

Members

Rep. Robert Cherry, Chairperson
Rep. Phyllis Pond
Rep. Kreg Battles
Rep. David Niezgodski
Sen. James Merritt, Vice-Chairperson
Sen. Scott Schneider
Sen. Jean Breaux
Sen. Richard Young



STATE FAIR ADVISORY COMMITTEE

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

LSA Staff:

Jessica Harmon, Fiscal Analyst for the
Committee
Steven Wenning, Attorney for the Committee

Authority: IC 15-13-6

MEETING MINUTES¹

Meeting Date: October 18, 2011
Meeting Time: 10:00 A.M.
Meeting Place: Board Room, Administration Building,
Indiana State Fairgrounds, 1202 E. 38th
Street
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Rep. Robert Cherry, Chairperson; Rep. Phyllis Pond; Rep. Kreg Battles; Rep. David Niezgodski; Sen. James Merritt, Vice-Chairperson; Sen. Jean Breaux.

Members Absent: Sen. Scott Schneider; Sen. Richard Young.

Call to Order. Rep. Cherry, Chair of the State Fair Advisory Committee, called the meeting to order at 10:04 a.m. The members of the Committee introduced themselves. Rep. Cherry requested that there be a moment of silence for the victims of the Indiana State Fair tragedy that occurred on August 13, 2011.

Committee Responsibilities and Procedures. The Chair requested that Steven Wenning, Staff Attorney for the State Fair Advisory Committee, review the responsibilities and procedures of the Committee.

Update on the 2011 Indiana State Fair.

Attendance and Financials. Cynthia Hoye, Executive Director of the Indiana State Fair Commission, provided information on attendance (Exhibit 1) and a statement of revenue and expenditures (Exhibit 2) of the 2011 Indiana State Fair. Ms. Hoye explained that there was an 8% decline in attendance for the 2011 State Fair compared to 2010, due in part to closing the fair on Sunday, August 14. Ms. Hoye also explained that the fair closed with a net gain of \$388,917, but since they had budgeted for \$896,000, there is a budgeted shortfall of \$507,083.

¹ These minutes, exhibits, and other materials referenced in the minutes can be viewed electronically at <http://www.in.gov/legislative>. Hard copies can be obtained in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for hard copies may be mailed to the Legislative Information Center, Legislative Services Agency, West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for hard copies.

The shortfall is also reflective of closing the fair on Sunday, August 14, and for the free admission days that were provided to citizens to thank them for their support.

Ms. Hoye provided a 2011 financial forecast that presented a summary of the estimated costs for the collapse incident that occurred on August 13, 2011 (Exhibit 3). The estimated loss due to the tragedy is about \$975,000, which includes \$770,000 for contracting services with the firms Thornton Tomasetti, Inc. and Witt Associates, and \$140,000 for legal support.

Update on the State Fair Tragedy. Ms. Hoye read a letter from Witt Associates written to the Indiana State Fair Commission concerning the status of their assessment of the collapse incident. (Exhibit 4). According to the letter, over 125 interviews have been conducted with personnel from the State Fair Commission, the State Police, the State Fire Marshal, and other federal, state, and local government agencies. Witt Associates is also reviewing documents in order to construct a detailed timeline of events.

Mr. Douglas Huntsinger, Policy Director, Office of the Governor, provided an update of the work being conducted by Thornton Tomasetti, Inc., which is focusing on the structural aspects of the collapse incident. Disassembly will occur this week, and the parts will be moved to a warehouse. The reports from Witt Associates and Thornton Tomasetti, Inc. are expected to be available around April 2012.

Ms. Hoye provided more information on the State Fair Relief Fund and the protocol for submitting claims (Exhibit 5). Ms. Hoye explained that the State Fair Relief Fund was established to accept donations to provide assistance to claimants, families, and survivors of the accident. To date, there are 27 claims, 22 of which have been processed. About \$310,500 has been dispersed from this fund, and there is still about \$600,000 total available. The fund will be closed to new donations on October 31, 2012. The deadline for claims to be submitted is November 14, 2011. This fund is separate from the tort claims that have been filed.

Ms. Hoye noted that the State Fair had implemented a joint command center for the first time this year. There will be a series of "after-action" meetings with all the agencies that were involved.

Discussion of SEA 478 (2011). Sen. Merritt, Vice-Chair of the State Fair Advisory Committee, was recognized to speak on SEA 478 (2011) (Exhibit 6). Sen. Merritt explained that this law allows the State Fair Commission to establish a 501(c)(3) foundation, which will be able to accept donations to assist in funding for education activities and capital projects. The Pepsi Coliseum in particular could benefit from donations to the foundation because renovations are needed for this building that generates most of the revenue compared to the other facilities at the Fairgrounds.

Mr. Pat Berger, Senior Director of Administration of the Indiana State Fair Commission, reported that the foundation has been approved by the Internal Revenue Service.

Overview of the State Fair Commission.

Economic Impact Study. Ms. Margaret C. Davidson, Senior Director and Event Producer of the Indiana State Fair Commission, discussed the Economic Impact Study that is being conducted with the Indiana University Kelley School of Business. The study focuses on the economic impact of the Pepsi Coliseum, the State Fair, and the Fairgrounds. Preliminary estimates for the estimated impact of the Pepsi Coliseum are about \$89 million, accounting for sports events, livestock events, and consumer shows. Preliminary estimates for the estimated impact of the State Fair are about \$36 million.

Strategic Plan. The State Fair Commission also provided their Strategic Plan for 2011-2013 (Exhibit 7).

Participation with the 2012 Super Bowl. Ms. Hoyer informed the Committee that the State Fairgrounds will be utilized for several events during the 2012 Super Bowl. Some events will be hosted at the facilities, including private parties and some NFL-sanctioned activities.

Adjournment. The Chair adjourned the Committee at 10:58 a.m.

**Exhibit 1
State Fair Advisory Committee
Meeting #1 October 18, 2011**

8/23/2011		INDIANA STATE FAIR 2011 ATTENDANCE										
		Weather	2011	% Change	2010	2009	2008	2007	5 year average 2006-2010	Average 88-10	RECORD	YEAR
Friday	8/5	90, humid, rain	50,268	-17.0%	60,547	60,097	NA	NA	NA	NA	60,547	2010
Saturday	8/6	90 and humid	58,455	-26.5%	79,561	64,315	NA	NA	NA	NA	79,561	2010
Sunday	8/7	94 and humid	56,159	-16.3%	67,096	55,016	NA	NA	NA	NA	67,096	2010
Monday	8/8	91, humid, rain	33,481	-39.6%	55,442	59,261	NA	NA	NA	NA	59,261	2009
Tuesday	8/9	89, humid, rain	48,645	28.6%	37,825	30,893	NA	NA	NA	NA	37,825	2010
Wednesday	8/10	81 and sunny	67,769	59.3%	42,539	65,211	56,955	48,998	58,494	52,267	68,459	2004
Thursday	8/11	83 and sunny	90,603	121.5%	40,913	58,624	53,064	42,150	52,728	49,580	86,087	1992
Friday	8/12	84 and sunny	52,760	4.7%	50,382	53,429	88,087	74,032	65,284	66,556	88,087	2008
Saturday	8/13	90 and late storm	83,356	14.2%	73,013	97,813	113,292	84,476	97,070	91,019	117,912	2004
Sunday	8/14	CLOSED	0	-100.0%	68,013	75,927	99,003	68,453	83,523	78,165	116,112	2004
Monday	8/15	82, partly cloudy	32,501	-19.1%	40,161	30,060	53,200	49,454	45,340	45,277	70,123	2004
Tuesday	8/16	83, partly cloudy	62,796	-7.7%	68,029	55,777	62,213	48,846	62,310	50,415	79,726	2003
Wednesday	8/17	88, partly cloudy	33,940	-38.7%	55,353	41,891	57,538	45,685	59,666	54,705	74,438	2006
Thursday	8/18	91, partly cloudy	32,535	-20.2%	40,757	38,012	63,083	55,918	52,013	46,858	68,095	2002
Friday	8/19	88, partly cloudy	65,120	26.9%	51,312	45,943	56,239	67,346	53,130	58,705	72,453	2001
Saturday	8/20	88, partly cloudy	52,053	-8.7%	56,997	73,376	90,785	101,219	77,813	76,146	109,308	2004
Sunday	8/21	88, partly cloudy	52,335	-18.3%	64,080	68,257	66,162	64,641	73,782	57,316	93,102	2005
To Date Comparison			872,776	-8.3%	952,020							
				-79,244								
TOTAL					952,020	973,902	859,621	751,218	895,168	751,811	973,902	2009

INDIANA STATE FAIR COMMISSION



Presented on: October 13, 2011

Indiana State Fair Commission
2011 State Fair Financial Results
High Level Management Discussion

The roof collapse tragedy that occurred on August 13th had the greatest single impact on the financial results of the 2011 State Fair. As a consequence of the collapse, the Fair was closed for one major weekend day, there were numerous events scheduled for the grandstand that were cancelled (Rodeo, Demolition Derby, Cheerleading, Janet Jackson, Lady Antebellum, Maroon Five and Train) and we offered free gate admission for one day as a thank you to the community for their out pouring of support.

Notes related to the Statement of Revenue and Expenditures of the Fair are as follows:

- The activities directly related to the 2011 Indiana State Fair were profitable. Total Earned Revenue for the Fair was \$8,494,945 and Total Expenses were \$8,106,028; making The Net Gain from the Fair \$388,917. Although, these results are approximately \$500,000 less than what was budgeted.
- The impact the roof collapse had on the bottom line can be most significantly seen in Gates, Concession, and Parking revenue.
- The losses in revenue from Event Admissions, predominately related to the cancelation of grandstand events, were almost entirely offset by a reduction in Production Costs.

Expenses related to the investigation of the incident are not considered a part of the Fair financial results; these costs will be listed as extenuating circumstances on the financial statements related to the year-round business of the Commission.

The importance of the profitability for the Fair is in the Commission's ability to "set aside" the funds for necessary major projects. The profits from the past several years built a fund balance that has been somewhat exhausted this year with the renovation of the Discovery Hall, which is just being completed. Discovery Hall supports state wide 4-H housing, Marion County Cooperative Extension, Board of Animal Health and Marion County Soil and Water Conservation. It is the intent of the Commission to put the Net Gain from the 2011 State Fair into this fund to support other necessary projects. Ultimately, the impact of the collapse incident resulted only in a smaller contribution to the fund than what was anticipated.

Indiana State Fair Commission
Statement of Revenue and Expenditures - Fair Report
(In Whole Numbers)

	Current Year Estimated Total	Total Budget - Original	Total Budget Variance - Original	Percent of Budget to Date
<i>Fair Earned Revenue</i>				
Gates	2,612,069	3,057,700	(445,631)	85.43%
Concessions/Midway	2,149,662	2,314,700	(165,038)	92.87%
Event Admissions	526,463	2,596,900	(2,070,437)	20.27%
Sponsorship	1,538,636	1,300,750	237,886	118.29%
Entry Fees	344,439	309,050	35,389	111.45%
Parking	488,505	565,000	(76,495)	86.46%
Merchandise Sales	75,023	105,300	(30,277)	71.25%
Rental Income	370,610	376,900	(6,290)	98.33%
Shuttle Bus Revenue	205,182	215,000	(9,818)	95.43%
Other Revenue	<u>184,356</u>	<u>154,050</u>	<u>30,306</u>	<u>119.67%</u>
Total Fair Earned Revenue	<u>8,494,945</u>	<u>10,995,350</u>	<u>(2,500,405)</u>	<u>77.26%</u>
Total Fair Earned Revenue	<u>8,494,945</u>	<u>10,995,350</u>	<u>(2,500,405)</u>	<u>77.26%</u>
<i>Payroll Expenses</i>				
Salary & Wages	1,873,504	1,993,021	119,517	94.00%
Employer Share of Taxes	<u>142,086</u>	<u>152,500</u>	<u>10,414</u>	<u>93.17%</u>
Total Payroll Expenses	<u>2,015,590</u>	<u>2,145,521</u>	<u>129,931</u>	<u>93.94%</u>
Total Payroll Expenses	<u>2,015,590</u>	<u>2,145,521</u>	<u>129,931</u>	<u>93.94%</u>
<i>Fair Operating Expenses</i>				
Production Costs	1,110,213	3,134,330	2,024,117	35.42%
Security	36,839	27,000	(9,839)	136.44%
Judges	140,808	143,200	2,392	98.33%
Premiums	584,415	618,150	33,735	94.54%
Advertising	785,185	761,015	(24,170)	103.18%
Maintenance	69,168	90,250	21,082	76.64%
Clothing	31,942	38,175	6,233	83.67%
Food	129,485	105,900	(23,585)	122.27%
Fuel	19,893	16,500	(3,393)	120.56%
Janitorial Costs	271,907	292,650	20,743	92.91%
Merchandise Sales Expense	20,098	22,200	2,102	90.53%
Professional Services	1,110,051	1,254,855	144,804	88.46%
Sponsorship Expense	478,307	413,500	(64,807)	115.67%
Utilities	383,667	248,775	(134,892)	154.22%
Travel & Training	58,603	49,200	(9,403)	119.11%
Supplies	259,128	191,800	(67,328)	135.10%
Printing & Postage	227,028	224,525	(2,503)	101.11%
Rental Expense	305,005	248,951	(56,054)	122.52%
Other Operating Expenses	<u>68,696</u>	<u>72,853</u>	<u>4,157</u>	<u>94.29%</u>
Total Fair Operating Expenses	<u>6,090,438</u>	<u>7,953,829</u>	<u>1,863,391</u>	<u>76.57%</u>
Total Expenses	<u>8,106,028</u>	<u>10,099,350</u>	<u>1,993,322</u>	<u>80.26%</u>
Net Gain/(Loss) on the Fair	<u>388,917</u>	<u>896,000</u>	<u>(507,083)</u>	<u>43.41%</u>

Exhibit 3
State Fair Advisory Committee
Meeting #1 October 18, 2011

INDIANA STATE FAIR COMMISSION



Presented on: October 13, 2011

Indiana State Fair Commission
2011 Financial Forecast Assumptions and Analysis
As of October 13, 2011

2011 Assumptions:

- The financial forecast uses actual results through the first three quarters of the year and the estimates results of the final quarter using the following assumptions
 - Revenue takes the actual results of 2011 through September 30th as recorded; with the revenue forecasted through the fourth quarter remaining the same as budgeted expectations.
 - Expenses take the same philosophy as revenue, using actual results through September and budgeted expectations for the fourth quarter, with the following exceptions:
 - There was approximately \$35K added to payroll expenses based on the assumption there will be new hires effective November 1st.
 - There was \$975K in expense added for costs associated with the collapse incident. These expenses are related to Thornton Tomasetti, Wilhelm Construction, legal fees, warehousing, and other miscellaneous costs.
 - Non-Operating Revenue includes the funds received, and to be received, for activities related to horse racing that were not in the original budget; there is also \$90K included in the estimate for reimbursement from the State for employee dividend payouts that are included in payroll expense.

The net gain from operations for 2011 is forecasted to be \$2,824,389; less the \$975,000 estimated costs for the collapse incident leaves a combined forecast for 2011 to be a net gain of \$1,849,389. The 2011 budgeted net gain was \$2,932,823; the difference is an unfavorable variance of \$1,083,434.

Based on forecasted results, the operating cash reserves of the Commission are expected to be approximately \$5 million at December 31, 2011.

Indiana State Fair Commission
Statement of Revenues and Expenditures
From 1/1/2011 Through 12/31/2011

	2011 Forecasted	Estimated Collapse	2011 Combined	2011 Budget	Variance to Budget		2010 Audited
	Operating Activity	Incident Activity	Forecast				Results
FAIRGROUNDS EARNED REVENUE							
Admissions Revenue	230,999	0	230,999	250,000	(19,001)	(8%)	240,970
Parking Revenue	809,734	0	809,734	901,500	(91,766)	(10%)	814,964
Rental Revenue	2,450,106	(15,000)	2,435,106	2,526,000	(90,894)	(4%)	2,181,088
Recoverables	1,037,244	0	1,037,244	1,040,350	(3,106)	(0%)	984,318
Concessions Revenue	758,858	(20,000)	738,858	745,000	(6,142)	(1%)	725,932
Other Revenue	<u>1,608,237</u>	<u>(10,000)</u>	<u>1,598,237</u>	<u>1,644,500</u>	<u>(46,263)</u>	<u>(3%)</u>	<u>1,840,455</u>
Total FAIRGROUNDS EARNED REVENUE	<u>6,895,178</u>	<u>(45,000)</u>	<u>6,850,178</u>	<u>7,107,350</u>	<u>(257,172)</u>	<u>(4%)</u>	<u>6,787,727</u>
PAYROLL EXPENSES							
Salaries & Wages	3,411,066	0	3,411,066	3,344,200	(66,866)	(2%)	3,557,471
Employer Paid Benefits	1,118,516	0	1,118,516	1,096,500	(22,016)	(2%)	1,101,775
Employer Taxes (FICA)	<u>256,234</u>	<u>0</u>	<u>256,234</u>	<u>252,000</u>	<u>(4,234)</u>	<u>(2%)</u>	<u>263,637</u>
Total PAYROLL EXPENSES	<u>4,785,815</u>	<u>0</u>	<u>4,785,815</u>	<u>4,692,700</u>	<u>(93,115)</u>	<u>(2%)</u>	<u>4,922,883</u>
FAIRGROUNDS EVENT COSTS							
Direct Event Costs	672,621	0	672,621	743,900	71,279	10%	623,192
Other Event Costs	<u>152,722</u>	<u>0</u>	<u>152,722</u>	<u>173,935</u>	<u>21,213</u>	<u>12%</u>	<u>180,615</u>
Total FAIRGROUNDS EVENT COSTS	<u>825,343</u>	<u>0</u>	<u>825,343</u>	<u>917,835</u>	<u>92,492</u>	<u>10%</u>	<u>803,807</u>
OPERATING EXPENSES							
Contract Services	1,036,268	770,000	1,806,268	1,065,063	(741,205)	(70%)	821,660
Professional Services	414,936	140,000	554,936	413,866	(141,070)	(34%)	349,510
Advertising	130,085	0	130,085	196,200	66,115	34%	146,558
Printing & Postage	122,731	0	122,731	112,000	(10,731)	(10%)	108,445
Utilities	1,621,453	0	1,621,453	1,591,335	(30,118)	(2%)	1,590,000
Telephone	37,233	0	37,233	32,500	(4,733)	(15%)	33,601
Supplies	195,801	0	195,801	137,861	(57,940)	(42%)	190,118
Equipment Rentals	67,413	20,000	87,413	28,194	(59,219)	(210%)	18,280
Maintenance	771,249	0	771,249	653,656	(117,593)	(18%)	533,295
Travel & Training	6,295	0	6,295	6,250	(45)	(1%)	7,529
Food & Clothing	44,946	0	44,946	49,300	4,354	9%	38,750
Other Operating Expense	<u>541,079</u>	<u>0</u>	<u>541,079</u>	<u>611,025</u>	<u>69,946</u>	<u>11%</u>	<u>544,057</u>
Total OPERATING EXPENSES	<u>4,989,489</u>	<u>930,000</u>	<u>5,919,489</u>	<u>4,897,250</u>	<u>(1,022,239)</u>	<u>(21%)</u>	<u>4,381,803</u>
TOTAL PAYROLL/EVENT/OPERATING	<u>10,600,647</u>	<u>930,000</u>	<u>11,530,647</u>	<u>10,507,785</u>	<u>(1,022,862)</u>	<u>(10%)</u>	<u>10,108,493</u>
NET INCOME/(LOSS) FROM YEAR-ROUND OPERATIONS	<u>(3,705,470)</u>	<u>(975,000)</u>	<u>(4,680,470)</u>	<u>(3,400,435)</u>	<u>(1,280,035)</u>	<u>(38%)</u>	<u>(3,320,766)</u>
NET GAIN/(LOSS) on the Fair	<u>388,917</u>	<u>0</u>	<u>388,917</u>	<u>896,000</u>	<u>(507,083)</u>	<u>(57%)</u>	<u>1,226,190</u>
NON-OPERATING REVENUE/(EXPENSES)							
Riverboat & PariMutual	6,377,456	0	6,377,456	6,475,000	(97,544)	(2%)	6,555,488
General Fund Appropriation	703,599	0	703,599	600,000	103,599	17%	671,432
Harness Racing Fund	562,500	0	562,500	0	562,500	0%	0
Interest Income	37,404	0	37,404	40,000	(2,596)	(6%)	40,290
Interest Expense (Debt Service)	(547,266)	0	(547,266)	(547,266)	(0)	0%	(609,829)
Equipment & Major Projects	<u>(992,751)</u>	<u>0</u>	<u>(992,751)</u>	<u>(1,130,476)</u>	<u>137,725</u>	<u>(12%)</u>	<u>(81,434)</u>
Total NON-OPERATING REVENUE/(EXPENSES)	<u>6,140,941</u>	<u>0</u>	<u>6,140,941</u>	<u>5,437,258</u>	<u>703,683</u>	<u>13%</u>	<u>6,575,947</u>
NET GAIN/(LOSS) FOR PERIOD	<u>2,824,389</u>	<u>(975,000)</u>	<u>1,849,389</u>	<u>2,932,823</u>	<u>(1,083,434)</u>	<u>(37%)</u>	<u>4,481,371 *</u>

* does not include depreciation expense



October 10, 2011

**Exhibit 4
State Fair Advisory Committee
Meeting #1 October 18, 2011**

Mr. Andre Lacy, Chairman
Indiana State Fair Commission
Indiana State Fairgrounds – Administration Building
Indianapolis, Indiana

Dear Chairman Lacy,

The following is an update on the status of the independent assessment of the collapse incident by Witt Associates.

The assessment is progressing on track as we seek to identify:

- The overall state of preparedness, codes and plans prior to August 13th,
- How actions taken that day prior to the collapse compared to such plans,
- How actions taken during the response compared to their plans.

Thus far, we have conducted over 125 interviews including personnel from the State Fair Commission, the State Police, the State Fire Marshall and other federal, state and local government agencies. We have also interviewed many of those non-governmental employees involved in the August 13th grandstand production. Although there are a limited number of interviews yet to be conducted, and some follow-up questions are still to be answered, most interviews are complete.

We have also reviewed and are analyzing a substantial number of documents and logs. Based on these logs and our interviews, we are constructing a detailed timeline of events.

As previously noted, in our final report we will identify our findings of what went right and what went wrong; where applicable, we will offer recommendations for improvement. In some cases, these recommendations will include best practices utilized elsewhere.

We will keep the Commission posted on our progress.

Sincerely,

Charles Fisher
Vice President
Witt Associates

INDIANA STATE FAIR RELIEF FUND
FINAL PROTOCOL

FUNDING

On August 15, 2011, the Central Indiana Community Foundation, in consultation with the Indiana State Fair Commission ("Commission"), established the Indiana State Fair Remembrance Fund (ISFRF) to provide a vehicle for donors seeking to make donations in the wake of the accident of August 13, 2011. On August 30, 2011, Governor Daniels established the State Fair Relief Fund ("Relief Fund"). The proceeds of the Remembrance Fund, with other private contributions, have been deposited in the Relief Fund. See, Executive Order 11-09.

Distributions from the Relief Fund are intended to provide assistance to the claimants, families, and survivors of the accident, and are apportioned by death or the length of hospital admission to the claimants arising from the accident. The Relief Fund will be closed to new donations on October 31, 2012.

It is the intent of the Commission and the Governor that the payments made from the Relief Fund are a gift from the Relief Fund donors, are not to be considered as compensation for claimants' injuries or death, and shall not be treated as such in any future or potential litigation. Acceptance of a distribution by the claimants or their families shall not constitute a waiver or release of any claims they, or their representatives, may have against an entity which may later be found liable for the accident.

There are four classifications of eligible claimants under the Relief Fund. The classifications and the respective proposed distribution payments are outlined below.

PLEASE NOTE: The amounts of the proposed lump sum payments listed for each classification are *approximate*. The Commission will honor eligible claims within the total amount of dollars in the Relief Fund. The current number of deaths is known, but because of patient privacy rights, the Commission does not know the number of physically injured individuals. Until there is a full determination of the number of eligible claims, the Relief Fund Administrator has been granted discretion to make a first distribution for less than the designated lump sum. When all eligible claims are known, and there remains an amount in the Relief Fund adequate to pay all eligible claims at the proposed amounts, further distributions will be made. It is also possible that additional distributions above the proposed lump sums will be made if additional donations are made to the Relief Fund.

CLASSIFICATIONS

A. Death Claims.

Eligible claimants, or their representatives, should file a claim form to participate in the Relief Fund. The claimants may select one of the two options below:

1. A lump sum cash payment of **\$ 35,000.00** or;
2. A claimant may propose, for consideration, an alternative distribution of their cash payment.

B. Physical Injury Claims while admitted to the hospital for 10 days and nights or more.

For those claimants admitted to the hospital for 10 days and nights (or more) between August 13, 2011 and October 2, 2011 due to physical injuries resulting from the accident, a cash distribution will be offered. Days and nights of hospitalization need not be immediate or contiguous, but documentation is required. All eligible claimants should file a claim form to participate in the Relief Fund. Claimants will receive the following:

1. A cash distribution of **\$ 25,000.00** or;
2. A claimant may propose, for consideration, an alternative distribution of his/her cash distribution.

C. Physical Injury Claims while admitted to the hospital for 4 - 9 days and nights.

For those claimants admitted to the hospital for 4 - 9 days and nights between August 13, 2011 and October 2, 2011 because of physical injuries resulting from the accident, a cash distribution will be offered. Days and nights of hospitalization need not be immediate or contiguous, but documentation is required. All eligible claimants should file a claim form to participate in the Relief Fund. Claimants will receive the following:

1. A cash distribution of **\$ 7,500.00** or;
2. A claimant may propose, for consideration, an alternative distribution of his/her cash distribution.

D. Physical Injury Claims while admitted to the hospital for 1 - 3 days and nights.

For those claimants admitted to the hospital for 1 - 3 days and nights between August 13, 2011, and October 2, 2011 because of physical injuries resulting from the accident, a cash distribution will be offered. Days and nights of hospitalization need not be immediate or contiguous, but documentation is required. All eligible claimants should file a claim form to participate in the Relief Fund. Claimants will receive the following:

1. A cash distribution of **\$ 3,000.00** or;
2. A claimant may propose, for consideration, an alternative distribution of his/her cash distribution.

PROCESS AND PROCEDURES

The process and procedures for consideration of eligible claims will be as follows:

- A. A claim form is posted at: www.in.gov/sfc; or call the number below to request one.
The claim form should be completed and submitted (along with all necessary attachments) no later than November 14, 2011.

Claim forms should be mailed to the Claims Processor:

Indiana State Fair Commission
Administrative Building
Attn: Claims Processor
1202 East 38th Street
Indianapolis, Indiana 46205
Toll Free: 1-855-222-0003
www.in.gov/sfc

*The Claims Processor must receive a claim form with original signatures.

- B. Individual claimants may request in writing a face-to-face personal meeting (or telephonic meeting) with the Relief Fund Administrator before the final processing of the claim is completed. These meetings will be scheduled before the individual claim is processed and will not serve to alter this Final Protocol or any allocation set forth in this Protocol. Requests to meet with the Relief Fund Administrator should be sent by email or regular mail to the Claims Processor.
- C. In the event that a claimant submits an incomplete or deficient claim, the Claims Processor will informally, and on a case-by-case basis, work with the claimant to cure any deficiencies.
- D. Cash distributions will be issued to each claimant following the rendering of a final determination of the claim. The Relief Fund will wire funds to the account provided by the claimant. If wire transfer is not possible due to personal circumstances, a check will be processed and mailed.
- E. The claim form will require the signature of the individual, guardian, or personal representative as the case may be. Attached to this Protocol (see Attachment A) is a description of the approved signatures for certain types of claimants. The Relief Fund Administrator will have final discretion to determine the signatures required for approval of a claim.
- F. In the event that an eligible claimant does not file a claim, such allocated funds will remain in the Relief Fund to be distributed according to section J of this Final Protocol.

- G. Individuals should contact their tax advisor for any questions regarding tax liability for these distributions.
- H. To the extent that any claimant has already received any distribution from the Relief Fund, the amount payable under this Protocol will be reduced commensurate with the amount previously distributed.
- I. After the initial claim period has ended and initial claim distributions have been made, the Relief Fund Administrator, in his discretion, may make additional distributions of remaining funds or newly donated funds.
- J. If any funds remain in the Relief Fund on October 31, 2012, those remaining funds will be distributed to eligible claimants by the Relief Fund Administrator in his discretion. The Relief Fund Administrator shall also have the discretion not to distribute remaining funds if the amount remaining is so small that a distribution is not financially practical.
- K. After December 31, 2011, a summary of donations, claims, and distributions to or from the Relief Fund will be made available to the public. Further, when all distributions have been made and the Relief Fund is closed, a final summary accounting will be made public.

CLAIM DEADLINES

The timeline for submission of claims to the Relief Fund Administrator shall be as follows:

- A. **Deadline for Submission:** This Final Protocol and attached Claim Form will be disseminated on September 26, 2011. The deadline for submission of the Claim Form to the Claims Processor is November 14, 2011. The Relief Fund Administrator, his staff, and the Indiana State Fair Commission will work with all claimants as requested to assure that all claims are submitted by the November 14, 2011 deadline. **[PLEASE NOTE: Any claims received by the Claims Processor after November 14, 2011, will not be eligible for consideration for the first distribution or for any later distributions.]**
- B. Availability of face-to-face meetings with the Relief Fund Administrator. All claims will be processed during the period September 26, 2011 through December 1, 2011. All claimants requesting face-to-face meetings with the Relief Fund Administrator before the claim is processed will be afforded such a meeting during the period from September 26, 2011 through November 21, 2011. Meetings will be scheduled at mutually convenient times and locations. In lieu of a face-to-face meeting, the claimant may request a telephonic meeting. These requests should be made to the Claims Processor.

THE REST OF THIS PAGE IS INTENTIONALLY LEFT BLANK

Attachment A – Signature Requirements

The following is a general guideline for the signature requirements for submission of a claim.

1. **Deceased claimant.** The claim should be signed by the duly appointed personal representative of the Estate of the decedent. A signed and file-marked copy of the probate court order appointing the personal representative should be included with the claim form.
2. **Mentally competent adults.** If the individual making the claim is an adult (age 18 or older) and is mentally competent, then the claim should be signed by the individual making the claim. If there is an issue concerning the mental competence of the adult claimant due to injuries from this accident or other unrelated mental infirmities, then the claim should be signed by a duly appointed guardian of the Estate of the adult. A signed and file-marked copy of the order appointing the guardian should be included with the claim form.
3. **Minors.** The claim form for a minor should be signed by both parents if at all possible. If the parent of a minor is a single parent, then a brief explanation of the unavailability of the other parent will be required. If the parents of a minor are divorced or separated, then the parent having physical custody of the minor will be required to sign and proof of custody should be submitted with the claim form. In the case of a divorce in which both parents share joint custody, then both parents will be required to sign.

STATE FAIR RELIEF FUND
CLAIM FORM
DEADLINE FOR SUBMISSION OF THIS FORM IS NOVEMBER 14, 2011

SIGNATURE BY CLAIMANT OR REPRESENTATIVE AND INFORMATION CONTAINED ON THIS FORM DOES NOT CONSTITUTE A WAIVER OF ANY LEGAL RIGHT.

To assist us in responding to your claim as soon as possible, please help us by completing the information requested in the form below. Any information contained within this form will be considered confidential.

If hand written, please print clearly.

SECTION 1: CLAIMANT INFORMATION

Full Legal Name: _____

Social Security Number: _____

Date of Birth: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone (Day) _____ (Evening) _____ Email: _____

SECTION 2: REPRESENTATIVE INFORMATION

If the claimant is a minor, incompetent adult, or is deceased, please provide the name, address and telephone number of the person making this claim for the minor or the estate:

Full Legal Name: _____

Relationship to claimant:

Social Security Number: _____

Date of Birth: _____

Street Address: _____

City: _____ State: _____ Zip: _____

Telephone (Day) _____ (Evening) _____ Email: _____

Name of Financial Institution: _____

Name of Bank Contact: _____

City: _____ State: _____ Zip: _____

Telephone No.: _____

Signature of account holder authorizing transfer: _____

OR

I request a waiver from electronic transfer requirements.

Please mail check made payable to:

claimant

or
representative

parent or

I verify under the penalties of perjury that the information contained in this CLAIM FORM, and attached to it, is true and accurate and further understand that this form does not constitute a waiver of any legal right. **Claim form must be signed in the presence of a Notary Public.**

Signed

Signed

Dated: _____

Representative Capacity

Mail to:

Indiana State Fair Commission
Administrative Building
Attn: Claims Processor
1202 East 38th Street
Indianapolis, Indiana 46205
Toll Free: 1-855-222-0003
www.in.gov/sfc

*The Claims Processor must receive a claim form with original signatures.

First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 478

AN ACT to amend the Indiana Code concerning agriculture and animals.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 15-13-3-9, AS ADDED BY P.L.2-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. At the first meeting each year of the advisory committee, the commission shall report the following:

- (1) The activities of the commission during the previous calendar year.
- (2) The financial condition of the commission for the commission's most recently completed fiscal year.
- (3) The commission's plans for the current calendar year.
- (4) **The activities and financial condition of any nonprofit subsidiary corporation established under section 11 of this chapter for the subsidiary corporation's most recent fiscal year.**

SECTION 2. IC 15-13-3-11 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. (a) **The commission may establish a nonprofit subsidiary corporation that is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code, to solicit and accept private funding, gifts, donations, bequests, devises, and contributions.**

(b) **A subsidiary corporation established under this section:**

- (1) **shall use money received under subsection (a) to carry out**

C
O
P
Y

SEA 478+



in any manner the purposes and programs under this article;
(2) shall report to the budget committee each year concerning:

- (A) the use of money received under subsection (a); and
- (B) the balances in any accounts or funds established by the subsidiary corporation; and

(3) may deposit money received under subsection (a) in an account or fund that is:

- (A) administered by the subsidiary corporation; and
- (B) not part of the state treasury.

(c) A subsidiary corporation established under this section is governed by a board of directors comprised of the members of the commission.

(d) Employees of the commission shall provide administrative support for a subsidiary corporation.

(e) The state board of accounts shall annually audit a subsidiary corporation established under this section.

**C
o
p
y**





INDIANA STATE FAIR COMMISSION STRATEGIC PLAN: 2011-2013

OVERVIEW

The strategic plan focuses on five key goal areas: Engagement, Facility Management, Year Round Sales & Marketing, State Fair and Finance. These five areas were selected by a group of staff, Commission & Board members at a two-day retreat in October 2010.

After the retreat, five interactive work teams were created to focus on each area. These teams consisted of Commission & Board members, directors, managers and staff professionals. These teams each met four times to discuss opportunities and explore possibilities. During these meetings, the teams identified goals and objectives, measurable outcomes and strategies to achieve the goals.

The result, outlined in the chart to the right, is an aggressive, forward-thinking strategic plan that will position the Indiana State Fair Commission for many years of growth and success.

ENGAGEMENT: The primary focus of this goal area is new fundraising efforts through the creation of a non-profit State Fair Foundation. Initial efforts are centered around a capital campaign to raise funds for the renovation of the Pepsi Coliseum. This goal area is also concerned with increasing sponsorship opportunities and building relationships with contemporary agriculture entities to support our mission of educating the public about agriculture.

FACILITY MANAGEMENT: The primary focus of this goal area is to improve the facilities (buildings & grounds) for Fair and non-Fair use. Initial efforts include developing a plan for a large scale renovation of the Pepsi Coliseum. Other objectives in this area include upgrading our technology infrastructure and developing a preventative maintenance plan.

YEAR ROUND SALES & MARKETING: The primary focus of this goal area is non-Fair event sales. This will be done by improving our sales & marketing efforts to attract new events to the facility. This area also focuses on how we interact with existing customers and building stronger relationships with show producers.

STATE FAIR: The primary focus of this goal area is to improve the annual State Fair. This will be done through the creation of signature elements, new programming that will expand our base of attendees and sound fiscal decisions.

FINANCE: This goal area focuses on the hard numbers that are driving the strategic plan. Everything done in the other goal areas will help us achieve the outcomes outlined in this area.

Area of Focus	Objectives	Key Performance Measures	Strategies
Engagement <i>Fundraising, Sponsorships & Partnerships</i>	Increase civic capacity & establish a donor program	25,000 stakeholders formally engaged	Launch ISF Foundation
	Increase sponsorships & partnerships	50 new strategic relationships	Develop cohesive process for engaging organizations
	Provide Opportunities for contemporary Ag to engage consumer public	1 new project and 10 new programs in development	Create ongoing relationships with contemporary Ag entities
	Achieve needed legislative reform	4 favorable outcomes	Create Fairgrounds advisory committee
Facility Management <i>Coliseum Renovation, Maintenance & Infrastructure</i>	Total renovation of Pepsi Coliseum	Renovated Coliseum re-opened by December 2013	Utilize public/private financing model
	Maximize attraction & use of the State Fairgrounds	Increase use of under-utilized assets by 15%	Create facility master plan
	Implement innovative technology-driven infrastructure	Automate 4 operational processes	Upgrade technology infrastructure
	Define scope of preventative maintenance measures	90% compliance with preventative maintenance schedule	Create comprehensive preventative maintenance plan
Year Round Sales & Marketing <i>Non-Fair Event Sales & Customer Service</i>	Enhance non-Fair brand	55 new events from under-served markets	Develop brand identity
	Improve quality & effectiveness of non-Fair sales & marketing	Book 95 new events	Coordinated sales & marketing effort
	Elevate connection to existing customers	Aggregate 92% customer satisfaction	Develop customer relationship management model
	Leverage internal resources to increase event opportunities	Produce/co-produce 5 new events	Cultivate relationships with show producers
State Fair <i>Improving Our Largest Event</i>	Be recognized as the "best & most innovative State Fair in the country"	2 new permanent programs/ attractions	Develop new signature elements
	Retain & expand attendance	Average 1,000,000 people annually	Expand reach to targeted market segments
	Increase net gain	Revenue growth 1 1/2% higher than expense growth	Develop schedule for fee increases
Finance <i>Increase Revenue & Decrease Expenses</i>	Increase earned revenue	Grow earned revenue 15%	Create 'New Ventures' Group
	Increase "other" revenue	Grow grants & contributions revenue to \$11.2 million	Launch ISF Foundation
	Increase net income	Minimum 40% net gain on all events	Develop customer selectivity model
	Improve organizational & operational efficiency	Revenue growth 1 1/2% higher than expense growth	Optimize service delivery model



2011 Action Plans by Quarter

The first year of the strategic plan will be spent planning and developing new processes and procedures. The charts below outline the action steps that will be taken in 2011. Rather than organize the steps by area of focus, they are organized by quarter so we can easily identify what needs to be accomplished throughout the year.

There is a lot to be accomplished this year, but if we are successful it will lay the foundation for years two and three of the plan to achieve the outcomes identified in the strategic plan.

Due Date	Area of Focus: Strategy	2011 Action Step	Team/Person Responsible
First Quarter	Engagement: Launch ISF Foundation	Determine structure of ISF foundation (staffing, roles/responsibilities)	CCH, MD, JA
	Engagement: Create ongoing relationships with Ag entities	Establish ISF/Ag Action Team	MD, MB, JA
	Engagement: Create Fairgrounds advisory committee	Determine structure of Fairgrounds Advisory Committee	CCH
	Facility Management: Upgrade technology infrastructure	Budget funds for IT improvements & identify projects	BW, D.Howell, RA
	Facility Management: Comprehensive preventative maintenance plan	Write scope of work documents with best repair methods	D.Howell
	Sales & Marketing: Develop brand identity	Evaluate non-Fair sales/marketing budget	KW, ML, JR
	Finance: Create 'new ventures' group	Determine scope & role of group	RA

Second Quarter	Engagement: Launch ISF Foundation	Complete capital campaign & foundation feasibility study	CCH, MD, JA
	Engagement: Develop cohesive process for engaging organizations	Develop overall approach to sponsorships/partnerships	MD
	Engagement: Create Fairgrounds advisory committee	Formally invite individuals to participate & hold first meeting	CCH
	Facility Management: Upgrade technology infrastructure	Begin implementation of IT upgrades	BW, D.Howell
	Sales & Marketing: Develop customer relationship management model	Develop new processes & procedures for customer interaction	KW
	State Fair: Develop new signature elements	Investigate opportunities for signature elements	CCH, State Fair Team
	Finance: Create 'new ventures' group	Identify team members & launch group	RA
	Finance: Develop customer selectivity model	Determine measures relating to event revenue & expenses	DE, GW, KW
Finance: Optimize service delivery model	Identify new opportunities for outsourcing	RA	

Due Date	Area of Focus: Strategy	2011 Action Step	Team/Person Responsible
Third Quarter	Engagement: Launch ISF Foundation	Launch Pepsi Coliseum capital campaign	Foundation staff
	Engagement: Create Fairgrounds advisory committee	Plan activities at Fair for committee	CCH
	Facility Management: Comprehensive preventative maintenance plan	Write inspection/maintenance plan	D.Howell
	Sales & Marketing: Develop brand identity	Develop non-Fair sales/marketing plan(s)	KW, ML, JR
	Sales & Marketing: Coordinated sales & marketing effort	Determine non-Fair sales staff structure (new position added)	D.Hummel, KW
	Sales & Marketing: Cultivate relationships with show producers	Plan/expand activities at Fair to build relationships	Event Services
	State Fair: Develop new signature elements	Develop 2-3 year plan for implementation of elements	CCH, State Fair Team
	State Fair: Expand reach to targeted market segments	Expand research efforts & develop new survey instruments	State Fair Team
	State Fair: Increase net gain from Fair	Evaluate fee structure & identify areas for increase	CCH, Finance, State Fair Team
	Finance: Launch ISF Foundation	Finalize 501(C)3	PB
Finance: Develop customer selectivity model	Design program/matrix for decision making	GW, KW	
Finance: Optimize service delivery model	Explore outsourcing opportunities	RA	

Fourth Quarter	Engagement: Develop cohesive process for engaging organizations	Formalize team (i.e. hire staff, select partner)	MD
	Facility Maintenance: Create facility master plan	Determine scope of master plan	RT
	Facility Management: Comprehensive preventative maintenance plan	Train/educate staff & implement plan	D.Howell, RA
	Sales & Marketing: Develop customer relationship management model	Design online portal for show producers (executed in 2012)	KW, BW
	State Fair: Increase net gain from Fair	Recommend fee increases for 2012 & 2013	CCH, Finance, State Fair Team
	Finance: Launch ISF Foundation	Begin operation of Foundation	Foundation Staff
	Finance: Develop customer selectivity model	Implement customer selectivity model	Event Services
	Finance: Optimize service delivery model	Evaluate existing outsources services	RA