



Red Book Addenda

### CFSA Publishes Two Insurance Alerts Regarding Dress Codes & Liability Operating Memorandum Modifications

Recommendations for setting enforceable fairground dress codes and an explanation of modifications made to CFSA's General Liability Program Operating Memorandum are the topics of two recent CFSA Insurance Alerts. The alerts, approved by CFSA's board of directors and issued by Charlie Mitchell, CFSA's risk manager, were mailed to all CFSA member fairs for insertion into their CFSA *Red Book*.

**The dress code alert** is in response to a recent court of appeals decision that found a Northern California fair's dress code policy to be "unconstitutionally vague and overbroad." The fair's dress code, which stated: "No apparel or accessories intended to provoke, offend or intimidate others will be tolerated, including offensive slogans, insignia or gang colors," was contested by a patron ejected from the fair after refusing to remove a vest displaying a gang insignia.

CFSA's alert provides fairs with thoroughly researched recommendations on when a dress code is needed and how to develop one that works for your fair.

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### Fair Expert to Help with CFSA Marketing Campaign

John Root, who until just recently was the longtime CEO of the San Mateo County Fair, has accepted a six-month contract with CFSA to help the agency market its self-insurance programs to non-participating county fairs. As a past CFSA director and committee member, John has a wealth of CFSA knowledge as well as valuable years of fair experience. If your county fair is one of the 11 that isn't participating in one of the CFSA-managed risk sharing pools, expect a call from John. At your convenience, he'll stop by to explain the money-saving philosophy of self-insurance and risk sharing pool programs.

### CARF & California's Racing Fairs Team Up to Help Fair Patrons Rediscover the Excitement of Horse Racing

California's summer racing fairs provide a wonderful opportunity for introducing the time-honored tradition of horse racing to thousands of potential new fans. But in a time when people tend to be more enamored with cars than horses, marketing efforts need to focus on enticing patrons to the starting gate and encouraging them to discover all racing has to offer.

In 2003, the California Authority of Racing Fairs (CARF) and the individual racing fairs will join forces to generate awareness of live horse racing on fairgrounds, to conduct exciting promotions/giveaways and to educate fair patrons about the wagering, agriculture and industry behind the races.

Expectations are high this year, due in part to the major motion picture "Seabiscuit" which opens in theaters in July. The film, starring Tobey MacGuire, Jeff Bridges and Chris Cooper, should reinvigorate interest in racing. To capitalize on the movie, fairs will conduct a Seabiscuit bobblehead giveaway day and a photo of Seabiscuit and his seven "little biscuits" (foals) will be included in fair marketing materials.

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### Western Fairs Association Service Member, Director & Committee Meeting Schedule for June & July

Mark your calendar for the next wave of WFA service member, director and committee meetings in your neighborhood. Members of WFA are invited to attend, as are representatives from all fair-related businesses.

*Note:* Before finalizing travel plans, call the WFA Meeting Line at 916/535-7805 to confirm times and locations.

### Service Member Meetings in June

- El Dorado County Fair, Friday, June 13 (tentative)
- San Joaquin Fair, Thursday, June 19 (tentative)

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### Alameda County Fair Joins Workers' Comp Pool

It's official. On May 15th, the Alameda County Fair became the newest member of the fairs' Workers' Comp Pool managed by CFSA.

### Third Time's a Charm with this CFSA Director's e-mail Address!

Get out your erasers one more time. With marriage comes a new e-mail address for CFSA Director Rebecca Weathers — now Rebecca Desmond. E-mail her at: [rebeccad@sisqfair.com](mailto:rebeccad@sisqfair.com).

### Let's Go to the Fair, 2003

Good weather and crowd-pleasing entertainment are just two of the reasons fairs gave for increases in their 2003 attendance. Of the four paid-gate fairs reporting in so far, three have seen their numbers rise.

2003: 296,220 patrons  
2002: 292,631 patrons  
Total: + 3,589 patrons  
Up: +1.22

"It would appear that we have reached the limits of what it is possible to achieve with computer technology, although one should be careful with such statements, as they tend to sound pretty silly in five years."

~ John Von Neumann, Hungarian mathematician, 1903-1957

# fyi

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Let's hear from you!  
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"There's something just plain wrong about a city where you can find 100 open wireless networks in a half hour and not one public bathroom."

~ New York City network consultant Ken Fandello  
(Source: Wired.com)

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### **Insurance Alerts, continued...**

The second alert addresses two modifications made to CFSA's **General Liability Operating Memoranda**.

*The first modification* concerns CFSA's review of the standard indemnity language in fair contracts or lease agreement forms. Effective June 1, 2003, CFSA's approval of indemnity modifications will be a formal operating requirement along with the minimum liability limits and additional insured language requirements.

In the past, CFSA strongly encouraged fairs to have CFSA's risk analyst review any proposed indemnity language modifications. Because CFSA was still seeing cases where unapproved indemnity modifications made it impossible to tender claims to the fair contractor's insurance agency, the review requirement was added.

*The second modification* establishes a new policy for fairs not compliant with CFSA's Liability Operating Memorandum.

In 2001, CFSA's board of directors considered a policy that would set consequences for fairs whose non-compliance with CFSA's Liability Operating Memoranda resulted in CFSA's inability to tender claims to the responsible vendor's insurance agency. At that time, the board decided to give fairs additional time to attend CFSA training sessions and to become more familiar with CFSA's requirements. Now that two years have passed, the board revisited the non-compliance issue and adopted a non-compliance policy that is now part of Liability Operating Memorandum #03-01.

**Missing an Alert?** If your fair hasn't received a copy of these two alerts, please contact Lianne Lewellen at 916/263-6145.

If you have difficulty with your vendors in obtaining the required minimum liability limits or in regard to changes in standard indemnity language, call Charlie Mitchell, 916/263-6150 or Lianne Lewellen, 916/263-6145.

### **Horse Racing, continued...**

In addition to Seabiscuit tie-ins, a "Win, Place, Show" promotion will give fair patrons a chance to participate in the excitement of live horse racing without having to place a bet. Each day the promotion pays \$500, \$300 and \$200 to the three people whose entries are drawn from boxes corresponding to the top three placing horses in a designated race. Not only will the promotion generate a buzz in the grandstand prior to the race, it will also generate a valuable database for fair managers.

CARF and the fairs will reach out to new track patrons and eliminate the intimidation barrier associated with horse racing and wagering through an educational booth and Racing 101 seminars. The booth includes a demonstration wagering machine, how to wager guides in English and Spanish, horse coloring books for children and a 7' x 6' racing education display that includes wagering information as well as diagrams of the parts of a horse and racing equipment. In addition, every Saturday and Sunday morning the track announcer and a special guest will hold a seminar with an analysis of the day's races. Participants will also receive a free gift.

Fairs with simulcast facilities can join in the special activities by bringing the educational booth and promotional materials to their racing patrons. Please call Heather Haviland, CARF's marketing coordinator, at 916/263-3349 for more information.

### **WFA Service Member Meeting Dates, continued...**

- San Diego County Fair (includes an Industry Open House Reception), Thursday, June 19
- Orange County Fair, Monday, June 23
- Alameda County Fair, Thursday, June 26

### **Service Member Meetings in July**

- Solano County Fair, Thursday, July 17
- Sonoma County Fair, Thursday, July 31
- California Mid-State Fair, Thursday, July 31

Watch *fyi* for meeting dates in August through October.

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### **WFA & CFA Committee & Board Meetings at the San Diego County Fair**

WFA members and all interested fair-related business people are also invited to attend these upcoming California Fairs Alliance (CFA), and WFA board and committee meetings.

#### **Wednesday, June 18**

- Service Member Board Meeting, 10:00-12:00 p.m., Pacific Classic Room
- Service Member Benefits Committee Meeting, 1:00-2:00 p.m., Pacific Classic Room
- CFA Board Meeting, 2:00-4:00 p.m., Pacific Classic Room
- WFA Finance Committee Meeting, 4:00-6:00 p.m., Equus Room

#### **Thursday, June 19**

- Service Member Breakfast Meeting, 8:00-9:30 a.m., Director's Dining Room
- Professional Development Meeting, 10:00-1:00 p.m., Equus Room
- CFA Southern Area Meeting, 11:00-1:00 p.m., Suite F
- WFA Board Meeting, 1:30-4:00 p.m., Equus Room
- WFA Open House, 5:00- 7:00 p.m., Turf Club