department involved;

(8) Approval of the bringing of or joining in civil lawsuits seeking damages or injunctive relief in behalf of the county. The council may also approve the bringing of or joining the county in any lawsuit in behalf of the county;

(9) Approval of budget transfers as provided in chapter 4.26 SCC as it now exists or is hereafter amended;

(10) Approval of escrow agreements on retained percentages as provided in RCW 60.28.010;

(11) Approval of all permits and licenses affecting any property under the jurisdiction of office of community services of the department of community affairs;

(12) Approval of all agreements with any cities or towns of Snohomish County of the county jail or district court filing fees. Provided, that the council by resolution has previously established the rates to be charged and other terms of such agreements and has approved the forms of contracts to be utilized. The executive shall submit to the council an annual report not later than February 15th of each year of contracts showing rates and effective dates of such contracts approved by the executive. Not later than December 1st of each year, the executive shall submit to the council the forms of contracts to be used on such agreements for the following year. Rates and terms to be used in such contracts shall be reviewed not less than once a year by the council;

(13) Approval and acceptance of all contracts with landowners and/or developers required by or as a condition of any comprehensive plan amendment, rezone, variance, conditional use permit, plat or replat or any other land use control, final approval thereof which has been given by the council or the hearing examiner; provided that all such contracts shall be approved by the hearing examiner prior to approval by the executive; and the executive shall submit to the council an annual report, due not later than February 15th of each year, showing the names of parties and the general purposes of such contracts as have been approved by the executive;

(14) Approval of applications for airport grants in aid and all airport leases previously approved by the airport commission; provided that annually the council by resolution will establish the rates to be charged and other terms of any such lease and approve the form of lease utilized which rates, terms and form may be changed from time to time by the council; and provided further, the airport manager shall submit an annual report, not later than February 15th of each year, showing the names of parties, rents, reserve, areas rented, time period of each such lease. Any lease executed pursuant to this section shall be deemed to be with the approval of the council as required by Snohomish County Code Section 15.04.060 (2);

(15) Approval of contracts with sub-agencies or recipients on block grant, mental health, development disability, HUD, DSHS, Office of Aging and similar grants programs; provided that the council by resolution has approved the letting of contracts under any such program and has approved the forms of contract used; provided further that the executive shall submit an annual report or reports, not later than February 15th of each year, showing parties, amounts, purposes of each such contract approved by him;

(16) Approval of contracts with the cities, towns or other municipal subdivisions for the purchase of gasoline, diesel oil or other petroleum products, and contracts for street or road maintenance with counties, cities, or towns; provided that the council has approved the schedule of charges to be made for various items of maintenance and the forms of contract to be used. The executive shall submit an annual report, not later than February 15th of each year, showing the parties' services and charges on such contracts;

(17) Applications and contracts (city-county agreements) for grants in aid and for any projects previously approved in the annual or six year road program with the Washington State Department of Transportation; provided, that the director of public works shall submit to the council an annual report, not later than February 15th of each year summarizing such applications and contracts;

(18) Approving and signing public disclosure reports for lobbying activities by county officials and employees as required by Chapter 42.17 RCW;

(19) Approve haul route agreements with other public agencies or contractors with public agencies permitting use of designated county roads, or sections thereof for detour routes or moving of heavy equipment or materials necessitated by the performance of a public works contract;

(20) Approval of vouchers for payment of all claims presented against the county by persons furnishing goods or materials, rendering services or performing labor, or for any other contractual purpose as well as employee reimbursement claims for allowable expenses. Prior to approval by the executive, all claims shall be certified for payment by the county auditing officer.

Section 2. The caption of Snohomish County Code Chapter 2.32, last amended by Ordinance No. 86-086 on August 6, 1986, is amended to read:

Chapter 2.32

EVERGREEN STATE FAIR AND FAIRGROUNDS

Sections:

- 2.32.005 Definitions.
- 2.32.010 Operation pursuant to state law.
- 2.32.020 Grounds set aside.
- 2.32.030 Revenue regulations.
- 2.32.040 Revolving fund established.
- 2.32.041 Revolving fund amount.
- 2.32.042 Revolving fund--Expenditures authorized.
- 2.32.043 Revolving fund--Voucher processing.
- 2.32.044 Revolving fund--Replenishment--Closing of account.
- 2.32.050 Amount of expenditures.

- 2.32.070 ((Fairgrounds))Fair advisory board established.
- 2.32.077 Consideration for advisory board members' and employees' services.
- 2.32.079 Membership of board.
- 2.32.081 Compensation.
- 2.32.085 Meetings and election of officers.
- 2.32.093 Vacancies.
- 2.32.094 Removal.
- 2.32.100 Duties of advisory board.
- 2.32.110 ((Fair))Fairgrounds manager--office established.
- 2.32.120 Appointment of ((fair)) manager.
- 2.32.140 Duties of ((the-fair)) manager.
- 2.32.150 Licensing agreements.

Section 3. Snohomish County Code Chapter 2.32, last amended by Ordinance No. 85-004 on February 20, 1985, is amended by adding a new section to read:

2.32.005 Definitions. The following definitions shall apply to terms used in this chapter:

- (1) "Advisory board" means the fair advisory board established by SCC 2.32.070.
- (2) "Department" means the Snohomish County department of parks and general services.
- (3) "Director" means the director of the department of parks and general services.
- (4) "Exempt personnel system" means the system of employment set out in chapter 3.68 SCC.
- (5) "Fair" means the annual evergreen state fair.
- (6) "Fairgrounds" means the evergreen state fairgrounds at Monroe, Washington.
- (7) "Manager" means the fairgrounds manager appointed under SCC 2.32.120.
- (8) "Risk management committee" means the risk management committee created by SCC 2.90.025.

Section 4. Snohomish County Code Section 2.32.010, adopted by resolution on July 29, 1968, is amended to read:

2.32.010 Operation pursuant to state law. Snohomish County hereby authorizes and assumes control of the conduct, operation and management of the Snohomish County Evergreen State ((Fair)) Fairgrounds at Monroe, Washington, pursuant to and in compliance with RCW 36.37 as hereinafter set forth.

Section 5. Snohomish County Code Section 2.32.020, adopted by resolution on July 29, 1968, is amended to read:

2.32.020 Grounds set aside. The following described real property situated in Snohomish county, Washington:

~~The ((southwest--one-fourth-of-the-northwest--one-fourth; The--northwest--one-fourth-of-the-southwest--one-fourth; The southwest one-fourth-of-the-southwest one-fourth, lying north of--State--Road--No.--15, the--northeast--one-fourth--of--the southwest--one-fourth lying west of County--Road,--all)) south one-fourth southwest one-fourth northeast one-fourth; northwest one-fourth southeast one-fourth lying north of state road less park and ride; northeast one-fourth southeast one-fourth lying north of state road less park and ride all in section 35 township 28 north range 6 east set aside as county fair land.~~

Together with southwest one-fourth northwest one-fourth less state road; southeast one-fourth northwest one-fourth lying southerly of state road; west three-fourth northeast one-fourth southwest one-fourth less state road; southwest one-fourth southwest one-fourth lying northerly state road less county road; northwest one-fourth southwest one-fourth less county road; east one-half east one-half southeast one-fourth southwest one-fourth lying westerly of west margin of frontage road designated F-16 line and shown on department of highways drawing "SR 522 tester road" in section 36, township 28 north, range 6 east Willamette Meridian, together with all appurtenances and improvements thereon, is hereby set aside and confirmed for county fair and agricultural exhibition uses as defined in RCW 36.37.

Section 6. Snohomish County Code Section 2.32.030, adopted by resolution on July 29, 1968, is amended to read:

2.32.030 Revenue regulations. All receipts in connection with the operation of the ~~((Snohomish-county-evergreen-fair))~~ fairgrounds shall belong to Snohomish County and shall be deposited with the county treasurer as provided by law in the current expense fund, and all expenditures for the operation and maintenance of the fair shall be on proper voucher and payable from such fund.

Section 7. Snohomish County Code Section 2.32.041, last amended by Ordinance No. 86-086 on August 6, 1986, is amended to read:

2.32.041 Revolving fund amount. The amount of the fair revolving fund shall be the amount adopted in the current annual budget ordinance. The treasurer of Snohomish County is hereby authorized and directed to issue a check for the amount adopted in the current annual budget ordinance and delivery such check to the ~~((fair))~~ manager each year during the week immediately prior to the opening of the ~~((annual-county))~~ fair. The ~~((fair))~~ manager shall deposit such check in an approved bank in a checking account created for the sole purpose of administering said revolving fund. No deposit shall be made to such checking account other than the treasurer's check and auditor's warrants replenishing amounts expended.

Section 8. Snohomish County Code Section 2.23.042, adopted by resolution on May 20, 1974, is amended to read:

2.02.042 Revolving fund--Expenditures authorized. Checks against the fair revolving fund account are authorized solely for the purpose of paying properly budgeted obligations incurred in the operation of the ~~((annual-county))~~ fair under entertainer contracts which require payment immediately upon completion of the entertainer's performance.

Section 9. Snohomish County Code Section 2.32.043, adopted by resolution on May 20, 1974, is amended to read:

2.32.043 Revolving fund--Voucher processing. Immediately upon payment of any obligation from the fair revolving fund, as authorized in section 2.32.042, a voucher or vouchers will be prepared by the ((fair)) manager and processed according to the procedure established for processing vouchers. In addition to other required information, such a voucher shall specifically indicate the payment of the underlying obligation has been made against the revolving fund.

Section 10. Snohomish County Code Section 2.32.044, adopted by resolution on May 20, 1974, is amended to read:

2.32.044 Revolving fund--Replenishment--Closing of account.

The auditor of Snohomish County shall cause warrants to be drawn upon duly approved vouchers submitted pursuant to section 2.32.043, and cause such warrants to be delivered to the ((fair)) manager for deposit in the fair revolving fund account. The ((fair)) manager shall maintain a strict accounting of all deposits into and disbursements from such account. Immediately upon receipt by the ((fair)) manager of warrants in reimbursement of all disbursements to be made from the fair revolving fund account, and in no event later than thirty (30) days after the closing of the ((annual county)) fair, the ((fair)) manager shall close out the fair revolving fund account and immediately deliver to the county treasurer the proceeds of such account together with any nondeposited warrants issued pursuant to this section.

Section 11. Snohomish County Code Section 2.32.050, adopted by resolution on July 29, 1968, is amended to read:

2.32.050 Amount of expenditures. All expenditures for the operation and maintenance of the ((--Snohomish--county evergreen-fair)) fairgrounds shall be within the limitation of a budget duly adopted by the ((board--of)) county ((commissioners)) council.

Section 12. Snohomish County Code Section 2.32.070, adopted by Ordinance No. 85-004 on February 20, 1985, is amended to read:

2.32.070 ((Fairgrounds)) Fair advisory board established.
There is hereby established a Snohomish county ((fairgrounds)) fair advisory board, hereinafter referred to as the advisory board, to assist the ((director-of-community-and---educational---services)) manager in reviewing and recommending policies related to ((both)) the ((ten--day)) fair ((and--the--ongoing-management--and--operation--of--the Snohomish---county---evergreen---fairgrounds---at---Monroe, Washington)).

Section 13. Snohomish County Code Section 2.32.077, last amended by Ordinance No. 85-004 on February 20, 1985, is amended to read:

2.32.077 Consideration for advisory board members' and employees' services.

(1) In consideration of services to be provided by advisory board members, ((of-the-county,--said)) members will annually be compensated with one season family pass for admission to the fair to be used by the member, spouse, and their unemancipated children.

(2) Department ((of---community---and---educational services)) employees involved in the operation of the ((ten day)) fair may also receive one season family pass per employee; provided, that such compensation shall be in addition to and not in lieu of other salary and benefits as each may regularly receive from the county.

Section 14. Snohomish County Code Section 2.32.081, last amended by Ordinance No. 85-004 on February 20, 1985, is amended to read:

2.32.081 Compensation. The advisory board members shall be reimbursed for mileage to and from meetings, and for other expenses ((as-approved-by-the-exeeutive,)) in accordance with SCC 2.03.070 as limited by budgetary constraints and shall be reimbursed as otherwise provided in SCC 2.32.077(1).

Section 15. Snohomish County Code Section 2.32.100, last amended by Ordinance No. 85-004 on February 20, 1985, is repealed and reenacted to read:

2.32.100 Duties of advisory board. The advisory board shall advise, consult and assist the manager in recommending to the director actions on the following:

- (1) Schedules of fair events and activities other than motor vehicle racing or practice events;
- (2) Annual fair budget;
- (3) Fair fee schedules; and
- (4) Other fair matters as requested by the manager.

Section 16. Snohomish County Code Section 2.32.110, last amended by Ordinance No. 82-001 on February 5, 1982, is amended to read:

2.32.110 ((Fair)) Fairgrounds manager--office established. There is hereby established the office of ((fair)) fairgrounds manager to assist the ((executive)) director in the management and operation of the ((Snohomish--county evergreen)) fair and fairgrounds.

Section 17. Snohomish County Code Section 2.32.120, last amended by Ordinance No. 82-001 on February 5, 1982, is amended to read:

2.32.120 Appointment of ((fair)) manager. The ((fair)) manager shall be appointed by the ((executive)) director to serve ((at the pleasure of the executive at a salary to be fixed from time to time by the executive)) under the exempt personnel system. ((The fair board may submit lists of nominees and recommendations for appointment of a fair manager to the executive.))

Section 18. Snohomish County Code Section 2.32.140, last amended by Ordinance No. 82-001 on February 5, 1982, is amended to read:

2.32.140 Duties of ((the fair)) manager. ((Within the policies approved by Snohomish County, the fair)) The manager shall:

- (1) Act as the chief administrative officer for the operation and maintenance of the ((Snohomish--county evergreen)) fair and fairgrounds;

(2) Each year submit to the ~~((executive))~~director a proposed budget for the operation of the fair and fairgrounds for the following year~~((in the manner provided by law for the preparation--and--submission--of--budgets--by--elective--or--appointive--officials--(budget has been submitted to the--fair board--for--review--and/or--changes--and--corrections)))~~;

(3) Initiate, direct and administer fair and ~~((fair))~~fairgrounds related activities;

(4) Improve, operate and maintain the ~~((fair))~~fairgrounds real estate together with the appurtenances and improvements thereon and all other property useful in connection therewith;

(5) Select and employ such properly qualified employees as he may deem desirable and necessary;

(6) Adopt and enforce reasonable rules and regulations deemed necessary in the operation of the ((Snohomish--county evergreen))fair and the fairgrounds, ((and may recommend--to the--fair--board--that--the executive--adopt--any--rules--and regulations--that require enforcement by legal process--which relate to the fair or fairgrounds))provided that the manager shall give the advisory board an opportunity to comment on proposed rules and regulations that directly relate to the fair.

Section 19. Snohomish County Code Section 2.32.150, adopted by Resolution No. 79-89 on May 7, 1979, is amended to read:

2.32.150 Licensing agreements. The ((administrative)) county executive and, if approved by the county executive, the director ((of--the commissioners--of--Snohomish--county is))are hereby authorized to enter into and execute in behalf of Snohomish county ((and--the--commissioners--of Snohomish--county--agricultural)) fair booth and commercial licensing agreements, ((fair)) facility licensing agreements, ((food)) and/or ((beverage))other licensing agreements covering facilities, space, or other property of Snohomish county located on the ((evergreen--state)) fairgrounds, ((Monroe; Washington;)) upon the following conditions:

((a) Written application accompanied by such deposit as the fair manager may require for such licensing agreement has been received by the fair manager;))

((b)) (1) The ((fair)) manager determines that the granting of such license agreement provides a fair rate of return to the county in view of the nature and license value of the facilities, space and/or property licensed, use to be made thereof, the character of the applicant, and recommends approval of such agreement;

((c)) (2) Every such licensing agreement shall be approved by the risk management committee or its designee ((manager--of-Snohomish-county)) and on a form that has been approved as to form by the prosecuting attorney ((of Snohomish-county;)) or by a deputy prosecuting attorney ((one of his-deputies));

((d)) (3) The applicant shall provide such indemnification and/or insurance coverage, proof of compliance with workers compensation laws, proof of possessing any other license or permits required of the applicant, and any release forms as may be required by ((the) risk ((manager)) management committee; -

((e)) (4) Any such licensing agreement shall be for a term of less than one year;

((f)) (5) This section shall not apply to any dance license, application and issuance of which is controlled by ((the) Snohomish County Code Chapter ((6.40)) 6.38;

((g)) (6) ~~((Nothing herein shall prevent the approval and execution of any such licensing agreement by the board of county commissioners of Snohomish county.))~~ Upon request by the county ~~((commissioners))~~ council, the ((fair)) fairgrounds manager ~~((or the administrative director of the commissioners of Snohomish county))~~ shall refer the application for any licensing agreement to the ~~((commissioners--of--Snohomish county))~~ county council for review((;)) and approval((;--and execution));

((h)) (7) The ~~((administrative---director))~~ county executive may refer any licensing agreement to the ~~((commissioners--of--Snohomish--county))~~ county council for review and approval.

Section 20. Snohomish County Code Section 2.33.010, adopted by resolution on August 24, 1977, is amended to read:

2.33.010 Applicability--Posting required--Penalty for violations. The following rules and regulations set forth in this chapter shall govern the admission to and use of the Evergreen State Fairgrounds by any person, whether by paid admission or not. Any person found violating these rules may

be asked to leave the Evergreen State Fairgrounds by the ((fair))fairgrounds manager or his representative. Any person having violated these rules and having been requested to leave the fairgrounds and who refuses to do so may be removed from the fairgrounds by the ((fair))fairgrounds manager or his designated representative. Any person who violates these rules will be deemed to have forfeited the privilege to remain on the Evergreen State Fairgrounds. A copy of these rules shall be plainly posted at each entrance to the ((1977)) annual Evergreen State Fair.

Section 21. Snohomish County Code Section 2.33.020, adopted by resolution on August 24, 1977, is amended to read:

2.33.020 Rule 1--Soliciting. Unless separately licensed as a concessionaire, or as otherwise permitted by ((the-board of---Snohomish--county--commissioners))law, users of the Evergreen State Fairgrounds are prohibited from soliciting funds for any purpose or offering merchandise or services for sale.

Section 22. Snohomish County Code Section 2.33.030, adopted by resolution on August 24, 1977, is amended to read:

2.33.030 Rule 2--Signs--Advertisement and written matter. Except as otherwise authorized in ((Rule-1-of)) these rules, no person shall post, distribute or display signs, advertisements, circulars, or printed or written matter at the Evergreen State Fairgrounds.

Section 23. Snohomish County Code Section 2.33.040, adopted by resolution on August 24, 1977, is amended to read:

2.33.040 Rule 3--Use of roads and walks. No person shall knowingly use the roads or walks of the Evergreen State Fairgrounds in such a manner as to hinder or obstruct their proper use. No person shall knowingly interfere with the free flow of persons or vehicles upon or through the fairgrounds or otherwise knowingly prevent the orderly and efficient use of county property for its primary purpose.

Section 24. Snohomish County Code Section 2.33.050, adopted by resolution on August 24, 1977, is amended to read:

2.33.050 Rule 4--County liability. ((The--board--of)) Snohomish county ((commissioners)) assumes no responsibility for loss, injury or damage to persons or property on the facility by reason of fire, theft, vandalism, wind, flood, earthquake or collision damage, nor does it assume any liability for injury to persons or property while on the facility grounds or while using its facilities.

Section 25. Snohomish County Code Section 2.33.060, adopted by resolution on August 24, 1977, is repealed and reenacted to read:

2.33.060 Rule 5--Exercising the right of free expression.

(1) The use of the fairgrounds during the annual Evergreen State Fair for the purpose of exercising the right of free expression shall not be abridged; provided, that such use shall not compromise public safety, interfere with the orderly movement of fair patrons, or abridge rights of other users of the fairgrounds. The following requirements are intended to accommodate these interests.

(2) No person on the Evergreen State Fairgrounds shall distribute literature, display signs for the primary purpose of communicating to other users of the fairgrounds, or solicit petition signatures without an identification badge issued by the fairgrounds manager. The fairgrounds manager shall issue an identification badge upon presentation of a written application containing the following information:

(a) the name, address, and telephone number of the applicant and sponsoring organization, if any;
(b) a description of the proposed activity; and,
(c) the date, hour, and duration of the proposed activity.

(3) No person on the Evergreen State Fairgrounds shall solicit funds or offer any merchandise or services for sale except as authorized by SCC 2.33.020.

(4) No person on the Evergreen State Fairgrounds unless participating in a scheduled event or activity or unless separately licensed as a concessionaire and authorized by a licensing agreement, shall:

(a) employ a sound or voice amplifying device for any purpose;

(b) use a table, chair, stand, or other structure to conduct activities described in subsection (2) of this section;

(c) store literature, signs, petitions, or related materials on the fairgrounds; or,

(d) engage in a dance, chant, or other performance intended to attract public notice.

(5) Activities described in subsection (2) of this section shall be confined to areas of the fairgrounds that are open to the general public, except that the following areas are excluded:

(a) parkings areas;

(b) areas within fifteen (15) feet of animal enclosures, ticket counters, booths or other concession facilities, and patrons waiting in line; and,

(c) restaurants, washrooms, and areas subject to separate licensing agreements.

Section 26. If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder of the ordinance or the application of the provision to other persons or circumstances is not affected.

PASSED this 17th day of May, 1989.

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

ATTEST:

Julie Van Cleve
Asst. Clerk of the Council

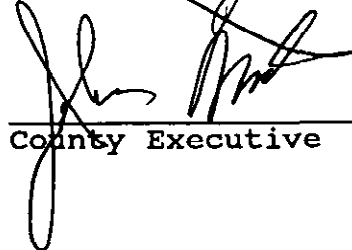
William F. Sullivan
Chairperson

Approved as to form:

[Signature]
Deputy Prosecuting Attorney

- (✓) Approved
() Vetoed
() Emergency

DATE: May 19, 1989



County Executive

JOHN MARTINIS
~~Deputy Executive~~

ATTEST:



PUBLISHED _____ and _____