



COUNTY OF HUMBOLDT

For the meeting of: 6/2/2020

File #: 20-662

To: Board of Supervisors

From: Public Works

Agenda Section: Consent

SUBJECT:

Lease Agreement with Humboldt County Fair Association

RECOMMENDATION(S):

That the Board of Supervisors:

1. Approve and authorize the Chair of the Board to sign the attached Agreement; and
2. Direct the Clerk of the Board to return an executed original to Public Works Real Property for transmittal to the California Department of Food and Agriculture for signature.

SOURCE OF FUNDING:

County does not fund the Association in its performance of Fair activities

DISCUSSION:

The Humboldt County Fair Association (Association) has been leasing the Humboldt County Fairgrounds since 1926, with various updates to the agreement clauses. The latest lease agreement was approved by your Board on July 23, 2013, with the term ended on Aug. 31, 2018 (Attachment No. 1). The Association's use beyond Aug. 31, 2018, is on holdover based on continued agreement with the Association.

On Oct. 16, 2018, your Board approved a new agreement to allow continued use of the Fairgrounds by the Association (Attachment No. 2). The agreement was forwarded to the California Department of Food and Agriculture (CDFA) for approval.

On Mar. 4, 2019, the CDFA requested revisions to the 2018 agreement to require the Association to comply with the Brown Act and the California Public Records Act (Attachment No. 3).

Attached for your approval is a new lease agreement that incorporates CDFA requests as shown in Exhibit B of the agreement.

Below are notable changes to the agreement dated Oct. 16, 2018.

Section 3B. County shall have unobstructed right to access and use the water source as shown on Exhibit C of the agreement. This water source serves the County Maintenance Buildings located at the Fairgrounds.

Section 4. The commencement date of the agreement shall be in effect when the county and Association has signed and received written notice from the CDFa that it has been approved.

Section 4. The term shall be for five (5) years, effective on said commencement date, and may be terminated on December 31 of each year by mutual consent of the county and Association.

Section 12. The Association may conduct operations, expositions, or contests during non- fair period if they acquire appropriate permits for such events.

Section 18. Any Association remodeling during the term of the agreement shall be applicable to accrediting standards established locally or by the state of federal governments.

Section 18. County may terminate the agreement (by written notice) if the Association does not comply with said governmental agencies and their respective laws if the breach is not cured within 30 days or a reasonable period.

Section 20. Association to bear, assume, pay and discharge all expenses and obligations incurred in connection with the Fair.

Section 20. Association may obtain other funding through grants or allocations from sources other than the county.

Section 25. Any Association default that is not cured at its costs will be cured by the county with an interest rate of 10%.

Section 26. Association shall return to the county any state funds remaining at the time of termination of this agreement. County shall return said funds to the CDFa within ten (10) days of the termination date.

Section 37. Association agrees to make the Fairgrounds in compliance with the Americans with Disabilities Act (ADA) by removal of all barriers before June 30, 2023, as shown in Exhibit D of the agreement.

Section 37. Association will not be considered in default of the agreement until it fails to make the Fairgrounds compliant by June 30, 2023.

FINANCIAL IMPACT:

The county and its residents receive the benefits of the Association's management, operation, maintenance and repair of the County Fairgrounds. There is no financial impact to the General Fund. This action complies with the Board's Strategic Framework by providing community appropriate

levels of service and providing for and maintaining infrastructure.

STRATEGIC FRAMEWORK: This action complies with the Board's Strategic Framework by providing community, appropriate levels of service and providing for and maintaining infrastructure

OTHER AGENCY INVOLVEMENT:

Public Works

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could choose not to approve the agreement. This alternative is not recommended because use of the Fairgrounds by the Association would not be guaranteed to continue.

ATTACHMENTS:

Lease / Agreement

Exhibit A - Area Map

Exhibit B - Browns Act and California Public Records Act

Exhibit C - Water Source Location and Access Map

Exhibit D - Consent Decree Remaining Barriers

Attachment No. 1 - July 23, 2013 Agreement

Attachment No. 2 - Oct. 16, 2018 Agreement

Attachment No. 3 - Mar. 4, 2019 CDFA letter

PREVIOUS ACTION/REFERRAL:

Board Order No.: C-12, C-25,

Meeting of: 7/23/13, 10/16/18

File No.: 18-1346