



HANDBOOK

Ohio County Commissioners

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CHAPTER 134

AGRICULTURAL SOCIETIES

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134.01 INTRODUCTION

Agricultural societies are authorized primarily to promote the agricultural and household manufacturing interests of the counties and the state. In order to accomplish this, they are required to "award premiums for the improvement of grains, fruit, vegetables, livestock, items of domestic industry, public school displays, and such other articles, productions, and improvements as it deems proper,..." (ORC 1711.04). This is done at fairs which are held annually in counties throughout Ohio.

Fairs also serve a community social function, a gathering place for people of all ages. In addition to the competitive exhibits for premiums, fairs provide a variety of entertainment, commercial exhibits, concessions, and amusement rides.

Agricultural societies, or fair boards, as they are more commonly known, are of two types: county and independent. The organization of the county agricultural society is detailed in the Revised Code; the organization of the independent society is less specific. However, the Ohio Administrative Code makes no distinction between the two (OAC 901-5), so one must assume that the organizational procedures for the two are identical.

The minimum base membership for each is 30 people. The members of a county society must be from one county, but an independent society may represent up to three counties. Further details regarding agricultural societies is found in Chapter 1711 of the Revised Code and Ohio Administrative Code Chapters 901-5 through 901-13.

134.02 MEMBERSHIP

Each society shall issue membership certificates to those individuals who pay the required membership fee, as established by the society. Members may vote at the annual election of directors and hold any office of the society.

134.03 BOARD OF DIRECTORS

The activities of a county agricultural society are governed by a board of directors of at least eight members, usually, but not statutorily, elected by township. Elections are customarily held during annual fairs, with those persons holding memberships eligible to vote. An employee of the county extension service and the county school superintendent are ex-officio members. Any vacancy on the board is filled by the board until the next annual election. Elections are held no later than the first Saturday in December, and the terms of office begin no later than the first Saturday in January.

A person who wishes to run for director must file a petition, signed by at least 10 members, with the board secretary at least seven days before the election is held. Directors are elected to three year terms, with, so much as is possible, one-third of the terms expiring annually. If the constitution permits, each director may be paid not more than \$25, plus round trip mileage from home to the meeting place, for each meeting of the board, not to exceed 12 meetings. Certain other board member expenses may be paid, and the secretary, treasurer, and fair manager may be compensated.

No later than the first Saturday in January, the board holds its annual organizational meeting and elects a president, vice president, treasurer, secretary, and such other officers as it deems necessary. The treasurer and secretary need not be directors. The office of fair board director is not a public office, and directors may hold public office. The exception to this is that a fair board member may not be a county commissioner, and, if a tax is levied for fair board use, a member of the county budget commission may not be a fair board member.

Each society must have a constitution and by-laws, which must be filed with the Ohio Department of Agriculture.

134.04 REPORT TO THE DIRECTOR OF AGRICULTURE

A majority of the society board of directors must approve, and the secretary must sign and swear to the accuracy of, a written report to the Director of Agriculture, which shall contain:

1. A summary of the receipts and expenditures for the period covered.
2. A newspaper clipping of the treasurer's report.
3. A report of exhibits, exhibitors, and premiums paid in the senior division of the fair.

4. A report of exhibits, premiums paid, and other expenses of the junior division of the fair.
5. A report of the fair horse racing program, if any.
6. A voided membership ticket.
7. A voided season ticket, if such is used.
8. A copy of the annual premium list for the fair.

If the Director of Agriculture determines that the board has violated any law or regulation, the director may refuse to issue a certificate to the board of county commissioners or county auditor, or an order to the state auditor, authorizing the payment of county or state funds to the society.

134.05 FUNDING

The county has certain obligations to support the agricultural society, as follows:

1. Eight hundred dollars, or an amount not to exceed that paid in regular class premiums (ORC 1711.01, .02).
2. The amount spent on junior club work, not to exceed \$500 (ORC 1711.03).
3. Not more than \$2,000 nor less than \$1,500 for the purpose of encouraging agricultural fairs (ORC 1711.22).
4. County commissioners must insure the buildings on the fairgrounds (ORC 1711.24). The attorney general has ruled that if the county commissioners procures an insurance policy with a deductible payment, in event of a loss, the commissioners may not require the county agricultural society to pay the deductible (OAG 88-044).
5. County commissioners may appropriate from the general fund, not more than \$50,000 in any one year, to purchase real estate, repair or erect buildings, pay rent, and meet indebtedness of the society. If the amount to be expended is in excess of \$50,000, the expenditure shall not be made unless the question of a tax levy is submitted to the voters (ORC 1711.15).

The Ohio fairs fund is distributed to counties as follows:

1. Twelve percent allocated equally to each society for general operation.
2. One thousand dollars to each society which conducts harness races, to be used for track maintenance and other related expenses.

3. Four thousand dollars to each society which conducts horse races, not including stake races for purse money.
4. An additional \$4,000 to each society which conducts stake races, for purse money.

These monies may be pro rated up or down, depending upon availability.

Agricultural societies have many other sources of funding, including fairgrounds and facilities rental, granting of concession rights during fairs, sale of memberships, and gate and grandstand admission receipts.

134.06 MANAGEMENT AND CONTROL OF FAIRGROUNDS/POWERS OF COUNTY AGRICULTURAL SOCIETIES

The control and management of the fairgrounds is the responsibility of the agricultural society. County agricultural societies are bodies corporate and political, and they may hold title to land purchased by them for the purpose of holding fairs. They may mortgage their land for the purpose of renewing or extending pre-existing debt, and for the purpose of buying additional land.

If the county commissioners have used county money to aid in the purchase of land, that land shall not be mortgaged without the consent of the commissioners (ORC 1711.13). County agricultural societies may also appropriate land for fair purposes through eminent domain. For details of this procedure see Sections 163.01 - 163.22 of the Revised Code (ORC 1711.14).

134.07 COUNTY LEVY FOR FAIRGROUNDS

In a county where there is a county agricultural society, the county commissioners may, and if the expenditure is to exceed \$50,000 must, submit the question of a tax levy for the purpose of buying additional fairgrounds land or constructing buildings to the voters of the county. The issue must be submitted at a general election, and notice must be given in one or more newspapers of general circulation in the county of the amount to be levied. The board must pass a resolution authorizing the levy question and certify it to the board of elections at least 75 days before the election. If a majority of the voters favor the question, the tax may be levied and collected (ORC 1711.15).

The agricultural society may, with the consent of the county commissioners, use the money appropriated by the commissioners or levied by a tax to contract for the erection of fairground buildings or the repair and improvement of the site. The money is placed in a special fund designated as the "county agricultural society fund," and may be drawn out by the treasurer of the society.

In the case of an independent agricultural society which is organized in more than one county, the same conditions apply. If the total amount to be appropriated by all counties

exceeds \$50,000, a tax issue must be submitted to the voters of the respective counties. The issue must pass in each county (ORC 1711.17).

134.08 ISSUANCE OF BONDS FOR INDEBTEDNESS

Sections 1711.18 - 1711.20 of the Revised Code provides a method of paying off debts of \$15,000 or more of a county agricultural society. At least 500 voters must petition the county commissioners to submit to the voters the question of issuing bonds to pay off such debt. The commissioners, within ten days of receiving the petition must set a date for the question to be voted on, which must be within 30 days of the passage of the resolution. The commissioners must certify the resolution to the board of elections for submission of the question. The board of elections must give 15 days notice of the election by publication, which shall state the amount and purpose of the bonds and the time and place of the election. If the question receives an affirmative majority, the bonds will be issued and the commissioners will pay off the indebtedness. The county commissioners must then levy a tax for the purpose of retiring the bonds at the rate and for the length of time necessary.

134.09 ISSUANCE OF BONDS FOR NEW SITE

Sections 1711.25 - 1711.32 of the Revised Code provides a method whereby the county commissioners may issue bonds to purchase a new fairgrounds site. The county agricultural society's board of directors must pass a resolution stating the necessity of such a purchase and forward that resolution to the commissioners within 30 days. The society may sell or lease the old site and buy or lease the new one. If the county paid any portion of the cost of the site to be sold or leased, the written consent of the commissioners is required. The society must notify the commissioners of the sale price of the old site, the amount of money necessary to purchase the new site, the terms of purchase or lease, and a full description of the new site and any improvements.

The commissioners may pay, from any unappropriated funds in the county treasury, the cost of the new site or, if the old site has been sold, the difference between the receipts from the sale and the cost of the new site. If no funds are available in the treasury, the commissioners may levy taxes to pay the cost of retiring bonds for the purchase. No bonds shall be issued until the question of issuing bonds is put before the voters of the county and the question receives an affirmative majority. The question must be submitted at the next general election held not less than 30 days after the commissioners receive notice from the society. Fifteen days notice of the submission must be given by the board of elections by publication in two or more newspapers of general circulation for two consecutive weeks.

134.10 ENCUMBRANCE OF FAIRGROUNDS

The county agricultural society may not encumber the fairgrounds with any debt or mortgage without the consent of the county commissioners if the county has paid any money out of the treasury for the purchase of the real estate. When such consent is obtained, the society may encumber not more than 50 percent of the value of the real estate to pay the cost of necessary repairs and improvements.