

1 **WASHINGTON COUNTY, WISCONSIN**

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3 Date of enactment: **10/27/09**
4 Date of publication: _____

5 **VOTE**

6 **2009 RESOLUTION 45**

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8 **Resolution Authorizing a Lease and Operating Agreement**
9 **With the Agricultural and Industrial Society ("Society")**

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11 **WHEREAS**, 2009 Resolution 29 expressed the County Board's desire to keep Fair Park
12 open as a public year-round facility and to exercise more authority and control over the Fair Park
13 buildings and property; and

14
15 **WHEREAS**, 2009 Resolution 29 outlined several directives including charging the Ex-
16 ecutive, Education and Culture and Finance Committees, jointly, with the development of a
17 Lease and Operating Agreement between the County and Society which sets forth the relation-
18 ship and obligations of the parties with regard to Fair Park and its operations through year 2010;
19 and

20
21 **WHEREAS**, the Education and Culture Committee and the Executive and Finance and
22 Education and Culture Committees, jointly, have determined it is in the best interest of the Coun-
23 ty to negotiate a Lease and an Operating Agreement which will be interrelated and govern both
24 the treatment of the property and buildings (Lease) as well as the operations of the facilities (Op-
25 erating Agreement); and

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27 **WHEREAS**, the Education and Culture Committee has set performance measures for the
28 Society to achieve which shall be a part of the agreement; and

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30 **WHEREAS**, the Lease shall address, among other terms, the following key provisions:

- 31
32 1. That the County shall lease the premises to the Society for \$1.00 per year;
33 2. That the term of the lease shall be for three (3) years with no option for renewal;
34 3. That the Society shall be responsible for all utilities;
35 4. That the relationship between the Society and certain sublessees shall be allowed to
36 continue;
37 5. That the Society shall be responsible for cleaning and day-to-day maintenance and
38 repairs; and

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40 **WHEREAS**, the Operating Agreement shall address, among other terms, the following
41 key provisions:

- 42
43 1. That the Society shall organize, operate and conduct the annual County Fair at the
44 Washington County Fair Park
45 2. That the Society's performance will be monitored and measured by standards estab-
46 lished by the Education and Culture Committee
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- 1 3. That the Society shall be responsible for certain expenses for services performed by
2 the County or the County's designee
3 4. That the Society shall have its financial operations audited annually and report its fi-
4 nancial condition to the County's Finance Committee on a quarterly basis
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6 **NOW, THEREFORE, BE IT RESOLVED** by the Washington County Board of Su-
7 pervisors that the County Attorney is directed to prepare a Lease and Operating Agreement with
8 the key provisions referred to herein.
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10 **BE IT FURTHER RESOLVED** that the County Board Chairperson and the County
11 Clerk are authorized to execute the Lease and Operating Agreement referred to herein, condi-
12 tioned on the approval of 2009 Resolution 44 and subject review and approval of the instruments
13 by the County Attorney, the Education and Culture Committee and the County Board.
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15 **BE IT FURTHER RESOLVED** that the parties shall endeavor to enter into these
16 agreements after the full implementation of 2009 Resolution 44 and not later than December 31,
17 2009.
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21 VOTE REQUIREMENT FOR PASSAGE: Majority

22 RESOLUTION SUMMARY:

23 APPROVED:

24 (signed by **Kimberly A. Nass**)

25 Kimberly A. Nass, County Attorney

26 Dated **10/28/09**

27 Considered **10/27/09**

28 Adopted **10/27/09**

29 Ayes **21** Noes **6** Absent **3**

30 Voice Vote _____

31 Introduced by members of the EDUCATION
32 and CULTURE, EXECUTIVE and FINANCE
33 COMMITTEES as filed with the County Clerk.

(signed by **Marilyn H. Merten**)

Marilyn H. Merten, Chairperson

Education and Culture Committee

(signed by **Herbert J. Tennies**)

Herbert J. Tennies, Chairperson

Executive Committee

(signed by **Ralph R. Hensel**)

Ralph R. Hensel, Chairperson

Finance Committee

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38 (The Lease will allow the Agricultural and Industrial Society to continue to operate Fair Park
39 through year 2010.)