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MEETING OF THE OCFEC BOARD OF DIRECTORS
32nd DISTRICT AGRICULTURAL ASSOCIATION

Held on: Thursday, February 22, 2018

Reported by: Janet M. Taylor
CSR No. 9463
Certified Realtime Reporter
Registered Merit Reporter

1 Meeting of the OCFEC Board of Directors,
2 reported by Janet M. Taylor, a Certified Shorthand
3 Reporter for the State of California, with principal
4 office in the County of Orange, commencing at 9:00 a.m.
5 and ending at 11:42 a.m., Thursday, February 22, 2018,
6 in the Administration Building, Orange County
7 Fairgrounds, Costa Mesa, California.

8
APPEARANCES OF BOARD MEMBERS:

9 Barbara Bagneris, Board Chair

Nick Berardino, Member

10 Sandra Cervantes, Member

Douglas La Belle, Member

11 Stan Tkaczyk, Member

12 STAFF SPEAKERS:

Kathy Kramer, CEO

13 Michele Richards, VP Business Development

Adam Carleton, VP Finance

14 Ken Karns, VP Operations

Nick Buffa, Director of Safety and Security

15 Summer Angus, Executive Assistant

16 APPEARANCE OF COUNSEL:

Josh Caplan, Esq.

17 Office of the California Attorney General

18 PUBLIC SPEAKERS:

Reggie Mundekis

19 Anna Vrska

Mary

20 Theresa Sears

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1 Thursday, February 22, 2018

2 Costa Mesa, California

3 9:00 a.m.

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5
6 BOARD CHAIR BARBARA BAGNERIS: Good morning,
7 everybody. It's 9:00 o'clock. Welcome. All matters
8 noticed on this agenda in any category may be considered
9 for action as listed. Any item not so noticed may not
10 be considered. Items listed on this agenda may be
11 considered in any order at the discretion of the
12 chairperson.

13 The mission of OCFEC is celebration of Orange
14 County's communities, interests, agriculture, and
15 heritage, with results justifying resources expended.

16 And with that, we are going to have the
17 Pledge of Allegiance, and I'm going to ask Director
18 Cervantes if she would lead us.

19 (Pledge of Allegiance Conducted.)

20 BOARD CHAIR BARBARA BAGNERIS: Thank you.

21 May we have the roll call?

22 MS. SUMMER ANGUS: Chair Bagneris.

23 BOARD CHAIR BARBARA BAGNERIS: Here.

24 MS. SUMMER ANGUS: Vice Chair Ruiz?

25 Director Berardino?

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1 DIRECTOR NICK BERARDINO: Here.

2 MS. SUMMER ANGUS: Director Mouet?

3 Director Aitken.

4 Director Tkaczyk?

5 DIRECTOR STAN TKACZYK: Here.

6 MS. SUMMER ANGUS: Director La Belle?

7 DIRECTOR DOUGLAS LA BELLE: Here.

8 MS. SUMMER ANGUS: Director Cervantes?

9 DIRECTOR SANDRA CERVANTES: Here.

10 MS. SUMMER ANGUS: Director Pham?

11 BOARD CHAIR BARBARA BAGNERIS: Thank you,
12 everyone. Who's not here did notify us that they
13 couldn't be here today. Even at 5:00 o'clock this
14 morning, Director Mouet let us know he had a bad cold.
15 And we didn't want him here anyway. So they're all
16 excused today, and we'll be able to carry on with a
17 quorum.

18 We'll now have our CEO's Operational
19 Announcements and updates.

20 MS. KATHY KRAMER: Okay. Thank you.

21 Good morning.

22 BOARD CHAIR BARBARA BAGNERIS: Good morning.

23 DIRECTOR DOUGLAS LA BELLE: Good morning.

24 MS. KATHY KRAMER: Get everybody warmed up,
25 right, with this cold spell we're having.

1 Well, just in case you're wondering, we're 50
2 days away from Imaginology and 141 days before you can
3 enjoy your favorite fair food at the OC Fair. But who's
4 counting? With both of these events a few months away,
5 the entire team is focused on planning and getting ready
6 to host our two signature events.

7 With the low unemployment rate in Orange
8 County, and especially in the entertainment and
9 hospitality sectors, for the first time in many years we
10 anticipate possible challenges in recruiting staff for
11 this year's OC Fair.

12 We're getting a head start now, and we've
13 developed a robust outreach and hiring campaign that
14 includes partnering with high schools and colleges at
15 their job fairs, recruiting events, and aggressive
16 communication outreach.

17 So I'd ask all of you to be ambassadors. If
18 you know anyone looking for a summer job, please send
19 them our way. We'll take couch potatoes and all. So
20 send them our way.

21 I shared last month that we had finalized our
22 partnership with the Culinary Lab to provide culinary
23 education to the underserved high school students. I'm
24 excited to say next week we are welcoming our first
25 group of 20 high school students Wednesday,

1 February 28th.

2 We have students from Western High School and
3 Kennedy High School, and they're part of the Anaheim
4 High School District. They arrive around 9:00 a.m. that
5 morning. If you're available, we'd like to invite you
6 to join us as we welcome this new culinary program.

7 On Thursday, February 15th, we celebrated the
8 first anniversary of the opening of Heroes Hall. How
9 patriotic. We served a red, white, and blue birthday
10 cake, and over a hundred visited Heroes Hall. Guests
11 were given a commemorative coin and coffee mug and got
12 to enjoy the "Kimberly Millet's Operation Iraqi Freedom"
13 exhibit. Board Chair Bagneris and Board Member
14 Berardino shared comments with the public, and Director
15 Aitken was also in attendance.

16 We recently completed our midyear training
17 for nearly 100 Centennial Farm docents. This was an
18 opportunity for them to hear new information about the
19 farm and receive updates about the Junior Farm School
20 tours.

21 Our free community education and outreach
22 programs at Centennial Farm rely heavily on these
23 volunteer docents. And, amazingly, they represent over
24 8,000 hours of volunteer service each year, not only
25 throughout the year but at the OC Fair. That's a

1 significant contribution. We could really not do those
2 programs without the decent participation.

3 OC staff recently hosted their counterparts
4 in the marketing, communications, exhibits, and
5 entertainment from the San Diego County Fair, the
6 San Bernardino County Fair, and the Los Angeles County
7 Fair. They had a day -- a day of idea sharing and
8 problem-solving. This kind of team collaboration within
9 our industry is very valuable and serves to create a
10 network for brainstorming and exchange of ideas. The
11 team hopes to meet again later in San Diego.

12 And I personally want to thank Michele
13 Richards for taking the lead in organizing that.

14 I don't know. How many people did we have
15 close to?

16 MS. MICHELE RICHARDS: About 40.

17 MS. KATHY KRAMER: About 40. And there was a lot
18 of good outcome and collaboration. You know, we look at
19 it as we're not in direct competition, so the more we
20 can help each other. So thank you for taking the lead
21 on that.

22 I'd like to ask Adam Carleton, VP of Finance,
23 to present the 2017 year-end financials, as well as
24 January 2018.

25 Adam?

1 MR. ADAM CARLETON: Thank you, Kathy.

2 Thank you, Board.

3 And first I'd like to start by reminding
4 folks that there are detailed reports in the monthly
5 Board of Directors packet. And so now I'd like to give
6 you some highlights on our results from 2017.

7 So we'll start with 2017 year-end results.
8 Compared 2017 over 2016, the total revenue, total
9 expenses. 2017 revenue was 46.2 million. For 2016,
10 revenue was 44 million. So we're \$2 million ahead over
11 last year in revenue.

12 Expenses -- also had 39.5 million of total
13 expenses. Last year was 36.4 million. So we're
14 3 million over in expenses.

15 So the net proceeds for 2017 were 6.7 million
16 versus 7.6 last year, so \$960,000 less net proceeds in
17 total. Still a very good year.

18 And the next slide.

19 BOARD CHAIR BARBARA BAGNERIS: I have a question.

20 MR. ADAM CARLETON: Yes.

21 BOARD CHAIR BARBARA BAGNERIS: The expenses for
22 the year-over-year change, that was -- the driver for
23 that was?

24 MR. ADAM CARLETON: I'll mention a few of those,
25 yes.

1 BOARD CHAIR BARBARA BAGNERIS: Thank you.

2 MR. ADAM CARLETON: We have several categories of
3 expenses. And for that -- that's a very good question.

4 Now, that's year over year, and we expected
5 this year to be bigger than last year. We're putting
6 in, you know, more safety and security, magnetometers,
7 we're adding some additional Pac Amp shows, that type of
8 thing.

9 So when we look at the actual compared to the
10 budget, you know, how well did we plan, we see that we
11 had, you know, 46.2 million planned revenue versus a
12 budget of 45.9. So we beat the top line by 261,000 in
13 total revenue. And that revenue really was a stretch
14 because we had some open days in events.

15 On the expense side, 39.5 million of expenses
16 versus a budget of 41.1, so we were a million six better
17 than planned. And I'll speak to those in just a moment.

18 So the net proceeds again were 6.7 million
19 versus a budget of 4.8 million. So you might say we
20 beat our budget by 1.8 million. There are a number of
21 reasons for that.

22 So we look at our breakout of the total
23 revenue, so the biggest drivers -- total revenue
24 increased by 2.1 million to 46.2, and that was a four
25 and a half percent increase over 2016. And the largest

1 contributors to that were facility and other event
2 rentals, which is the renting of the equipment and also
3 the staff that goes with it. 587,000 more admissions.
4 We had a small increase for the weekend fair admission.
5 That helped. And then also concessions, and this was
6 during the fair and also year-round concessions. The
7 food, the drinks, all that were very popular.

8 Another large increase were in attraction
9 revenue, which is primarily the Pacific Amphitheater.
10 We had a couple more shows, I believe, before and after
11 fair.

12 And then we had one which was -- maybe
13 everyone has seen this, a little bit more interest
14 income. We've seen -- you may have seen interest rates
15 have gone from maybe a half percent. Last I looked,
16 they were one and a quarter percent that we invest with
17 the LAIF, the Local Area Investment Fund, through the
18 California State Treasurer. So we've enjoyed a little
19 bit more interest.

20 And then also of mention were grants. And
21 primarily when I looked into this, this was the
22 Centennial Farm Foundation. Through them they had
23 several grants that we were benefit of.

24 So now on to the expenses. So for 2017,
25 operating expenses increased by 3.4 million, and that

1 was nearly a 10 percent increase from 2016. And they
2 were very significant. So some of the largest areas of
3 that, we spent more on professional services, and a lot
4 of things go into that. Some of it was stage and
5 lighting for the additional Pac Amp shows. A good
6 amount of it was in security. In fact, the bulk of it
7 was security. We had a private security firm. We also
8 paid more for Orange County Sheriff's and Costa Mesa
9 Police last year. Security's on everyone's mind.

10 Also, one of the larger contributors was
11 payroll and related expenses. You know, the PERS, the
12 state pension. There's minimum wage increase. And we
13 also had filled more -- we had filled positions that had
14 been open in 2016.

15 Facility expenses. This is general
16 maintenance. Utilities went up, special repairs, things
17 like concrete and asphalt repairs. I believe we had a
18 water line break. So facility expenses went up.

19 Major acts. Spent a bit more on that. That
20 was basically the talent for the additional shows.
21 Supplies and equipment. This was interesting. We had a
22 lot of signage, about another 90,000 in signage. With a
23 three-year theme, we expect to be able to reduce some of
24 that. And then also publicity. That was on the
25 advertising and marketing expenses. So those were the

1 largest components.

2 And then with that, one of the largest pieces
3 is the labor, probably our biggest spend. And so we --
4 talking with the finance committee, and one of the
5 things that they look at is, you know, the ratio of
6 labor to sales. That's very important.

7 And hopefully you think as you sell more, the
8 labor wouldn't grow as fast. Well, what we're finding
9 is a combination of wage increases and taxes and such,
10 along with more additional year-round events. A
11 percentage of labor, the labor ratio went from
12 31 percent in 2016 to 32 percent in 2017. So one of our
13 initiatives this year is work more diligently on
14 scheduling and try to keep our labor costs down as much
15 as we can.

16 But, you know, you have more shows, you have
17 more labor, more parking, more security, more
18 janitorial, everything that goes with those year-round
19 events. So then with that, we look at our estimated
20 future labor costs. And when we look at this,
21 everyone's probably aware of the minimum wage increase,
22 and what we see is each year, it roughly goes up a
23 dollar a year.

24 And then -- so the first year, from 10.50 to
25 11. It only catches the bottom few folks that were at

1 the minimum. But each year as that rolls from 12, 13,
2 \$14, the incremental over 2016, it sweeps up another
3 band of workers. And so, you know, by the time you get
4 out to 2022 a few years from now, \$15 an hour, just that
5 minimum wage increase alone would cost the Center
6 approximately \$1.2 million. And that doesn't include
7 the other folks.

8 Say if you were at \$12 already and you were
9 the supervisor, you say, "Hey, I need to make a dollar
10 more than the minimum wage." So we're looking into that
11 and what other facilities are doing and ways to control
12 labor costs.

13 Okay. The next slide is our cash and
14 equivalent. A moment ago I mentioned the interest rates
15 going up. That's a very good problem to have. Primary
16 increases in our cash were from earnings last year.
17 And, again, we're investing that with the Local Area
18 Investment Fund of the State, and I think currently the
19 rate was 1.25 percent the last I looked.

20 Okay. The next slide, briefly. On
21 January 2018 we just started out the year just out of
22 the gate. For revenue, we did beat revenue over budget
23 by \$150,000, and then the expenses here. Inside of
24 that, there's some timing issues. The major projects
25 and special repairs, we don't exactly know when those

1 are going to happen. We have those budgeted throughout
2 the year. A lot of it hits in the beginning of the
3 year, so the budget for major expenses and major
4 projects. So it's not very indicative right now, but I
5 can say that the revenue targets look good, and the
6 expense targets. So we're starting 2018 in pretty good
7 shape.

8 And then, again, the last slide is cash and
9 equivalents. We're at \$42 million cash on hand, and I
10 think we'll have a favorable variance to interest income
11 this year if interest rates keep going up. And that
12 concludes my slides.

13 MS. KATHY KRAMER: Any questions or comments for
14 Adam?

15 BOARD CHAIR BARBARA BAGNERIS: I miss being on
16 the finance committee, but that is a very good report.

17 DIRECTOR DOUGLAS LA BELLE: Quick question if I
18 might, Madam Chair.

19 BOARD CHAIR BARBARA BAGNERIS: Yes.

20 DIRECTOR DOUGLAS LA BELLE: Are all of our funds
21 invested in LAIF, or are there other --

22 MR. ADAM CARLETON: We have a checking account
23 for current expenses we just mentioned there, and then
24 all of our additional funds, yes, all of it.

25 DIRECTOR DOUGLAS LA BELLE: Okay. Good. It's a

1 nice safe place to put your money.

2 MS. KATHY KRAMER: Okay.

3 BOARD CHAIR BARBARA BAGNERIS: Thank you.

4 MS. KATHY KRAMER: All right. Thank you, Adam.

5 At this time, I'd ask Ken Karns, VP of
6 Operations, to give an operational update.

7 MR. KEN KARNS: Thanks, Kathy.

8 Just a couple of quick things this month. I
9 want to speak of Maintenance Mania, which is a
10 California fair industry educational and training
11 program. And really I'm going to pause here and say
12 without Jerry Eldridge's leadership, the success of this
13 program would never happen. So this is all Jerry.

14 (Applause.)

15 MR. KEN KARNS: So just recently Maintenance
16 Mania was held, and a volunteer committee of our OC Fair
17 staff directors and some supervisors presented just an
18 exemplary curriculum consisting of classes on project
19 development, repairs, safety, active shooter, different
20 safety programs, how do you start a safety program,
21 things of that nature.

22 We also had CFSA train over 30 fair employees
23 on forklifts and equipment. Guest speakers from the
24 Deputy State Fire Marshal's office and fair executives
25 did a full seminar on responding to crisis.

1 So we had in attendance from Del Mar to
2 Eureka, and also four participants came in from Arizona
3 State Fair. So we've expanded a little bit beyond
4 California. So over 80 employees were trained, and
5 that's a real positive thing for -- for that part of the
6 industry.

7 So great leadership again, Jerry.

8 A little highlight on some entertainment as
9 we come into -- to Fair. In our Hangar, looking to sell
10 out or tracking to sell out, we have tributes to
11 Fleetwood Mac and Oingo Boingo. That's an American new
12 wave for those that don't know. May have to look that
13 up. We also have Firefall and Poco, and those were
14 American rock bands from the early '60s and '70s.

15 Going on sale this week, we have tributes to
16 George Michael and Queen, and they'll be strong. And we
17 have Foghat, yes, the real Foghat, which was an English
18 rock band from 1971. So the real Foghat will be here
19 this year.

20 All of these in the Pac Amp will track to
21 sell. We have a group Straight No Chaser, and that's an
22 a cappella group. These ten gentleman, go watch a
23 couple YouTube videos. Just fantastic.

24 Trevor Noah, who's a South African comedian,
25 he took over The Daily Show from Jon Stewart. Strong

1 sales. Again, Steve Martin and Martin Short, we're
2 pretty excited about that. That's definitely going to
3 sell out.

4 Country sensation Brett Eldredge is tracking
5 well. UB40, an English reggae pop band, and Steve
6 Miller, who's on his 50th anniversary tour, is here with
7 Peter Frampton, and that's going to be another great
8 strong show for us. So a little snippet into some of
9 our entertainment.

10 MS. KATHY KRAMER: Thank you, Ken.

11 And as we approach the next board meeting, I
12 know there's a few that are just on the cusp that
13 everyone will be equally excited about. So thank you.

14 At this time, I'd like to provide an update
15 on the status of the ticketing services RFP. On the
16 February Consent Calendar is a contract extension for
17 ticketing services with Ticketmaster through
18 November 30th, 2018. This is to ensure continuity in
19 the ability to sell tickets through the 2018 OC Fair.

20 Staff conducted an RFP in late December for
21 ticketing services. It was scored and an award was
22 announced. There was a protest to this award. And
23 during the protest period, staff had an opportunity to
24 reevaluate the RFP and identify the need to build out a
25 more robust scope of work, which would include emerging

1 technologies in the ticket industry to drive market
2 share and improve customer service.

3 In addition, we're in the process of
4 retaining a consulting firm that specializes in
5 ticketing services to help create the new ticketing
6 services RFP. We want -- that will help us adequately
7 reflect the future needs of the organization.

8 We anticipate having the RFP in the market
9 during the OC Fair so that bidders can see firsthand the
10 magnitude of our operations. I just wanted to provide
11 that update.

12 At this time, I'd like to ask Michele
13 Richards, VP of Business Development, to give us an
14 events update.

15 MS. MICHELE RICHARDS: There's a lot of talk
16 about Imaginology right around the corner, and the Fair
17 is steaming down the tracks. But we have a whole lot of
18 great events ahead -- ahead of all of that.

19 Coming up in March, in fact, Cirque du Soleil
20 continues. Premiered last night. For those of you that
21 were able to go, I think you'll probably agree with me
22 it was a fantastic show. Tickets are on sale. I would
23 really do yourself a favor and -- and go see the show.
24 It was truly unique. That will be February 21st through
25 March 18th. General admission starts at \$50 for that

1 show.

2 We're welcoming back Flying Miz Daisy where
3 their goal is to bring together the best vintage
4 exhibitors on the West Coast selling unique goods all
5 under one roof, and that is Saturday and Sunday,
6 March 2nd and 3rd.

7 Also that same weekend on Saturday,
8 March 3rd, we're holding another garden class at
9 Centennial Farm. This one is about citrus care and
10 pruning where participants can learn about growing and
11 caring for citrus trees that are grown here in beautiful
12 Southern California. The cost is \$5 for that class,
13 which covers the cost of materials and handouts.

14 We're also welcoming back on Thursday,
15 March 8th, the Apartment Association of Orange County.
16 They conduct their annual trade show here. It's their
17 47th annual show and conference. It will feature more
18 than a hundred booths with various products and services
19 for rental property owners, resident managers, Realtors,
20 and property management companies. It's a good example
21 of one of the industry trade shows that is hosted here
22 at OC Fair & Event Center.

23 Back to Centennial Farm. A food preservation
24 workshop for escabeche. This workshop is a hands-on
25 lesson about how to make escabeche. I hope I'm

1 pronouncing that correctly. It's a spicely pickled
2 vegetable mixture that is a mainstay in Latin cooking.
3 That will be held on Saturday, March 10th, at 9:30.
4 Cost is \$25, which includes materials and handouts.

5 Did I say that correctly, Sandra?

6 DIRECTOR SANDRA CERVANTES: You did.

7 MS. MICHELE RICHARDS: Okay. Thank you.

8 We're also welcoming back Musink, Southern
9 California's premier tattoo convention, car show, and
10 music festival presented by Travis Barker. There's a
11 lot of great music at Musink. That will be Friday
12 through Sunday, March 16 through 18. General admission
13 is 29.50.

14 Back to Centennial Farm again is a beautiful
15 floral design workshop on Saturday the 17th where
16 participants can learn the basics of floral design,
17 where our instructors will teach important floral
18 arrangement principles, and attendees will create their
19 own floral centerpiece to take home. Cost is \$35, which
20 covers the cost of materials.

21 We're welcoming back Crossroads of the West
22 Gun Show, a two-day gun and western Americana show that
23 will be held Saturday, March 24th, and Sunday,
24 March 25th. General admission is \$18.

25 And under new ownership, Orange County's

1 Largest Mixer we're welcoming back on Thursday,
2 March 29th. Join 2500 business professionals from
3 across Orange County for an evening of making new
4 business connections, generating leads, and renewing
5 past business relationships. And that event is in its
6 15th year here at the OC Fair & Event Center.

7 And then I think one of the most unique shows
8 I've seen in a while, we're welcoming for the first time
9 an event called Zedtown. Zedtown is a four-hour event
10 where Color Run meets Call of Duty. In this immersive
11 game of Survivors vs. Zombies -- yes, I said zombies --
12 hundreds of players, armed with only their foam
13 blasters, battle to make it to the final stand in a
14 post-apocalyptic-themed adventure.

15 Everyone starts as a survivor. Unique
16 characters give you quests. A call-in radio station
17 gives you tips, and a mobile app tracks your
18 achievements. Does that sound interesting or what?
19 Each player works with their squad to make it to the
20 final stand. When you're tagged by a zombie, you become
21 a zombie too.

22 That's going to be Saturday, March 31st, two
23 events, one at 10:00 a.m. and one at 5:00 p.m. The cost
24 is \$40. I encourage you to go onto the Zedtown website
25 and take a look at it. We'll have to warn the neighbors

1 that there might be zombies wandering the neighborhood
2 after the event. But it sounds like great fun, really
3 good, clean team fun.

4 A reminder that Centennial Farm is open
5 Monday through Friday, 1:00 to 4:00, and Saturdays and
6 Sundays, 9:00 to 4:00. Heroes Hall, with new hours,
7 open to the public Wednesday through Sunday, 11:00 to
8 5:00.

9 And then, of course, the Orange County
10 Marketplace, Saturdays and Sundays from 7:00 to 4:00,
11 and our beautiful Farmers Market every Thursday from
12 9:00 to 1:00 in front of the Pacific Amphitheater box
13 office.

14 I'm happy to take any questions.

15 BOARD CHAIR BARBARA BAGNERIS: Yes.

16 DIRECTOR NICK BERARDINO: Madam Chair?

17 Well, I'll just speak for myself. My phone
18 has been blowing up about the gun show. Obvious
19 reasons. I mean -- so I -- so I have promised people
20 that I would -- if it came up in today's report, that I
21 would, you know, at least bring it up for a discussion.

22 And I did a little bit of research. And what
23 I found was that, one, for me personally, I haven't
24 picked up a gun since I left the war. And you were at
25 our Heroes Hall meeting where the three Vietnam Vets

1 that were there all said that all three of us had never
2 picked up a gun since we left it. I think people talk
3 about guns. They have -- unless you've -- I mean --

4 BOARD CHAIR BARBARA BAGNERIS: May I stop you
5 just for a minute, Director Berardino?

6 DIRECTOR NICK BERARDINO: I --

7 BOARD CHAIR BARBARA BAGNERIS: Just for a minute.

8 DIRECTOR NICK BERARDINO: I prefer you not, but
9 go ahead.

10 BOARD CHAIR BARBARA BAGNERIS: Just for a minute.

11 So I know this is not an agendized topic at
12 this time. So are we okay to have that discussion right
13 now?

14 MR. JOSH CAPLAN: I think the question -- was the
15 gun show one of the events that --

16 MS. MICHELE RICHARDS: Yes.

17 DIRECTOR NICK BERARDINO: Yes.

18 MR. JOSH CAPLAN: If there's questions generally
19 about the details that Michele spoke about, the date of
20 the event, the time of the event, but I don't think it
21 would be appropriate for this board to have a policy
22 discussion about gun shows.

23 DIRECTOR NICK BERARDINO: I'm not having a policy
24 discussion.

25 BOARD CHAIR BARBARA BAGNERIS: Okay. That was

1 all -- because, if not, I want to make sure we get that
2 agendized.

3 DIRECTOR NICK BERARDINO: It's not about policy.
4 It's about the event.

5 BOARD CHAIR BARBARA BAGNERIS: Okay.

6 DIRECTOR NICK BERARDINO: But I want to preface
7 and then I think as a public official we shouldn't be
8 tied to prefacing our remarks in relation to what our
9 thinking is about any event that comes here that's
10 brought up on the calendar. I mean I think if it's
11 agendized and it's spoken about, we should have the
12 opportunity to discuss it.

13 MR. JOSH CAPLAN: I agree, Director Berardino. I
14 just want to make sure the members of the public who
15 want to be part of the discussion on gun shows, they see
16 it on the agenda so they can also be here also to speak
17 during the public comment portion.

18 Certainly, directors can speak to events that
19 are coming up and concerns they have regarding those
20 events that are reported on. But, again, if this turns
21 into a discussion about whether the District should
22 create some sort of policy moving forward with respect
23 to additional gun shows, that would need to be agendize.

24 DIRECTOR NICK BERARDINO: Oh, no. All right.
25 That, I understand.

1 BOARD CHAIR BARBARA BAGNERIS: However, Director
2 Berardino, I would like to see that at some point. So
3 I'm letting you know I just wanted to make sure that we
4 were okay for the public notice -- getting notice.

5 DIRECTOR NICK BERARDINO: Okay. So -- so I did
6 some research. And this gun show that's going -- and
7 I'll try to couch it in terms that's specific to the gun
8 show here.

9 Number one, as I understand it, all the --
10 the gun show here has to follow the California --
11 California rules that we have in California. Two -- and
12 so that's accurate -- correct? -- for the show, for the
13 event?

14 MS. MICHELE RICHARDS: Correct.

15 DIRECTOR NICK BERARDINO: I think that the -- the
16 California rules do not allow the sale of automatic
17 weapons in California, and they do not allow bullet --
18 bullet -- you know, I mean what happened was they were
19 selling AR-15s. The law says that you cannot sell
20 anything with a detachable magazine.

21 So they were putting in these magazines that
22 weren't detachable unless you had a bullet to push a
23 button and then released it. So those are no longer
24 allowed to be sold in California.

25 And no magazines over 10 rounds are allowed

1 to be sold in California. And California really, with
2 the exception of Massachusetts, has probably the gold
3 standard in terms of what can be sold. And in this
4 state, you cannot -- in the state of California, you
5 have to be a licensed dealer. You can't go to a gun
6 show and buy a gun from, you know, Joe Schmuckatella.
7 You know, I mean you have to be a licensed dealer.

8 And so the reason why I wanted to bring up
9 that in terms of this event is that I do think we are
10 having an event, I do think the public should know
11 that -- what the California standards are, that those
12 standards are very, very strict, and I would want to
13 understand something about this event.

14 Knowing that those standards are strict and,
15 you know, I think they are also standards that other
16 people in the country are trying to adopt, although the
17 Supreme Court I understand is involved because
18 California's the only -- one of the only states that
19 doesn't allow for Second Amendment. It's not in our
20 Constitution.

21 How do we monitor that at this event that all
22 of those standards are being enforced? I mean what do
23 we do to ensure that we're not doing bump stuff, we're
24 not doing bullet buttons, that the people that are
25 selling all have licenses; that, you know, everybody's

1 following the rules.

2 MS. MICHELE RICHARDS: I think I'd like to turn
3 that over to Nick Buffa, our Director of Safety and
4 Security, to speak to that. He's heavily involved in
5 that aspect of the event.

6 DIRECTOR NICK BERARDINO: Okay.

7 MR. NICK BUFFA: Most of the regulations are --

8 DIRECTOR NICK BERARDINO: Can you come to the mic
9 rack?

10 MR. NICK BUFFA: Sure.

11 DIRECTOR NICK BERARDINO: I can't hear you well.

12 MR. NICK BUFFA: Most of the regulation for
13 sales, transfers of legal products is regulated by the
14 California State Department of Justice Bureau of
15 Firearms. They handle all the transfers. Like you
16 said, if it's a private individual, you have to go
17 through a federal firearms licensee dealer. But they're
18 the ones who regulate all of that for us. They're on
19 site during every gun show. Especially because it's on
20 a state property, they have a specific interest in it as
21 well.

22 DIRECTOR NICK BERARDINO: Okay. And --

23 BOARD CHAIR BARBARA BAGNERIS: So do we ever have
24 any -- have we had any problems in that area?

25 MR. NICK BUFFA: Sure. Sure. There's problems

1 from time to time. And we generally have about ten of
2 their people here each day, and they make arrests once
3 in a while for illegal sales. But they're in the
4 parking lots. They're in the shows. They're the layer
5 of protection that's out there that's nonuniformed.
6 Yeah.

7 BOARD CHAIR BARBARA BAGNERIS: Okay.

8 DIRECTOR NICK BERARDINO: Is there -- so we've
9 had the discussion about the event. My sense, I mean at
10 least hearing from the public, is there's a concern
11 about that. I think when we explain -- at least I have
12 been explaining to people on the phone that our event
13 is -- this is -- you know, these are the rules, and
14 people are very familiar with now the rules. As people
15 are looking for, you know, getting the gun situation
16 under control, they feel very -- a lot more comfortable.

17 You know, oh, I see. You know, California
18 has those kinds of things. And I also think it's the
19 DOJ and the California Highway Patrol responsible for
20 gun shows at -- on state property, I think, at least
21 that's what I've researched, and said that that's --
22 they're the two -- and I understand the Highway Patrol
23 sends in -- in my research, they send in undercover
24 people to these events.

25 And so people are more comfortable when they

1 hear all that because I think people assume this event
2 is going to be one of these kind of -- what I consider
3 to be wacko events you might run into in Arizona or
4 Nevada or somewhere where it's a -- you know, anybody
5 can go in and buy a gun.

6 That's not the case here. And I don't know
7 if it matters in terms of publicizing the event. Maybe
8 it doesn't. But to make sure that people know that the
9 gun show here is strictly supervised by the Department
10 of Justice and that it follows all the California rules
11 and regulations regarding the sales and purchase of
12 guns.

13 MS. MICHELE RICHARDS: I know the promoter has
14 added that language in their radio ads as they promote
15 the event about adherence to strict California gun laws.

16 DIRECTOR NICK BERARDINO: Does it then make sense
17 for this event for us to have big signs out, you know,
18 there saying this is an event that is -- you know, that
19 we sanction, but, you know, it strictly follows this
20 criteria and that at -- if anybody is in attendance of
21 the event and they notice that that criteria -- and
22 there's some -- there's a list; I think there's, like,
23 seven or eight that -- there's a list, a summary, that
24 anybody notices any violation of this should immediately
25 seek out a member of the security team and report it so

1 that we can be proactive -- and I'm not talking about
2 one sign or I'm not talking about a small "No Smoking"
3 sign that gets us into trouble. I'm talking about big
4 signs and lots of them.

5 Is that -- now, what am I in trouble for on
6 that?

7 MR. JOSH CAPLAN: You're not in trouble, Director
8 Berardino.

9 DIRECTOR NICK BERARDINO: Okay. Well, that's new
10 for me.

11 MR. JOSH CAPLAN: You're a board member making
12 suggestions how to improve security measures on the
13 property.

14 DIRECTOR NICK BERARDINO: I'm happy I'm not in
15 trouble. A rarity, but --

16 So I would like them to -- I can make the
17 suggestion to the CEO, I guess is the appropriate way.

18 Madam CEO, what I'd like to see is a summary
19 of the basic -- and California has a summary of what the
20 requirements are -- and that we have big signs. And I
21 know this will increase the cost of the event and -- but
22 who cares? And lots of them all over the place.
23 Everywhere you walk. You turn down an aisle, there's
24 another sign. You turn down --

25 Now, the promoter may not like it. But if he

1 doesn't, then he can find another place to do his gun
2 shows. But, like, the signs just everywhere. And if
3 it -- if it has a wet blanket dampening effect, then all
4 the better. But a lot of signs, big ones, all over the
5 place.

6 MS. KATHY KRAMER: Absolutely, Chair Berardino.
7 We can get a plan in place. I've got some other ideas
8 as you were -- I'm sorry. I called you "Chair."

9 DIRECTOR NICK BERARDINO: Yeah.

10 MS. KATHY KRAMER: Director Berardino. We
11 will --

12 Sorry about that.

13 BOARD CHAIR BARBARA BAGNERIS: That's okay.

14 MS. KATHY KRAMER: I was making notes as you were
15 talking, and we will absolutely do -- I've got some
16 ideas as well. I'm sure our communications folks will
17 get some of these initiatives in place for the March
18 show and bring a report back at the March Board Meeting
19 and set those standards and meet with them.

20 I have no doubt that this promoter, from when
21 I've dealt with him, and I know staff as well, that he's
22 very cooperative and would be -- would certainly be
23 willing to work on this. So we'll -- we'll make it
24 happen for this gun show.

25 DIRECTOR NICK BERARDINO: Yeah. I think people

1 would just be more comfortable --

2 MS. KATHY KRAMER: Yeah. Yeah.

3 DIRECTOR NICK BERARDINO: -- once they see, hey,
4 here in California, much to the unhappiness of the NRA,
5 this is a very different place regarding guns than most
6 of the rest of the country.

7 BOARD CHAIR BARBARA BAGNERIS: Thank you,
8 Director Berardino. I appreciate it. And this will
9 probably come up again.

10 DIRECTOR NICK BERARDINO: Okay.

11 MS. MICHELE RICHARDS: Any other questions? All
12 right.

13 BOARD CHAIR BARBARA BAGNERIS: Thank you.

14 MS. KATHY KRAMER: Thank you, Michele.

15 And that concludes my report.

16 BOARD CHAIR BARBARA BAGNERIS: All right. We're
17 going to move into our Matters of Public Comment.
18 Public comment is allowed on issues not on the current
19 agenda. However, no debate by the Board shall be
20 permitted on such public comments and no action will be
21 take on such public comment items at this time as law
22 requires formal public notice prior to any action on a
23 docket item. Speakers are requested to sign in prior to
24 the start of the meeting and are limited to three
25 minutes.

1 Comments will be accepted on agenda items
2 during the meeting. Speakers wishing to address the
3 Board on items on the agenda are requested to sign in
4 prior to the start of the meeting and identify the
5 agenda items on which you desire to address the Board.
6 Speakers are limited to three minutes.

7 And as you see, we -- everyone complies with
8 that. So we do have some public comment speakers at
9 this time.

10 Reggie Mundekis.

11 MS. REGGIE MUNDEKIS: Good morning, and thank you
12 for this opportunity to address you this morning.

13 Interesting that the issue of the gun show
14 came up yet again. There is several of us in the
15 community who have raised issues of different --
16 different kinds regarding the gun show because we have
17 some very good friends who are gun enthusiasts and some
18 people who totally abhor guns.

19 So we attended one of the recent gun shows
20 and will share our notes with you as far as what we
21 observed and what can be done better. There's some
22 issues there regarding what you saw and some other
23 things that we observed that could use some -- some --
24 you know, take a look at and figure what we can do
25 better.

1 I -- when we talk about -- switching
2 subjects, when we talk about what the workers get paid
3 during the fair, the hourly scale, I just want to -- my
4 memory is that we had agreed upon a higher wage scale
5 than minimum wage for these folks. So I'm confused when
6 all the finance discussions reference minimum wage
7 because I thought we were paying more than that. So we
8 just want to check that.

9 And the last thing is that the contract with
10 Tandem for event bookings, sponsorships, base sales, and
11 mobile marketing tours is coming up for bid in
12 November -- it ends in November and has to go out to
13 bid.

14 I would like to ask the Board to consider
15 bringing back event-booking jobs in-house. Because
16 since we have pushed event-booking jobs outside, we've
17 outsourced those jobs, there's started to become --
18 we've started having problems.

19 If you want to have an outside firm sell
20 sponsorships, mobile marketing tours --
21 (indiscernible) -- ticket sales, that's one thing. But
22 there's been issues specifically raised about the events
23 booked by this group.

24 So please consider bringing those jobs back
25 in-house. Plus, they would be good-paying jobs with

1 benefits, and they could help support the families of
2 Orange County. Thank you.

3 BOARD CHAIR BARBARA BAGNERIS: Anna V.

4 MS. ANNA VRSKA: Hi. Good morning. The mission
5 of the OCFEC, as stated, is celebration of Orange
6 County's communities, interests, agriculture, and
7 heritage, with results justifying resources expended.

8 With that mission as such, the focus on
9 everything this Board and the Fair does should be on
10 community, building community, and those bottom lines,
11 not necessarily financial bottom lines, although I'm not
12 opposed to dual bottom lines. I love those. So not
13 overcommercialization and overutilization, which I
14 believe has been the current focus with everything that
15 we're seeing.

16 Two, focus should be on conducting the
17 people's business with integrity, transparency, and free
18 of conflicts of interest.

19 And, three, meetings should be at a more
20 accessible time for the general public so there can be
21 increased community participation.

22 Thank you.

23 BOARD CHAIR BARBARA BAGNERIS: Mary.

24 MARY: Good morning. I have to agree with the
25 last speaker as far as having this more accessible to

1 the community, and not only Costa Mesa but the entire
2 county. A 9:00 a.m. meeting on a Thursday morning, the
3 majority of people, if they're working or they have
4 children, it's just not convenient.

5 So I would think that it would be fair that,
6 say, three or four times a year that you make these
7 meetings available. And if you can't do that, then I
8 think you should think about filming these meetings so
9 that people that, in fact, want to listen can go online
10 like we do at our city council and pick up these
11 meetings and have the information available to them
12 whenever they need.

13 And in regards to Director Berardino's -- the
14 gun show, I'm a retired police officer for 25 years, so
15 I've handled a lot of weapons. And I can tell you from
16 these gun shows that, although they don't sell AK-15s
17 and above, they sell the frames for them, they sell
18 parts for them. And if you get at the right gun show at
19 the right time, you can actually make a AK-15. And what
20 you have is you have a ghost mass killer weapon.

21 So I would -- parts, not the weapon itself.
22 Parts I don't believe are banned, but you might ask your
23 vendor if he sells any type of parts to those. Because
24 it's very common in the gun shows to have parts. And
25 then you've got this ghost gun that is not registered

1 and has no traceability within the -- within the area.

2 And then I also noticed on the Cirque du
3 Soleil -- we had talked about this before. When these
4 events come to town and they sell tickets, I'm assuming
5 that they need to have business licenses and that
6 whatever, part and parcel, that there's some type of
7 income that's generated for the city from these
8 activities from a business license or sales, because
9 they have shirts and hats and all sorts of things that
10 are being taxed.

11 And I'm wondering, are we following up that
12 every one of these events does have a business license?
13 And how much income at the end of the year is coming to
14 the city regarding the -- the sales from these? We're
15 getting our streets and services utilized. I think we
16 should at least have some reimbursement behind some of
17 the taxes that I think are legally due.

18 Thank you.

19 BOARD CHAIR BARBARA BAGNERIS: Okay. We'll now
20 go to the minutes.

21 Chair will accept a motion.

22 DIRECTOR SANDRA CERVANTES: I so move.

23 DIRECTOR DOUGLAS LA BELLE: Second.

24 BOARD CHAIR BARBARA BAGNERIS: Moved and second.

25 Any discussion?

1 Okay. Roll call.

2 MS. SUMMER ANGUS: Chair Bagneris?

3 BOARD CHAIR BARBARA BAGNERIS: Yes.

4 MS. SUMMER ANGUS: Director Berardino?

5 DIRECTOR NICK BERARDINO: Yes.

6 MS. SUMMER ANGUS: Director Tkaczyk?

7 DIRECTOR STAN TKACZYK: Yes.

8 MS. SUMMER ANGUS: Director La Belle?

9 DIRECTOR DOUGLAS LA BELLE: Yes.

10 MS. SUMMER ANGUS: And Director Cervantes?

11 DIRECTOR SANDRA CERVANTES: Yes.

12 BOARD CHAIR BARBARA BAGNERIS: Thank you.

13 Moving now to the Consent Calendar. All
14 matters listed on the Consent Calendar are operational
15 matters about which the Board has governing policies,
16 implementation of which is delegated to the CEO.

17 They will be enacted in one motion. There
18 will be no discussion of these items prior to the time
19 the Board of Directors votes on the motion unless
20 members of the Board, staff, or public request specific
21 items to be discussed separately and/or removed from
22 this section.

23 Any member of the public who wishes to
24 discuss Consent Calendar items should notify the Chair
25 of the Board at the time requested and be recognized by

1 invitation of the Chair to address the Board.

2 And I just want to make a comment. I read
3 all of those because they help me too to make sure I
4 stay on task. And for anybody new that's never attended
5 our Board Meeting, then you know what the rules of
6 operation are for this Board.

7 So with that, we do have public comment from
8 Anna V.

9 MS. ANNA VRSKA: I'd like to address Consent
10 Calendar 8B, the contract that's SA-25-13CT. It's the
11 Ticketmaster extension of the contract. In light of
12 Ms. Kramer's comments regarding an update on the
13 situation, I would just like to express some concerns
14 about how business is being conducted, meaning if the
15 needs need to be assessed and the bid needs to be put
16 out. I think all those things need to be done ahead of
17 time before the -- the bid process is released.

18 From documents I've examined, it is my
19 understanding that there was a first call for RFPs to
20 which there was only one company responsive in addition
21 to Ticketmaster. Subsequently, there was a second RFP
22 process which resulted in multiple application, and
23 Ticketmaster was chosen over Paciolan even though per
24 ticket revenue for Ticketmaster was 80 cents per ticket
25 while revenue for Paciolan was several times that.

1 So Paciolan initiated a bid protest which was
2 to find out why they weren't chosen, which was scheduled
3 for an administrative hearing from which the 32nd DAA
4 withdrew and subsequently decided to just amend the
5 Ticketmaster contract, you know, extending it for
6 basically a year.

7 So I guess my question would be why that
8 wasn't just done up front. Why go through the whole
9 process to have a flawed process and then decide, well,
10 you know, we're going to just extend the contract.

11 It feels wasteful to me. Maybe there's
12 something I don't really understand in here. But it
13 just feels to me like something could be done much
14 better and also that the process could be more
15 transparent to the community in general. Because it is
16 the people's business, and it concerns the community at
17 large. Thank you.

18 BOARD CHAIR BARBARA BAGNERIS: Very good. If --
19 if Board Members don't have anything to pull --

20 DIRECTOR DOUGLAS LA BELLE: I have two items to
21 pull.

22 MS. REGGIE MUNDEKIS: I put a card on this.

23 BOARD CHAIR BARBARA BAGNERIS: I'm sorry. I'm
24 sorry.

25 MS. REGGIE MUNDEKIS: On the Ticketmaster item.

1 BOARD CHAIR BARBARA BAGNERIS: Yes, you did. I'm
2 sorry.

3 MS. REGGIE MUNDEKIS: That's fine. I have
4 horrible handwriting too. Doctors have asked me how
5 long I was in medical school.

6 Regarding the Ticketmaster contract, I
7 request that it be continued because nobody can produce
8 a copy of the underlying contract. On January 22nd,
9 2018, I submitted a request under the California Public
10 Records Act for the documents relating to the evaluation
11 of award protest and retraction of the proposed contract
12 award and RFP of CT-06-17 and a copy of the current
13 Ticketmaster contract.

14 I was told that the documents may have been
15 destroyed, that the person answering my letter had no
16 idea what I was asking for, and that the documents may
17 be in the control of another agency or been sent
18 somewhere, and they -- but they couldn't tell me where
19 they sent them to.

20 It was just a long list of boilerplate legal
21 puke, and nobody could produce a copy of the contract.
22 So I -- I am really uncomfortable with a public agency
23 putting on the fourth amendment to a contract that
24 nobody knows what the contract is.

25 So I request that you continue this until

1 somebody can come up with a copy of the contract. Thank
2 you.

3 BOARD CHAIR BARBARA BAGNERIS: You were going to
4 pull, Director La Belle?

5 DIRECTOR DOUGLAS LA BELLE: Yes. I'd like to
6 pull SA-107-18SP and SA-031-18AS.

7 BOARD CHAIR BARBARA BAGNERIS: Are they standard
8 agreements?

9 DIRECTOR DOUGLAS LA BELLE: Pardon me?

10 BOARD CHAIR BARBARA BAGNERIS: Which ones -- are
11 they standard agreements?

12 DIRECTOR DOUGLAS LA BELLE: One is under
13 sponsorship and one is under an agreement.

14 BOARD CHAIR BARBARA BAGNERIS: I'm trying to find
15 it on my list. Is it under the standard agreements that
16 you're pulling --

17 DIRECTOR DOUGLAS LA BELLE: Well, one that's --

18 BOARD CHAIR BARBARA BAGNERIS: -- or under
19 regular amendments or the rental agreements?

20 DIRECTOR DOUGLAS LA BELLE: No, it's not rental
21 agreements. So it would be standard agreements, and it
22 would be sponsorship agreement.

23 BOARD CHAIR BARBARA BAGNERIS: Okay. Can you say
24 the two again, please?

25 DIRECTOR DOUGLAS LA BELLE: Yes. SA-107-18SP and

1 SA-031-18AS.

2 DIRECTOR NICK BERARDINO: Are you pulling those
3 for --

4 BOARD CHAIR BARBARA BAGNERIS: Yeah. He's
5 pulling them because we're not going to -- I'm going to
6 take A through F in their entirety at one time, and
7 we're going to pull the ones that the Board are asking
8 us to pull at this time. Because I'm having trouble
9 finding them, so somebody help me when I get ready to
10 come back.

11 DIRECTOR DOUGLAS LA BELLE: One is the Verizon
12 sponsorship agreement, and the other one is an agreement
13 with Johnson Gray Advertising, Inc.

14 MS. MICHELE RICHARDS: The Verizon is SA-007- --

15 DIRECTOR DOUGLAS LA BELLE: Oh, I'm sorry. My
16 apologies.

17 BOARD CHAIR BARBARA BAGNERIS: SA-007.

18 And the Johnson Gray?

19 DIRECTOR DOUGLAS LA BELLE: Did I have the right
20 number on that?

21 MS. MICHELE RICHARDS: Yes. That's SA-031-18AS.

22 BOARD CHAIR BARBARA BAGNERIS: A as in apple, S
23 as in Sam?

24 MS. MICHELE RICHARDS: Correct. It's about
25 two-thirds of the way down the --

1 DIRECTOR DOUGLAS LA BELLE: Can't read my own
2 writing. Sorry about that.

3 BOARD CHAIR BARBARA BAGNERIS: We have those two.
4 Any other that we need to pull?

5 With that, the Chair's going to accept a
6 motion to accept the Consent Calendar for A through F,
7 with the exception of SA-007 and SA-031-18AS.

8 DIRECTOR SANDRA CERVANTES: So moved.

9 BOARD CHAIR BARBARA BAGNERIS: It's been moved.
10 Is there a second?

11 DIRECTOR DOUGLAS LA BELLE: Question. Is there
12 any discussion that the Board has on the --

13 BOARD CHAIR BARBARA BAGNERIS: Well, after I get
14 a second, I'll ask for a discussion.

15 DIRECTOR DOUGLAS LA BELLE: Got it.

16 BOARD CHAIR BARBARA BAGNERIS: Because if we
17 don't get a second --

18 DIRECTOR DOUGLAS LA BELLE: I'll second.

19 BOARD CHAIR BARBARA BAGNERIS: Okay. We have a
20 second. So is there discussion?

21 Yes, Director Berardino.

22 DIRECTOR NICK BERARDINO: I want to discuss
23 SA-25-13CT, which is the Ticketmaster contract. So --

24 BOARD CHAIR BARBARA BAGNERIS: Wait just a
25 minute. So that was -- that's a separate one than what

1 we just pulled.

2 DIRECTOR NICK BERARDINO: Right. But we're
3 having discussion on the entire Consent Calendar.

4 MR. JOSH CAPLAN: Yeah, you can discuss --

5 BOARD CHAIR BARBARA BAGNERIS: On the entire --
6 okay. So even though we don't pull it, we can still
7 have discussion on it.

8 MR. JOSH CAPLAN: Sure. You can have discussion
9 on any of the contract.

10 BOARD CHAIR BARBARA BAGNERIS: Okay. Go ahead,
11 Director Berardino.

12 DIRECTOR NICK BERARDINO: Okay. I feel like I'm
13 getting tied up over here.

14 BOARD CHAIR BARBARA BAGNERIS: I don't have my
15 noose on you today.

16 DIRECTOR NICK BERARDINO: First of all, the
17 Ticketmaster thing, as I understand it, is a
18 long-term -- was a long-term contract that we had with
19 Ticketmaster a number of years.

20 My feeling is -- I mean long-term contracts
21 are -- in the public sector are dangerous. Anyone that
22 doesn't think so I invite to do their own research.
23 There is -- and if anybody would like to, they can come
24 to my office, and I will give you a notebook that's
25 really that thick, that big, discussing why long-term

1 contracts are extraordinarily dangerous in the public
2 sector. Then Stan and I can go have coffee together,
3 and we'll argue forever on that, which is healthy.

4 I -- I really compliment -- and so I think
5 the public should know that it's my understanding
6 that -- first of all, that this contract was pulled
7 because there was a need and an interest for a second
8 look, you know, to look at this long-term relationship.

9 And I applaud whoever decided to stop it and
10 say let's start taking a look at these long-term
11 contracts. So I don't know who did it, if it was Josh
12 or -- probably not -- but -- I'm going to give him a
13 little bit of credit on the stuff.

14 But whoever's decided to do that, very smart,
15 particularly in light of, you know, what I just heard.
16 I did not hear that there was such a discrepancy in
17 terms of what was coming back. I would love that every
18 long-term contract for people -- and I'm not talking
19 about tenant contracts because that's the opposite.
20 Tenant contracts, the longer term the better. But these
21 service contracts.

22 So it seemed to me that this was pulled --
23 and the reason why we have them for another year is the
24 timing. Because we have to put on a fair and we got to
25 put on, you know -- you know, whatever that we have to

1 do.

2 So I appreciate the public pulling this very
3 much. I appreciate their observations. I also
4 appreciate the fact that they're in line with looking at
5 long-term contracts.

6 So whoever did it, whoever pulled it, I don't
7 know who -- on the contract staff to go and redo this
8 again, please pass on my congratulations for it. And
9 I -- and I too will be anxious to see when are we going
10 to bid -- we'll bid it out after the fair?

11 MS. KATHY KRAMER: We'll have it on the streets
12 during the fair so they have a chance to come and see us
13 in operations and make that transition post -- post-fair
14 if there's a change in services.

15 DIRECTOR NICK BERARDINO: So I will be supporting
16 this as part of my vote in terms of adopting this with
17 the understanding that it's only for one year and that
18 we are going to go out for bid again.

19 BOARD CHAIR BARBARA BAGNERIS: And, Director
20 Berardino, the reason I -- I thought you were trying to
21 pull it after we already pulled the other. That's the
22 only reason I said it.

23 But you were saying pull from the perspective
24 of we're going to rebid this. So I agree with you
25 wholeheartedly.

1 DIRECTOR NICK BERARDINO: Thank you.

2 BOARD CHAIR BARBARA BAGNERIS: Any more
3 discussion on the motion to accept A through F on the
4 Consent Calendar, with the exception of the two that we
5 pulled? If not, we'll call for roll call vote.

6 MS. SUMMER ANGUS: Chair Bagneris?

7 BOARD CHAIR BARBARA BAGNERIS: Yes.

8 MS. SUMMER ANGUS: Director Berardino?

9 DIRECTOR NICK BERARDINO: Yes.

10 MS. SUMMER ANGUS: Director Tkaczyk?

11 DIRECTOR STAN TKACZYK: Yes.

12 MS. SUMMER ANGUS: Director La Belle?

13 DIRECTOR DOUGLAS LA BELLE: Yes.

14 MS. SUMMER ANGUS: And Director Cervantes?

15 DIRECTOR SANDRA CERVANTES: Yes.

16 BOARD CHAIR BARBARA BAGNERIS: Thank you very
17 much.

18 Now, we'll discuss -- we'll start with
19 SA-007, the Verizon contract.

20 Director La Belle?

21 DIRECTOR DOUGLAS LA BELLE: This is really,
22 really simple. It's my usual --

23 BOARD CHAIR BARBARA BAGNERIS: Oh.

24 DIRECTOR DOUGLAS LA BELLE: It's a \$23,000
25 sponsorship contract with Verizon. My wife and I own 64

1 shares of Verizon stock valued at today's market at
2 about \$3,200. Given the fact that there are 4.1 billion
3 shares of Verizon outstanding, I'm sure I have no
4 economic impact as a result of that. So that was my
5 comment on that.

6 The second one, the Johnson Gray Advertising,
7 it's I believe 139,000, something like that. I just
8 wanted to have that pulled so staff could kind of brief
9 us on exactly what that contract entails and why we're
10 doing what we're doing.

11 MS. MICHELE RICHARDS: Sure. That's actually a
12 six-month temporary emergency contract with Johnson Gray
13 Advertising. Our RFPs for advertising services have
14 always been very complex. It takes a long time for
15 bidders to put proposals together to do presentations
16 for them to tour the fair while it's going on. And so
17 we take a lot of lead time in putting that RFP out. The
18 incumbent agency, Sensis, their contract expired with us
19 at the end of December on 12/31.

20 So we actually started the RFP process in
21 June. We wanted to give ourselves plenty of time.
22 There were four bidders that made it to the -- the final
23 round. The final scoring was done in September, and the
24 contract was awarded to Johnson Gray Advertising here in
25 Orange County.

1 The incumbent agency filed a protest, which
2 is not unusual in a very competitive category like
3 advertising services. That protest was based on three
4 points. The Department of General Services reviews all
5 of that protest.

6 Unfortunately, it took them until December to
7 render their decision. They rejected two of the points
8 of protest, but they -- they did feel that the third
9 point, which involved instructions on how to submit the
10 financial bid, that that needed clarification.

11 And so our next step was to reissue the RFP.
12 But because it was the beginning of December and the
13 current contract ended at the end of December, we had no
14 time at all to reissue the RFP. So we were advised by
15 the attorneys at DGS to enter into a temporary emergency
16 contract up to six months. That gives us time to
17 reissue the RFP, redo the presentations, evaluate
18 proposals. So the new RFP is going out within a week or
19 so. But in the meantime, we have a contract in place to
20 work with the apparent winning bidder of the first
21 process to allow us those services as we're gearing up
22 for Imaginology and the fair.

23 MS. KATHY KRAMER: Michele, I want -- I didn't
24 hear one thing. You had said of all of the bidders,
25 that the one agency was the only agency. The other

1 agencies that submitted were able to follow that
2 instruction and submit the financial pieces
3 appropriately; correct?

4 MS. MICHELE RICHARDS: That's correct.

5 MS. KATHY KRAMER: So the one that protested
6 or -- yeah. I just want that clarification. Everyone
7 else was able to follow that direction except for --

8 MS. MICHELE RICHARDS: Correct. Correct. They
9 did not -- yeah. So --

10 DIRECTOR NICK BERARDINO: Madam Chair?

11 BOARD CHAIR BARBARA BAGNERIS: Just a minute.

12 Director La Belle, were you --

13 DIRECTOR DOUGLAS LA BELLE: Just one question.

14 What is -- generally what's the scope of work?

15 MS. MICHELE RICHARDS: Our advertising agency
16 does all of our media placement for our ads throughout
17 the year, for Imaginology, for Heroes Hall, Centennial
18 Farm, for the fair.

19 They produce the television commercial and
20 the radio spot for the fair, they assist us with market
21 promotions for ticket sales for the fair, and then also
22 they collaborate with our Creative Services team to
23 develop creative direction for the fair each year.

24 DIRECTOR DOUGLAS LA BELLE: Okay. That answers
25 my question.

1 BOARD CHAIR BARBARA BAGNERIS: Director
2 Berardino.

3 DIRECTOR NICK BERARDINO: So I'm totally
4 confused. So -- so we haven't -- we have an incumbent.

5 MS. MICHELE RICHARDS: Yes.

6 DIRECTOR NICK BERARDINO: So the incumbent bid
7 for our renewal on the contract.

8 MS. MICHELE RICHARDS: That's correct.

9 DIRECTOR NICK BERARDINO: And then there was an
10 additional bidder.

11 MS. MICHELE RICHARDS: There were three
12 additional bidders.

13 DIRECTOR NICK BERARDINO: Three additional
14 bidders?

15 MS. MICHELE RICHARDS: Yes.

16 DIRECTOR NICK BERARDINO: And then -- so then we
17 went through the process.

18 MS. MICHELE RICHARDS: Correct.

19 DIRECTOR NICK BERARDINO: And did the incumbent
20 win the bid?

21 MS. MICHELE RICHARDS: They did not win the bid.

22 DIRECTOR NICK BERARDINO: So the incumbent didn't
23 win the bid. So we have a new -- a new -- a new
24 contractor.

25 MS. MICHELE RICHARDS: Correct. The bid was

1 awarded to Johnson Gray.

2 DIRECTOR NICK BERARDINO: Which is a new
3 contractor.

4 MS. MICHELE RICHARDS: Correct.

5 DIRECTOR NICK BERARDINO: And they will do it
6 now.

7 MS. MICHELE RICHARDS: They will. But the
8 incumbent protested, and DGS advised that the RFP should
9 be reissued clarifying that one -- that one point.

10 DIRECTOR NICK BERARDINO: How -- how long had the
11 incumbent been a contractor here?

12 MS. MICHELE RICHARDS: It was a five-year
13 contract.

14 DIRECTOR NICK BERARDINO: So he only had one
15 five-year contract?

16 MS. MICHELE RICHARDS: That's correct.

17 DIRECTOR NICK BERARDINO: So he had only been
18 here five years. Before that, we had another
19 contractor.

20 MS. MICHELE RICHARDS: Correct.

21 BOARD CHAIR BARBARA BAGNERIS: And DGS is --

22 MS. MICHELE RICHARDS: The Department of General
23 Services.

24 DIRECTOR NICK BERARDINO: So is this a temporary
25 thing, then?

1 MS. MICHELE RICHARDS: It is.

2 DIRECTOR NICK BERARDINO: So then it will be
3 rebid?

4 MS. MICHELE RICHARDS: Correct. That way --

5 DIRECTOR NICK BERARDINO: Did they find in favor
6 of the protest?

7 MS. MICHELE RICHARDS: There were three points of
8 protest. They rejected two and they upheld one. And
9 the one that they upheld had to do with instructions
10 that we gave about how to present the financial bid.

11 DIRECTOR NICK BERARDINO: Okay. And so there's a
12 panel that reviewed this?

13 MS. MICHELE RICHARDS: Yes.

14 DIRECTOR NICK BERARDINO: And is that an in-house
15 panel or is that a state panel?

16 MS. MICHELE RICHARDS: It's an in-house panel.

17 DIRECTOR NICK BERARDINO: And the in-house panel
18 was -- are people -- how do you get on a panel?

19 MS. MICHELE RICHARDS: Well, we generally choose
20 people who are knowledgeable about that aspect of the
21 business. For example, with regard to the advertising
22 services, the people that use the services of our ad
23 agency were on the scoring committee.

24 DIRECTOR NICK BERARDINO: And the scoring
25 committee are also people who not only use that service,

1 but then monitor the contract?

2 MS. MICHELE RICHARDS: No. The contract is
3 monitored through our marketing department and then up
4 through me as well.

5 DIRECTOR NICK BERARDINO: But the marketing
6 department then does not use the contract.

7 MS. MICHELE RICHARDS: They do.

8 DIRECTOR NICK BERARDINO: So my answer -- so --
9 so they do.

10 MS. MICHELE RICHARDS: Yes.

11 DIRECTOR NICK BERARDINO: The people that are the
12 users are the monitors and the awarders.

13 MS. MICHELE RICHARDS: Yes. Yes.

14 DIRECTOR NICK BERARDINO: Okay.

15 MS. KATHY KRAMER: If I may, also for clarifying
16 on the state-contracted policies, we are not allowed to
17 bring anyone that's not with -- with the district, an
18 outside consultant. I mean they can provide helping us
19 build a scope, but they can actually not sit on the
20 scoring panel. So --

21 DIRECTOR NICK BERARDINO: Okay.

22 BOARD CHAIR BARBARA BAGNERIS: Okay. Director
23 Tkaczyk.

24 DIRECTOR STAN TKACZYK: The one item that was
25 agreed to go back out again on, does that exist in other

1 contracts?

2 MS. MICHELE RICHARDS: I'm not sure I understand
3 the question.

4 DIRECTOR STAN TKACZYK: Okay. There were three
5 items that were protested. Two were thrown out. One
6 was successful in the protest. And you said it had to
7 do with financial.

8 MS. MICHELE RICHARDS: Right.

9 DIRECTOR STAN TKACZYK: Okay. Does that language
10 or does that -- part of that exist in any of our other
11 contracts that we are currently --

12 MS. MICHELE RICHARDS: No. It was specific to
13 this -- this particular bid. We asked the agencies to
14 list all of the individuals within the agency that would
15 be involved in a particular project, for example,
16 creative development project.

17 And we ask them to list the -- the titles of
18 those individuals and what their hourly rates are that
19 we would be charged for that so that we could understand
20 the costs involved in working with that agency.

21 Three of the agencies followed those
22 instructions perfectly and listed each individual job
23 title that would be involved in that work and the hourly
24 rate they would be charged for those individuals. The
25 incumbent agency took all of those job titles and put

1 just one blended rate per hour and did not list out the
2 job title. So it made it very difficult for us to
3 compare apples to apples between the three --

4 DIRECTOR STAN TKACZYK: You understand what I'm
5 asking --

6 MS. MICHELE RICHARDS: I do. Yes.

7 DIRECTOR STAN TKACZYK: -- is that that language
8 existed in -- so this was one specific to this
9 particular bid in this contract.

10 MS. MICHELE RICHARDS: That's right. That's
11 right.

12 DIRECTOR STAN TKACZYK: Okay. Thank you.

13 BOARD CHAIR BARBARA BAGNERIS: Do we need more
14 discussion?

15 Then I'm going to call the roll on the
16 acceptance of the Verizon which the La Belles have stock
17 in and Johnson Gray.

18 I'll accept a motion.

19 DIRECTOR SANDRA CERVANTES: So moved. So moved.

20 BOARD CHAIR BARBARA BAGNERIS: Is there a second?

21 DIRECTOR STAN TKACZYK: Second.

22 BOARD CHAIR BARBARA BAGNERIS: It's been moved
23 and a second. There's no further discussion, so we'll
24 call roll call vote.

25 MS. SUMMER ANGUS: Chair Bagneris?

1 BOARD CHAIR BARBARA BAGNERIS: Yes.

2 MS. SUMMER ANGUS: Director Berardino?

3 DIRECTOR NICK BERARDINO: Yes.

4 MS. SUMMER ANGUS: Director Tkaczyk?

5 DIRECTOR STAN TKACZYK: Yes.

6 MS. SUMMER ANGUS: Director La Belle?

7 DIRECTOR DOUGLAS LA BELLE: Yes.

8 MS. SUMMER ANGUS: And Director Cervantes?

9 DIRECTOR SANDRA CERVANTES: Yes.

10 BOARD CHAIR BARBARA BAGNERIS: Thank you. That
11 was good discussion. I learned a lot by that.

12 We're now going to move to the Governance
13 Process, the Committee/Task Force/Liaison reports, and
14 we do have two speakers, Reggie Mundekis and Anna V.
15 You can come up in that order.

16 MS. REGGIE MUNDEKIS: Okay. Great.

17 Good morning again. AB-2396, Bigelow, seeks
18 to exempt DAA directors and DAA employees from state
19 conflict of interest codes, specifically California
20 Government Code Sections 1090, 18000, and 19990.

21 This bill legalizes conflicts of interest,
22 graft, corruption, and pay for play in state contracting
23 employment by allowing directors and state employees to
24 financially benefit from 32nd DAA activities. Entering
25 into contracts with companies owned by directors or

1 state employees will be legalized under this bill.

2 Directors and state employees will be
3 permitted to legally supplement their pay from the state
4 through means of their own choosing while maintaining
5 their status as a director or state employee.

6 Simultaneous employment or starting as a
7 director while employed by an entity which could
8 financially benefit from contracts with the DAA would be
9 legal. There's no reason for this bill to exist other
10 than to further self-dealing, corruption, and graft.

11 AB-2396 opens the door to privatization of
12 this property without requiring a sale. Under this
13 bill, it would be legal for a group of directors and
14 employees to form a private corporation to operate the
15 32nd DAA and for this Board then to enter into a
16 contract with the operating company. And there would be
17 nothing we can do about it. The 32nd DAA would then be
18 operated by a private company owned by the directors and
19 employees under an arrangement approved by the
20 directors.

21 This bill legalizes what the directors who
22 put this property up for sale attempted to do. Those
23 directors formed a nonprofit corporation to buy the
24 property that they were managing at the time as
25 directors.

1 We were able to stop them because of the 1090
2 code violation, and that -- and how that ended up was in
3 2009 the Attorney General left the Board as
4 representative because of the actions of the Board
5 regarding conflicts of interest. The Attorney General
6 did not return until 2015.

7 And I would also like to remind the Board
8 that Board policy requires Board Members to not take any
9 action which could possibly cause the Attorney General
10 to leave again. This bill could cause the Attorney
11 General to leave again.

12 This bill is a carnival of corruption, graft,
13 and self-dealing, and serves no public interest. The
14 32nd DAA's requested to take action to kill AB 2396,
15 including placing AB-2396 on the agenda for a Board
16 Meeting, for a vote to oppose the bill, to instruct your
17 lobbying firm to take action to kill the bill, and to
18 reach out to the legislature requesting that the bill be
19 killed. Thank you.

20 BOARD CHAIR BARBARA BAGNERIS: Anna?

21 MS. ANNA VRSKA: I strongly agree with everything
22 the previous speaker has said. AB-2396, Bigelow, this
23 Assembly Bill proposes to exclude Fair Board directors
24 from conflicts of interest regarding contracting and
25 could allow Fair Board directors to enter into state

1 contracts from which they will benefit.

2 Provisions prohibiting directors from
3 compensating themselves are removed, checks and balances
4 against self-dealing are removed under provisions of
5 this bill. And this is all very, very concerning.

6 This Board is requested to take action to
7 kill AB-2396, including placing AB-2396 on the agenda
8 for a vote to oppose the bill, to instruct the 32nd DAA
9 retained lobbying firm to take action to kill the bill
10 and to reach out to the legislature to kill the bill and
11 stand in unified opposition to something that is against
12 the public interest of this organization. Thank you.

13 BOARD CHAIR BARBARA BAGNERIS: So the first
14 committee, Centennial Farm Foundation.

15 Director Cervantes.

16 DIRECTOR SANDRA CERVANTES: Yes. I'm going to
17 ask Michele if she can provide an update.

18 MS. MICHELE RICHARDS: There weren't any action
19 items voted on in the last meeting. They meet again
20 this afternoon. So there's really nothing to report at
21 this time.

22 BOARD CHAIR BARBARA BAGNERIS: Was there any
23 discussion about the MOU?

24 MS. MICHELE RICHARDS: There was not, but I
25 believe it is on the agenda for discussion this month.

1 BOARD CHAIR BARBARA BAGNERIS: Director
2 Berardino?

3 DIRECTOR NICK BERARDINO: I'm kind of interested.
4 How -- it seems like we have tried to get that MOU
5 signed for I would think in excess of a year. And I
6 know the other foundation signed it as soon as it was
7 received. We -- the Board took action, and we signed
8 it.

9 The idea of -- I don't think that the Board
10 should be in a position to live much longer with not
11 signing an MOU. If this were another public
12 jurisdiction, waiting a -- no other public jurisdiction
13 in the state would have been waiting this long for an
14 MOU to be signed between the parties. Never would
15 happen.

16 So if that thing isn't signed by next month,
17 then I think we have something to have a very good
18 discussion about.

19 BOARD CHAIR BARBARA BAGNERIS: Absolutely. We
20 have been very patient on this MOU. And that should go
21 back --

22 Director Cervantes, as you sit on that Board,
23 that should go back. Yes.

24 MR. JOSH CAPLAN: And I can speak to this issue
25 as well. I had one discussion with -- it took our

1 office a significant amount of time to finally get in
2 contact with the foundation's attorney.

3 Originally they were represented by another
4 attorney sometime back. That attorney didn't respond to
5 my correspondence and then finally said, "We haven't
6 represented the foundation in several years."

7 We finally got in touch with the foundation's
8 current attorney, and it's the same issue that the Board
9 dealt with a few months ago. The remaining sticking
10 point on the MOU is there's language which requires the
11 foundation to maintain its own address.

12 And the Board may remember that discussion
13 that we've had. But just as a reminder, our office had
14 some concern if a foundation is effectively operating
15 here, even though it's supposed to be an independent
16 not-for-profit organization, it creates several issues,
17 potential workers' comp issues, there's liability issues
18 for the district.

19 And also if an independent foundation has --
20 it's address of record with the Secretary of State is
21 this address, what if the foundation is sued? If you
22 sue an entity in California, you need to serve their
23 agent for service of process, which presumably would use
24 this address. So it would create a very uncomfortable
25 situation for the District to be receiving service of a

1 lawsuit where they're not a party.

2 So there's kind of several layers of concern.
3 I'm hoping that discussion will come up during the
4 foundation's meeting today to see what flexibility do
5 they have on their end.

6 Now, this Board ultimately needs to decide
7 what it wants to do with the relationship with
8 Centennial Farm Foundation, and this Board instructed
9 our office that these MOUs generally should look the
10 same based on the concerns that our office had including
11 those provisions in the MOUs.

12 But that's -- that seems to be the
13 outstanding issue here that I certainly haven't been
14 able to reach any sort of resolution on the legal side.

15 DIRECTOR STAN TKACZYK: Josh --

16 BOARD CHAIR BARBARA BAGNERIS: Yes. Director
17 Tkaczyk.

18 DIRECTOR STAN TKACZYK: Yes.

19 -- question, so Sandra can take it back.
20 What if they don't respond? What if we don't have
21 satisfactory responses? What then?

22 MR. JOSH CAPLAN: Well, then effectively that
23 would just mean the Centennial Farm Foundation continues
24 as an independent organization. My guess would be if
25 there's no MOU, the 32nd DAA shouldn't seat or name

1 directors to sit on the foundation's board of directors.

2 And then the foundation would, obviously --
3 could still do business with the district as other
4 nonprofits in the community state they want to do an
5 event here as other nonprofits that might not have a
6 direct impact as, for example, Centennial Farm.

7 So you would just treat them like you would
8 all other independent nonprofit organizations. They,
9 obviously, wouldn't have that same financial
10 contribution commitment that they would have if they
11 signed the MOU.

12 DIRECTOR STAN TKACZYK: That's what I'm hoping to
13 hear. There's a financial link to this.

14 MR. JOSH CAPLAN: That number is \$70,000 per year
15 that they --

16 MS. MICHELE RICHARDS: Forty.

17 MR. JOSH CAPLAN: \$40,000 per year they commit to
18 pay the district as part of that relationship. So,
19 obviously, they wouldn't be required to make that
20 payment.

21 And the terms of the MOU would just fall out,
22 and they would continue to operate as an independent
23 organization that has all the articles of incorporation
24 with the state, it has its own bylaws. So it operates
25 independently.

1 I think historically it was created by this
2 Board some time ago or at the direction of staff of the
3 32nd DAA. But at the time that it was created, it's
4 now -- it operates independently. You know, the
5 foundation -- I presume they file their own tax returns.
6 They have their own counsel.

7 So it wouldn't impact their ability to
8 operate, and they may still want to engage this Board
9 and the District with opportunities if they want to help
10 contribute to certain events throughout the year, or I'm
11 sure this District wouldn't turn away a check if they
12 wanted to cut a check every year to help offset the cost
13 of the foundation.

14 But the other provisions in the MOU,
15 obviously, wouldn't have any legal effect because there
16 would be no MOU in place.

17 DIRECTOR STAN TKACZYK: So they really don't have
18 that much to lose.

19 MR. JOSH CAPLAN: I can't speak on behalf of the
20 foundation.

21 DIRECTOR STAN TKACZYK: I'm sorry. Yeah. Okay.
22 You explained the facts, and we have to put the facts in
23 their right place. Interesting. Thank you.

24 BOARD CHAIR BARBARA BAGNERIS: So I'd like to see
25 Centennial Farm agendized for the next meeting. If we

1 don't have an MOU, we're going to -- I think this Board
2 should discuss taking our Board of Directors off of that
3 board. We can still have a liaison. I really think
4 whether we go -- whether we have an MOU or not, we
5 should have a liaison to Centennial Farm Foundation, but
6 not necessarily have voting members.

7 We're supposed to have two. We only have
8 one. It's hard to get people because Centennial Farm
9 does not meet consistently. They meet in the afternoon
10 of the Board Meeting, so whoever takes that position has
11 to be available all day. So it's become problematic for
12 us.

13 So I'd like for us to deal with that on an
14 agenda item at the next Board Meeting. And I know we
15 have short Board Meeting time because we have the extra
16 items that we're going to have for March, April, and
17 May. But I'd like to -- we've been patient and we've
18 waited a long time. Let's go ahead and take care of
19 this issue.

20 Yes, Director Berardino.

21 DIRECTOR NICK BERARDINO: Madam Chair, could we
22 direct our liaison today to tell the Centennial Farm
23 Foundation that the MOU that was submitted by counsel is
24 our last, best, and final offer? There is -- that's it.
25 That's last, best, and final. They're either going to

1 approve it or that we will assume they've rejected the
2 MOU and take action at the next meeting.

3 BOARD CHAIR BARBARA BAGNERIS: Absolutely.

4 Okay. Where am I? Heroes Hall.

5 DIRECTOR NICK BERARDINO: We -- you know, we had
6 a wonderful birthday celebration. It was -- it was
7 really terrific, and people enjoyed it a lot. Again,
8 you know, the exhibit there is just wonderful, and we
9 just -- I really had the opportunity to visit some other
10 museums, and I just -- looking at other museums, I -- I
11 think we have the best exhibit staff in the country. I
12 really mean that. I mean it is amazing to me --

13 (Applause.)

14 DIRECTOR NICK BERARDINO: -- the kind of work
15 they do. And I get drug -- my wife is a museum freak,
16 and so I get drug into a lot of museum coffee shops
17 while I wait. But sometimes I go through, and
18 nothing -- and this is really -- so it's -- it's
19 terrific. So -- and -- so thank you.

20 BOARD CHAIR BARBARA BAGNERIS: Yes, Director
21 La Belle?

22 DIRECTOR DOUGLAS LA BELLE: Nothing further to
23 add. Nick did very well.

24 BOARD CHAIR BARBARA BAGNERIS: I saw you move the
25 mic. I assumed you had something to say.

1 DIRECTOR DOUGLAS LA BELLE: No. I was getting
2 ready for another presentation.

3 BOARD CHAIR BARBARA BAGNERIS: Very good.

4 Any other discussion on Heroes Hall?

5 Just a wonderful event on the one-year
6 anniversary. I was able to attend, and I was able to
7 speak on behalf of the Board. And Director Aitken was
8 there and Director Berardino.

9 Nobody can speak to Heroes Hall like Director
10 Berardino. The emotion, the -- the true spirit of what
11 that hall is -- is well-spoken out of Director
12 Berardino. We always thank him for his service and what
13 he does to maintain what's going on there.

14 It is a beautiful exhibit. If you haven't
15 been, you've got to go see -- what's the artist name?

16 MS. KATHY KRAMER: Kimberly Millett.

17 BOARD CHAIR BARBARA BAGNERIS: Kimberly Millett.
18 Her -- these pictures are on a metal backing, so they're
19 hard kind -- some of them are hard to take a picture of
20 directly, but you can take it from the side.

21 But they -- I've never seen anything so
22 incredible like that. And the pictures, again, coming
23 from her perspective of what she was seeing that you
24 don't normally see when you talk about war pictures. So
25 just incredible.

1 And I want to thank the staff for all you do
2 to support Heroes Hall and also to the foundation for
3 the money that you raise to help put on those exhibits.

4 With that, we will move to Financial
5 Monitoring Committee. And since neither Director Pham
6 or Mouet are here, we did hear the financials and so I'm
7 good with that.

8 And I appreciate all that you do to give us
9 the detail that you give us behind the data. I always
10 appreciate it. So thank you, Adam.

11 With that, the OC Fair City Liaison
12 Committee, Directors La Belle and Cervantes.

13 DIRECTOR DOUGLAS LA BELLE: I'm going to defer to
14 Michele. I don't know if there's any update as to when
15 the meeting is going to be to kick things off.

16 MS. MICHELE RICHARDS: No. We don't have
17 updates. We should next month, though.

18 DIRECTOR DOUGLAS LA BELLE: Okay.

19 BOARD CHAIR BARBARA BAGNERIS: This is one of the
20 task forces that I would like to see sunset. Unless
21 there's something that comes up directly and we need to
22 pull in a task force for that specific incident, this is
23 one of the committees that I would like to sunset.

24 DIRECTOR DOUGLAS LA BELLE: I certainly have no
25 problem relative to that. Michele basically puts it all

1 together. I think it's important that when the event
2 takes place that, obviously, as many of us try to be
3 there as we can to kind of encourage the cities to get
4 in line and move along sort of thing, but I have no
5 problem with that.

6 BOARD CHAIR BARBARA BAGNERIS: Absolutely. Okay.
7 Thank you so much.

8 DIRECTOR DOUGLAS LA BELLE: I defer to Sandra
9 too.

10 DIRECTOR SANDRA CERVANTES: I agree with you.

11 BOARD CHAIR BARBARA BAGNERIS: Thank you so much.

12 The Legislative Monitoring Task Force,
13 Director Berardino and Director Aitken.

14 Director Berardino.

15 DIRECTOR NICK BERARDINO: Yes. A couple of
16 things. There is one -- and I looked at several bills
17 that have been brought to our attention. One is an
18 omnibus bill for ag. And so, you know, the old saying,
19 if there's an omnibus, catch a bus. Because, you know,
20 everybody hates those bills except the legislature.

21 But it's a typical omnibus bill. It's gonna
22 take a lot of work. I think it's seven or eight parts
23 to it. But it's the first omnibus bill ever for
24 agriculture in California. So you can imagine the --
25 you know, the detail and -- and difficulty getting

1 through that.

2 As to 2396, I did read 2396. And, you know,
3 it's an interesting -- it's definitely an interesting
4 bill. It's a bill that from what -- and from what I can
5 see and, you know -- and I think we can get probably
6 more from leg. counsel.

7 I definitely can see why, reading the
8 legislation, why someone would be concerned. Because
9 what the bill, I think -- and somebody needs to jump in
10 here if my leg. analysis is wrong. But it's a very --
11 overview.

12 What it allows is it allows for directors and
13 staff in ag. agencies to go work at another ag. agency
14 to assist that ag. agency. That the impetus for the
15 bill -- the impetus for the bill was that, as I
16 understand it from the -- looking at it, was that some
17 of the smaller fairs need help. But you can't have --
18 you can't hold two state jobs at the same time, and so
19 it limits the ability.

20 And in looking at the bill, I have to agree
21 with one comment from the members of the public. I
22 don't see any reason why directors need to be included
23 in that. I mean I'm wondering if at small fairs, do
24 directors perform --

25 BOARD CHAIR BARBARA BAGNERIS: In some of them.

1 We found at Western Fairs that they do.

2 DIRECTOR NICK BERARDINO: They perform those
3 duties?

4 MS. KATHY KRAMER: They have operational roles.

5 BOARD CHAIR BARBARA BAGNERIS: I heard that.

6 DIRECTOR NICK BERARDINO: Yeah. I would think --
7 I would think that -- I imagine this bill is going to
8 get -- it's going to -- I think it's going to get
9 modified. I think it's going to get changed.

10 So, anyway, I think we just need more
11 information from leg. counsel. And -- and also, I think
12 we ought to consider an amendment. Although the
13 amendment may not be well-taken, I just don't see the
14 need for -- directors getting involved in this kind of
15 thing is dangerous, I think.

16 I just think, you know, if staff -- if the
17 bill is going to be what is commonly called in the
18 legislature mutual assistance, mutual assistance exists
19 between a lot of agencies in the State of California and
20 the public. If that's that and it's going to involve
21 staff, that's one thing, and the clarity of that bill
22 would, you know, clarify that. But I mean I would -- I
23 wouldn't -- I mean I'd support that concept of mutual
24 assistance. It's common in the state of California.
25 Makes sense. I don't support it with involving

1 directors in it because I think that's a problem.

2 BOARD CHAIR BARBARA BAGNERIS: Except what you
3 mentioned, the small boards, the smaller fairs that have
4 board members --

5 MS. REGGIE MUNDEKIS: No, no, no, no, no.

6 BOARD CHAIR BARBARA BAGNERIS: -- that actually
7 serve in both of those roles.

8 DIRECTOR NICK BERARDINO: I don't know.

9 BOARD CHAIR BARBARA BAGNERIS: I met some of
10 them, so --

11 DIRECTOR NICK BERARDINO: And I think -- and I
12 can see where it's well-intended to have Board Members
13 on it. I just don't know in the long -- I mean but
14 that's something for the Board to discuss. I'm saying
15 my initial reading of it.

16 It's like I can see where staff go and help
17 and, you know, make -- on a mutual assistance
18 arrangement that exists, and they're cost-effective to
19 the public. They are -- on those mutual assistance,
20 they are antiprivatization, actually. That's why mutual
21 assistance exists, so it isn't privatized.

22 But I'm just not convinced that in the
23 long -- although in the short run, having directors
24 involved may be helpful, I think in the long run it
25 opens it up to more problems.

1 BOARD CHAIR BARBARA BAGNERIS: Okay.

2 DIRECTOR NICK BERARDINO: I think that's just --
3 I mean that's without leg. counsel.

4 BOARD CHAIR BARBARA BAGNERIS: Who actually put
5 that bill on the floor?

6 DIRECTOR NICK BERARDINO: Frank Bigalow.

7 MS. REGGIE MUNDEKIS: Who asked for it? Was this
8 from Western Fairs?

9 DIRECTOR NICK BERARDINO: Yeah, Western Fairs
10 is -- I saw Western Fairs as support on the bill. I
11 didn't see them as sponsor, but I saw them listed as
12 support.

13 MS. KATHY KRAMER: I believe that's my
14 understanding as well.

15 BOARD CHAIR BARBARA BAGNERIS: Okay. That's very
16 helpful, Director Berardino.

17 DIRECTOR DOUGLAS LA BELLE: Madam Chair, if I
18 might?

19 BOARD CHAIR BARBARA BAGNERIS: Director La Belle.

20 DIRECTOR DOUGLAS LA BELLE: Could we get an
21 analysis from Gonsalves & Son relative to the status of
22 it and get that distributed to the Board so that we can
23 get a, you know, full flavor of it?

24 MS. KATHY KRAMER: Absolutely.

25 DIRECTOR DOUGLAS LA BELLE: And, you know, I'm

1 comfortable with the legislative committee, Director
2 Berardino and Director Aitken -- they're our
3 representatives -- in taking a specific position if they
4 feel, A, we should support it, A, we should oppose it,
5 whatever the case may be. I'm very comfortable with
6 that. But I would like to see -- I would like to see
7 the analysis from Gonsalves & Son.

8 MS. KATHY KRAMER: Absolutely. Very good.

9 BOARD CHAIR BARBARA BAGNERIS: Yes, Director
10 Tkaczyk.

11 DIRECTOR STAN TKACZYK: Is there any update on
12 our 50/50 bill?

13 DIRECTOR NICK BERARDINO: Yeah. We're -- we're
14 in the legislature. As you -- all of you know, I mean
15 this is -- this early March date is always a tough one
16 because everybody that screwed up and didn't make the
17 end of January deadline, which includes probably some
18 city managers who have done that, others on this Board
19 have done it --

20 DIRECTOR DOUGLAS LA BELLE: No comment.

21 DIRECTOR NICK BERARDINO: -- you know, we begin
22 to gut and amend. So a lot of that's still going on.
23 So if the -- early March is gut and amend and
24 struggling.

25 But I think we now anticipate -- we're having

1 some strong opposition from a group that is the --
2 represents California nonprofits. And the opposition is
3 that every nonprofit should be added to the list, which
4 is -- which is absolutely -- absolutely crazy.

5 But, you know, in -- in the hearings, it's
6 going to be anytime, you know -- what happens in these
7 things and where the California nonprofits have opposed,
8 I mean they'll oppose you and they'll bring in blind
9 kids and other people who all give testimony. And, you
10 know, you can get -- can get flushed pretty fast. But
11 we're moving.

12 DIRECTOR STAN TKACZYK: One other comment in
13 regards to the legislation and if we have the 50/50 in
14 place and we, I think, have two charities that we have
15 designated as where the money would go from the 50/50
16 drawing -- one would be Heroes Hall and the other would
17 be Centennial Farms -- if it -- we don't have an
18 agreement with Centennial Farms, how does -- how does
19 that play out as far as us working with a charity to
20 give them money? Can we pick another one?

21 DIRECTOR NICK BERARDINO: The legislation that
22 we've written is permissive; therefore, we can put -- we
23 can select any qualified nonprofit that qualifies under
24 the bill, which, you know -- so, i.e., the problem of
25 everybody wanting to jump on board.

1 DIRECTOR STAN TKACZYK: So if they're not part of
2 the process, they could possibly be in a situation that
3 we may not --

4 DIRECTOR NICK BERARDINO: Oh, anybody's in a
5 situation -- the way the bill's written, we could decide
6 that Heroes Hall and Centennial Farm don't get it and --
7 or the charity or the, you know, Farm Cutters of
8 wherever, if they meet that criteria.

9 DIRECTOR STAN TKACZYK: Okay. So we have the
10 flexibility.

11 DIRECTOR NICK BERARDINO: We appoint.

12 DIRECTOR STAN TKACZYK: Okay. Thank you.

13 BOARD CHAIR BARBARA BAGNERIS: Very good.

14 Any other discussion or comments?

15 Okay. Thank you, Director Berardino.

16 Master Site Plan, Director La Belle.

17 Oh, and wait. I apologize. I did get a card
18 and I did not acknowledge it and it -- I believe it's on
19 item -- the item we just discussed.

20 MS. THERESA SEARS: Yes. Yes.

21 BOARD CHAIR BARBARA BAGNERIS: Theresa Sears.

22 MS. THERESA SEARS: Yes. Thank you.

23 Good morning. Sorry. I do need to comment
24 on Bigelow's bill. I guess that's what we call it.

25 I -- these kinds of things are like an end

1 run, and they're like a red flag. We have already gone
2 down this path in -- Reggie, what was it? -- 2008, '9,
3 dealing with Fred Aguirre, Susan Kennedy, you know, all
4 these people that tried to do the back-room deal.

5 Having directors involved I think is very
6 problematic. I think Nick is very accurate in that.
7 Even dealing with legislators that have been off -- had
8 been turned out or had been gone from office and their
9 1090 violations, we couldn't even get that to be
10 acknowledged by our D.A. here.

11 So when you start down that path, it is super
12 problematic. I am very supportive of mutual aid.
13 That's a very good thing where you -- you have fairs
14 helping each other, helping other fairs. That is --
15 that's fine. It happens in fire agencies, water
16 agencies, you name it. Mutual aid is good. But you
17 keep this conflict out where it's -- you don't have
18 these back-room deals.

19 And these guys are all -- and I'm not saying
20 everyone. But many are looking for the little angle to
21 get into our fairgrounds, to take an edge to, you know,
22 whatever. And the public is shut out from really
23 understanding this.

24 And so it's not transparent, and you can't
25 figure it out until after the fact. And you would have

1 to have citizens on the ground looking after these
2 things. So I say no. I mean Susan Kennedy just got
3 fined a fair amount for consulting and being a
4 consultant, and she didn't disclose it.

5 So these guys know how to work the process
6 and, trust me, they -- they will do it if they can. So
7 I am totally against Bigelow's bill, and I hope you guys
8 will take action and look at it closely, follow it, and
9 offer suggestions.

10 I -- I -- it should just die. It should just
11 die. So that's -- those are my comments, but that just
12 irritates me.

13 MS. KATHY KRAMER: Thank you.

14 MS. THERESA SEARS: Sorry to be --

15 BOARD CHAIR BARBARA BAGNERIS: It's okay.

16 Okay. We're going to move on to Master Site
17 Plan.

18 Okay. So we need to get these at the
19 beginning and not at the end.

20 MS. THERESA SEARS: It's hard to know what's
21 going to happen.

22 MARY: Well, it was an issue they brought up
23 that's really not on the -- (indiscernible) -- if it's a
24 problem, I won't speak.

25 BOARD CHAIR BARBARA BAGNERIS: I opened Pandora's

1 box when I started doing this.

2 DIRECTOR NICK BERARDINO: That's good.

3 MARY: No, I think Director Berardino opened up
4 Pandora's box.

5 In regards to --

6 DIRECTOR NICK BERARDINO: Thank you very much.

7 MARY: You're welcome. It's not a bad thing.
8 It's not a bad thing.

9 BOARD CHAIR BARBARA BAGNERIS: All right.

10 MARY: I just want to comment again on the
11 Bigelow. I think that's a kill the bill. Anytime you
12 have to legislate for conflict of interest, "conflict of
13 interest" says it all. It's conflict of interest. I
14 mean we just can't give a -- a pass on that, a
15 mea culpa, and let it go on, and nobody, as the last
16 speaker said, on the ground that would have to be there
17 for every single event that's going to do that with
18 someone who wants to be financially -- get a financial
19 gain from it. So conflict of interest -- I've never
20 seen anything good come from conflict of interest.

21 And in regards to the 50/50 bill, I have a
22 real problem with bringing the first step gambling onto
23 the -- to the fairgrounds. I mean if you want to get
24 donations for Heroes Hall and donations for these other
25 things, then put a donation box out there or some kind

1 of table or something like that. I personally do not
2 like the idea of this 50/50 going -- going on the
3 fairgrounds, and I think that's another one.

4 I mean if you have one charity that's going
5 to come forward and want part of the pot, are you going
6 to have a hundred charities that are going to come
7 forward? How do you determine who -- who is more worthy
8 than the other one? We have a lot of worthy charities
9 in this county in this time and age. So I think you're
10 opening another Pandora's box with that. Thank you.

11 BOARD CHAIR BARBARA BAGNERIS: So what I'd like
12 to do to make sure we get our cards in ahead of time,
13 because you can see how this could just keep going on
14 and on and on, and we really do -- really would like to
15 stick to a time.

16 As Board of Directors, many of us have jobs.
17 And I'm taking off of my job to be here. So I do want
18 to keep everybody's time respectful so that we can get
19 in and out as quickly as possible but still take care of
20 the business of the day.

21 So please try to get your cards in ahead of,
22 as it states in the agenda. And I don't mind taking
23 cards as we go, but let's do it at the beginning and not
24 at the end.

25 Okay. Master Site Plan.

1 DIRECTOR DOUGLAS LA BELLE: Yes, Madam Chair.

2 With the Board's indulgence, I'd like to take
3 just a few minutes to kind of recap where we are or
4 where we have been and where we are heading in terms of
5 this process.

6 Vice Chair Ruiz and I, as your committee, as
7 the Board's committee, met earlier this week with Kathy
8 and Ken relative to earlier direction that we had
9 provided to the consultant through the -- through the
10 staff to develop a cost-benefit analysis on various
11 potential components of a future conceptual Master Site
12 Plan.

13 Going back in time, a little over a year ago
14 we retained a consulting firm to engage in the process
15 of developing a conceptual Master Plan that ultimately
16 would be approved by the Board of Directors and,
17 therefore, would then become the game plan or map for --
18 roadmap for future projects and activities relative to
19 the site.

20 We had a number of stakeholder meetings early
21 in the process, including a public workshop, and then
22 the Board to this date has had two study session
23 workshops to consider the concepts.

24 Out of the stakeholder meetings and the
25 public workshop, three alternatives were presented at

1 the last Board workshop. And based on the comments from
2 the public and the Board, the consultant was tasked with
3 taking the next step and developing some cost-benefit in
4 terms of the various components that could be included
5 in your ultimate Master Plan, the intent being,
6 obviously, before the Board makes a final decision, it's
7 kind of nice to know how much something is going to
8 cost, at least from a macro standpoint, and what the
9 attendant benefits are of that particular effort so that
10 we can prioritize those components when the Board makes
11 its final decision.

12 We also -- and I would report on behalf of
13 Vice Chair Ruiz and myself that the work in progress
14 is -- is getting there. The staff and consultants have
15 done a good job. The -- through the chair, we have
16 identified that an April workshop will be held relative
17 to kind of the next step in this process.

18 I'd like to speak to a couple of things
19 relative to that. First of all, a conscious decision
20 versus an unconscious one -- I made a few of those in my
21 life -- but a conscious decision was made to defer the
22 CEQA process until the conceptual Master Plan is
23 approved, not knowing what the scope of that work will
24 be until the Board ultimately decides what it is we want
25 to do. But by the same token, we want to accelerate the

1 process as much as we can.

2 So as I mentioned at the last Board Meeting,
3 the intent was for staff to develop an RFP that would go
4 out to potential consultants who would do the CEQA
5 environmental work relative to the final plan.

6 Director -- or Vice Chair Ruiz and myself
7 feel that it's important that whoever that consultant
8 may be should be retained and present for the Board's
9 workshop in April so that they can participate and hear
10 what has -- not only what has occurred but the direction
11 we're taking.

12 Staff is in the process now of finalizing
13 that RFP. They hope to hit the streets with it in early
14 March with the objective being that the process will be
15 completed, and there will be a specific recommendation
16 as to a consultant at the April Board Meeting at the
17 time you make -- or the Board has their next workshop.

18 In addition to that, we've also discussed --
19 and when we get to the agenda item on the workshop, I
20 can elaborate further on it. But the intent there is
21 not only do we have the workshop in April, but that to
22 make sure that we maximize the input we get from the
23 various stakeholders, as well as the Board, that the
24 Board consider a special meeting in the evening to
25 conduct another public workshop where all of the Board

1 Members would be present to receive and hear those
2 comments, the objective then being that at the May
3 meeting or at the June meeting, prior to when everybody
4 gears down or gears up for the fair, that we have
5 completed the process and a conceptual plan is in place.
6 And then the CEQA consultant -- that process is probably
7 going to take six to eight months for them to complete
8 the CEQA work on it, the objective being that prior to
9 the end of this calendar year, we would have a -- a
10 final Master Plan with an environmental impact report or
11 environmental studies. Not knowing what the plan is, we
12 don't know what the studies would be --

13 BOARD CHAIR BARBARA BAGNERIS: Right.

14 DIRECTOR DOUGLAS LA BELLE: -- that can be
15 certified by the Board.

16 To speak to a couple of items that are
17 components within the plan that is being looked at now,
18 to try again to dispel any -- any concerns that there is
19 a, quote, convention center located within the -- even
20 the boldest of concepts that are being presented, there
21 are essentially three components that -- that show some
22 structures in them. Whether the Board approves any or
23 all of those components is, obviously, subject to a
24 further decision. But let me share with you what those
25 components are now.

1 Part of the concept involves the movement of
2 the Marketplace operation to the westerly end of the
3 property for efficiencies of operation and that sort of
4 thing. In doing so, the current structures that exist,
5 the snack bar and others, would no longer be usable for
6 that purpose.

7 So one of the components includes the
8 construction of a -- and, again, these are macro
9 numbers. Because when we get to the point of if we're
10 going to do something and you design something, you
11 know, it can vary. But there would be a 6- to
12 8,000-square-foot new Marketplace facility that would
13 probably include some eating space in there for other
14 usage, but would primarily be for the Marketplace. We'd
15 replace what they have now and do something new.

16 A second component, the livestock area.
17 Currently, there are three buildings that are in pretty
18 bad shape that are used for various activities up there
19 and a couple of tents that are temporary but have become
20 permanent for all intents and purposes.

21 So the livestock area reflects a
22 20,000-square-foot show, exhibit, and office operation
23 that would basically just replace what is there right
24 now and be a more modern kind of operation to make it
25 more effective utilization of space.

1 The third area that I think has generated
2 some comments relative to, quote, a convention center,
3 the site shows a 15,000-square-foot educational meeting
4 facility. When we look at what's available now for --
5 for rent and use by community groups, we're sitting in
6 the only carpeted space available and the room behind us
7 and the room across the way.

8 So the intent in this educational meeting
9 facility would be to create some small meeting areas
10 that could be expanded like this room to accommodate a
11 lot of the activities that occur relative to Centennial
12 Farms and Heroes Hall, as well as other activities here.

13 And I would say that -- that that facility is
14 nothing more, not to diminish it, but it's nothing more
15 than what most communities do in terms of community
16 meeting facilities for whatever, for senior citizen
17 groups, for recreational purposes.

18 The City of Costa Mesa, as an example, has at
19 least two community facilities that they make available
20 for different groups and different activities.

21 My previous employer, we had several
22 facilities within the community that were used for
23 weddings, retirement parties, community meeting groups,
24 recreational activities and programs, including a
25 17,000-square-foot community meeting facility with

1 expandable rooms and areas for use by community groups.

2 And if you look around the county, I think
3 maybe a couple of the smaller cities who would not have,
4 A, the resources or maybe the need, but I -- most of the
5 cities, be it Laguna Hills or Lake Forest or El Toro,
6 they have some type of community meeting facility to
7 meet the needs.

8 And that's what we're looking at as -- as an
9 option for the Board to consider. But, again, that's
10 another component. When you see the numbers and the
11 cost-benefit, that may or may not be in the final
12 assessment.

13 With that, I apologize for being a wordy
14 retired city manager type, but I'd be happy to answer
15 any questions you might have. And I speak for
16 Vice Chair Ruiz, as well as myself.

17 BOARD CHAIR BARBARA BAGNERIS: I appreciate you
18 taking the time --

19 DIRECTOR NICK BERARDINO: Absolutely.

20 BOARD CHAIR BARBARA BAGNERIS: -- to describe
21 this. I think we're blessed as a Board to have you on
22 the Board and also to have you on this particular
23 committee. So we appreciate the work that you do on
24 that.

25 Okay. Let's move on, then, to the Tenant

1 Liaison Committee. Director Tkaczyk and Director
2 Berardino.

3 DIRECTOR STAN TKACZYK: Nothing new to report.

4 BOARD CHAIR BARBARA BAGNERIS: So this would be
5 another one of our committees that I might look to
6 sunset. Unless something comes up and we need a task
7 force put together, I don't think we need to --

8 DIRECTOR STAN TKACZYK: I think we should have
9 further discussion on it. It's one of those that when
10 you need it, it's there. And when you don't --

11 BOARD CHAIR BARBARA BAGNERIS: Right. But -- and
12 the point of a task force or ad hoc committee is to use
13 it as an end goal. In other words, you start to take
14 care of an issue, and then you take us to the end point.

15 So in this case, if there is something that
16 comes up, there's no reason I could not appoint a task
17 force to go take care of that issue.

18 DIRECTOR STAN TKACZYK: I think what you get with
19 this committee is the consistency to be involved with
20 the process and be aware of what's going on through the
21 dialogue on a regular basis as things come up. If you
22 just react to it when it comes up, you don't -- you lose
23 that consistency.

24 BOARD CHAIR BARBARA BAGNERIS: So -- and that's
25 what I'm trying to get to. I'm not sure every -- I'm

1 not sure -- (overlapping sound) -- really had a Tenant
2 Liaison Committee before that. So we may not have the
3 need for it right now. Is there any activity going on
4 that we need to be monitoring?

5 DIRECTOR STAN TKACZYK: Currently, nothing is on
6 the table. But there are issues that could be.

7 BOARD CHAIR BARBARA BAGNERIS: So we should have
8 that discussion.

9 DIRECTOR STAN TKACZYK: Yeah.

10 BOARD CHAIR BARBARA BAGNERIS: Okay. All right.
11 Equestrian center Task Force.

12 DIRECTOR STAN TKACZYK: I'm going to ask Ken if
13 he has any updates on that.

14 MR. KEN KARNS: I do not.

15 BOARD CHAIR BARBARA BAGNERIS: Okay. And Pacific
16 Amphitheater Operation Evaluation and Review Task Force.
17 Director Berardino?

18 DIRECTOR NICK BERARDINO: Nothing for this month.

19 BOARD CHAIR BARBARA BAGNERIS: Okay. Thank you,
20 Directors, for getting us through that.

21 And now we're going to move on to 9B,
22 Unbudgeted Out-of-State Travel Request. This is an
23 action item. I'll turn it over to CEO Kramer.

24 MS. KATHY KRAMER: I will ask Michele Richards to
25 present the staff report.

1 MS. MICHELE RICHARDS: This item is to approve
2 out-of-state travel for one of our Exhibits and
3 Education Department staff employees to attend the 2018
4 ShoWorks conference in Cody, Wyoming, in early April.

5 Board policy requires that all out-of-state
6 travel is preapproved. And generally as part of the
7 budget process, we list all of the conferences,
8 meetings, other fairgrounds' properties that we plan to
9 visit throughout the year, and we budget for that and
10 the Board approves that as part of the overall budget
11 process. This opportunity came up after the budget was
12 approved, and so we're bringing it individually to the
13 Board.

14 ShoWorks is the software program that we use
15 to manage all of the exhibits and entries from the
16 public in our visual arts, our home arts, our culinary
17 programs. It's an essential software that's used for
18 judging, premium payouts, recordkeeping, et cetera.

19 The conference will allow this employee to
20 learn about the new features of the software and recent
21 updates and then bring that information back and train
22 the rest of the staff on that.

23 We estimate travel expenses at \$1,170 to
24 include air travel, meals, hotel, et cetera, and
25 registration for the conference. There is no impact on

1 the budget as we've identified a conference that was
2 approved that staff will not be attending, so there's
3 plenty in the budget to cover those expenses.

4 DIRECTOR NICK BERARDINO: Move it.

5 DIRECTOR DOUGLAS LA BELLE: Second.

6 BOARD CHAIR BARBARA BAGNERIS: It's moved and
7 second. Any discussion?

8 Have roll call vote.

9 MS. SUMMER ANGUS: Chair Bagneris?

10 BOARD CHAIR BARBARA BAGNERIS: Yes.

11 MS. SUMMER ANGUS: Director Berardino?

12 DIRECTOR NICK BERARDINO: Yes.

13 MS. SUMMER ANGUS: Director Tkaczyk?

14 DIRECTOR STAN TKACZYK: Yes.

15 MS. SUMMER ANGUS: Director La Belle?

16 DIRECTOR DOUGLAS LA BELLE: Yes.

17 MS. SUMMER ANGUS: And Director Cervantes?

18 DIRECTOR SANDRA CERVANTES: Yes.

19 BOARD CHAIR BARBARA BAGNERIS: Thank you very
20 much.

21 9B -- 9C -- I'm sorry -- OCFEC Cannabis Event
22 Policy Recommendations.

23 MS. KATHY KRAMER: And, again, I'll ask Michele
24 Richards, who has been working with the AG's office, to
25 develop some policy language to present to the Board.

1 Michele?

2 MS. MICHELE RICHARDS: Yes. At last month's
3 Board Meeting, the Board voted unanimously to prohibit
4 cannabis-related events. We are presenting today the
5 language that staff worked on with the Attorney
6 General's Office. I think on the next slide -- yes.
7 Let me just read it out loud.

8 "The 32nd District Agricultural Association
9 (OC Fair & Event Center) does not book cannabis-related
10 events at the OC Fair & Event Center for several
11 reasons, including, without limitation, the City of
12 Costa Mesa's marijuana ordinance and the OC Fair & Event
13 Center's close proximity to schools, parks, daycare
14 centers, and other areas where minors gather.

15 "This policy also extends to existing events
16 which are prohibited from including cannabis products or
17 activities, cannabis-related products or activities, or
18 drug paraphernalia during events held at the OC Fair &
19 Event Center.

20 "The OC Fair & Event Center does not permit
21 any sponsor, vendor, or exhibitor to include in any
22 marketing, advertising, or information for an event held
23 at the OC Fair & Event Center, any promotion,
24 information, or advertisement from cannabis dispensaries
25 or third parties that sell or promote cannabis-related

1 products, or drug paraphernalia.

2 "Event sponsors, vendors, and/or exhibitors
3 may not distribute, sell, or promote cannabis products,
4 cannabis-related products, or drug paraphernalia during
5 any event at the OC Fair & Event Center."

6 BOARD CHAIR BARBARA BAGNERIS: Yes, Director
7 Berardino.

8 DIRECTOR NICK BERARDINO: I have a question for
9 counsel.

10 One, I get the because we're close to the
11 school and, you know, I mean it just knocks us out of
12 the box for being able to do anything like that.

13 But when it talks about the paraphernalia,
14 what is considered -- like as a bong, you know, that I
15 understand people smoke marijuana out of, or as my son
16 told me, "God, I hated moving back home."

17 And I said -- or he only moved home for a
18 month.

19 I said, "Why?"

20 He said, "I can't keep my bong on the coffee
21 table." So I -- so I've seen those. So -- and little
22 pipes and things. Is that considered drug
23 paraphernalia?

24 MR. JOSH CAPLAN: Drug paraphernalia is a -- is a
25 legal term of art. It has a specific legal definition

1 under federal and state law. I don't have that
2 definition in front of me, but -- so your reference to a
3 bong or a water pipe, I --

4 DIRECTOR NICK BERARDINO: You just said "water
5 pipe." I didn't.

6 MR. JOSH CAPLAN: It could -- I have to look at
7 the statute. I couldn't tell you sitting here. But
8 there's a specific legal definition for that, yes.

9 DIRECTOR NICK BERARDINO: Okay. Because I a
10 hundred percent voted for it. I'm for not, you know,
11 selling cannabis here.

12 You know, I just know that we do sell, you
13 know, bongs and pipes and, you know, other things. And
14 I -- see, I'm -- I don't -- now that marijuana is legal,
15 I can see why you would be restrictive. I mean it's
16 legal under certain circumstances. But I don't know
17 that -- so we don't sell that.

18 But I don't know if extending it to drug
19 paraphernalia like bongs and stuff, I don't know if that
20 makes sense. It seems like you can't sell the drug
21 here, but I don't know that the law in the marijuana
22 thing precludes paraphernalia.

23 MR. JOSH CAPLAN: I can tell you what drug
24 paraphernalia means under federal law --

25 DIRECTOR NICK BERARDINO: Oh, okay.

1 MR. JOSH CAPLAN: -- which is "any equipment,
2 product, or material of any kind which is primarily
3 intended or designed for use in manufacturing,
4 compounding, converting, concealing, producing,
5 processing, preparing, injecting, ingesting, inhaling,
6 or otherwise introducing into the human body a
7 controlled substance." And, obviously, controlled
8 substance under federal law includes marijuana.

9 DIRECTOR NICK BERARDINO: Right. Class 1.

10 MR. JOSH CAPLAN: So it has a very specific
11 definition.

12 DIRECTOR NICK BERARDINO: So that means a bong
13 and that stuff would -- under federal law, we would be
14 prohibited from selling.

15 MR. JOSH CAPLAN: That would -- depends on how
16 you read the statute. I mean as you probably know, if
17 you drive through parts of California, you know, even
18 West Los Angeles, you'll see a lot of storefronts that
19 sell bongs. And it's been like that for the last 20 or
20 30 years.

21 And I think the reason those shops have been
22 able to stay open -- and I can't speculate -- is that
23 their -- their approach is probably that the primarily
24 intended use is not for or related to a controlled
25 substance, but it's intended to be used for a legal

1 substance --

2 DIRECTOR NICK BERARDINO: Okay.

3 MR. JOSH CAPLAN: -- for example, tobacco.

4 But this Board -- I think this Board at some
5 point made a decision regarding the sale of this type of
6 paraphernalia during the summer fair, and I think it's
7 prohibited for vendors to sell these types of products
8 during the summer fair. A Board Member can correct me
9 if I'm wrong.

10 BOARD CHAIR BARBARA BAGNERIS: That's correct.

11 MR. JOSH CAPLAN: So as far as I know, that
12 policy's already in place. So this would seem to relate
13 to other events that go on on the property outside of
14 the fair since it's already prohibited at the fair.

15 DIRECTOR NICK BERARDINO: Got it. Thank you.

16 BOARD CHAIR BARBARA BAGNERIS: I guess the only
17 thing that I was thinking about was medical marijuana.
18 If there was a vendor that just wanted to distribute
19 literature about medical cannabis, would that be
20 prohibited with this policy and should it be?

21 MS. MICHELE RICHARDS: I believe that that is
22 still prohibited under the City of Costa Mesa current
23 ordinance, except for a defined area in north
24 Costa Mesa.

25 MR. JOSH CAPLAN: And to answer your question

1 directly, it would cover all types of marijuana use,
2 including for medical purposes.

3 BOARD CHAIR BARBARA BAGNERIS: All right. Any
4 other discussion on the recommendation?

5 I would accept a motion to accept this
6 policy.

7 DIRECTOR DOUGLAS LA BELLE: So moved.

8 DIRECTOR SANDRA CERVANTES: Second.

9 BOARD CHAIR BARBARA BAGNERIS: So moved and a
10 second. Any other discussion?

11 With that, we'll take a roll call vote.

12 MS. SUMMER ANGUS: Chair Bagneris?

13 BOARD CHAIR BARBARA BAGNERIS: Yes.

14 MS. SUMMER ANGUS: Director Berardino?

15 DIRECTOR NICK BERARDINO: Yes.

16 MS. SUMMER ANGUS: Director Tkaczyk?

17 DIRECTOR STAN TKACZYK: Yes.

18 MS. SUMMER ANGUS: Director La Belle?

19 DIRECTOR DOUGLAS LA BELLE: Yes.

20 MS. SUMMER ANGUS: And Director Cervantes?

21 DIRECTOR SANDRA CERVANTES: Yes.

22 BOARD CHAIR BARBARA BAGNERIS: Okay. To my
23 memory 9D, Emergency Property Usage Agreements, an
24 information item.

25 Director -- I mean CEO Kramer.

1 MS. KATHY KRAMER: I'll turn that over to Ken
2 Karns to provide an informational update on agencies
3 that we have emergency property use agreements with and
4 where we are in that process.

5 MR. KEN KARNS: Thank you, Kathy.

6 Yes, in front of you is just an information
7 item. Currently, the OC Fair has four property use
8 agreements: One with the Strategic National Stockpile
9 Program; the Orange County Major Emergency Mass
10 Reception, Care and Shelter Site; Orange County
11 Bioterrorism Decontamination Center; and, as we all
12 know, the OC Animal Care Large Animal Evacuation Center,
13 which we enacted earlier.

14 So we do not have in place with two agencies
15 but we are currently in discussion with the Fairview
16 Development Center, the hospital just up the road, and
17 the City of Costa Mesa in regards to temporary
18 displacement as an emergency center -- staging center.

19 So we are currently in the process of working
20 with each of the agencies and reviewing the agreements.
21 We want to ensure we have all contracts in place and
22 appropriate notification systems for activation. We've
23 also reached out to the California Department of Food
24 and Agriculture, and we want to completely understand if
25 there's any state requirements related to priority. An

1 emergency could enact a couple of these at the same
2 time, and is there some sort of priority. So we want to
3 review that and get that defined.

4 So all in all, we want to continue to work
5 with each of these agencies, update, and make sure all
6 contracts are appropriate, valid, and talk about process
7 and procedures on communication and make sure everyone's
8 on board. So that's where we are to date, but staff's
9 going to go away and do some more homework to get
10 everything up to date going forward.

11 There's a summary -- I think that went out --
12 just a quick summary that explains each of the ones, as
13 well as the two that were in discussion. So if we could
14 just provide that -- (indiscernible) --

15 BOARD CHAIR BARBARA BAGNERIS: That was an
16 informational item, and I thank you for that
17 information.

18 We're now going to move to 9E.

19 DIRECTOR DOUGLAS LA BELLE: No, I do have a
20 question.

21 BOARD CHAIR BARBARA BAGNERIS: I'm sorry.
22 Director La Belle?

23 DIRECTOR DOUGLAS LA BELLE: The two that you're
24 in negotiations with, Ken, do you have any time frame as
25 to when you would hope that you -- (indiscernible)?

1 MR. KEN KARNs: We just started preliminary
2 discussion, so no time frame.

3 DIRECTOR DOUGLAS LA BELLE: And when those
4 agreements are put in final form, they'll come back to
5 the Board for Board review?

6 MR. KEN KARNs: Yes. Currently, I think we have
7 two ways of doing it. Some are contractually rental
8 agreement -- zero-value rental agreements, and one is --
9 currently I think is an LOU, so -- which does come back
10 to the Board.

11 DIRECTOR DOUGLAS LA BELLE: As one Board Member,
12 I'd like to -- when those are completed, I'd like to see
13 them come back to the Board.

14 MR. KEN KARNs: Yes. Absolutely. Absolutely.

15 BOARD CHAIR BARBARA BAGNERIS: Very good.

16 We do have public comment on item 9E, Reggie
17 Mundekis.

18 MS. REGGIE MUNDEKIS: Speaking regarding the
19 master site plan workshop, there is myriad of issues
20 that have to be addressed before we can even have that
21 meeting.

22 First of all, I have been asking for copies
23 of documents regarding the master site plan contract,
24 and I have been told that the only documents in response
25 to my request are what's been posted online and at the

1 Board presentation. So we have spent a quarter of a
2 million dollars, and we have nothing to show for it.

3 I need to have those documents or else I'm
4 going to find other people to help me find those
5 documents. We cannot spend a quarter of a million
6 dollars and have no work product, no e-mail, and nothing
7 you can show the public.

8 This is an extremely biased process. It
9 continues in the back rooms outside of the view of the
10 public. It's been months since we've had a written
11 report, but yet every month we're told "Oh, we had more
12 meetings. Oh, we gave direction to staff."

13 CEQA starts the minute you start talking
14 about a project. There isn't some magic starting gun
15 for CEQA. This isn't a race at the Olympics. We're
16 already in the CEQA process. And this Board and this
17 staff have done everything in -- have done a lot of
18 things to keep things in the back room to prevent the
19 public from knowing what's going on and to prevent the
20 public from knowing what the possible environmental
21 impacts are. We have rights under this, and you -- you
22 are trampling on our rights.

23 I have asked for copies of environmental
24 notices to be sent to me, and I was told that it has to
25 be fulfilled under the California Public Records Act and

1 that they're not going to give any environmental notices
2 to me because they haven't been posted yet.

3 Well, the California Public Resources Code
4 which governs the CEQA process says I'm allowed to
5 receive copies of environmental impact notices --
6 environmental notices and that -- prepare the mailing
7 list ahead of time.

8 I have been seeking copies of the procedures
9 for your environmental review required by Public
10 Resources Code Section 21000 since August. My requests
11 have been ignored. I request that you provide copies of
12 any and all reports, studies, market research, and
13 market demand analysis, financial analysis,
14 profit-and-loss statements, business cases, and business
15 opportunities, in addition to any and all other work
16 performed under contract SA-241-16MS.

17 I request that you comply with all state
18 statutes, regulations, and case law regarding
19 environmental noticing, including providing said
20 environmental notices to members of the public who
21 request them.

22 I request that you move any and all
23 discussions of the Master Site Plan to the evening.
24 It's ridiculous that you're meeting at 9:00 in the
25 morning. No one can attend. This is ridiculous. This

1 is a sham. You're trampling on our rights.

2 I request that you make all materials
3 provided to Board Members available to the public
4 immediately, both for this meeting and all prior
5 meetings, and that I request that you provide -- that
6 you agree that all -- that all public records requests
7 for documents, writings, communications be fulfilled
8 within 24 days. Thank you.

9 BOARD CHAIR BARBARA BAGNERIS: Thank you.

10 9E, this is notification to the Board Members
11 that we want to have these three extended Board
12 Meetings. And we've already let you know about these.
13 On the March 22nd, the Board of Directors training; on
14 the 26th, the Master Site Plan workshop; and on the
15 24th, a Strategic Business Plan Workshop.

16 So I appreciate all the Board Members for
17 giving up that extra time, at least until 2:00, 2:30 in
18 the afternoon, so that we can take care of all of this.
19 Because this is a jam-packed year for us, and we're
20 going to get through it and we're going to get
21 everything done and we're going to be better for it. So
22 thank you.

23 Anything else -- any other comments about
24 those meetings?

25 DIRECTOR DOUGLAS LA BELLE: Yes, if I could

1 comment a little further.

2 Vice Chair Ruiz and I met with staff. The
3 work in progress relative to the cost-benefit analysis,
4 all of the documents that have been distributed to the
5 full Board are available and have been made available to
6 the public. And that would go back to the three
7 concepts that were presented at the last workshop.

8 Our direction to staff as your committee is
9 to have the cost-benefit analysis on all of the
10 individual components distributed well in advance of the
11 April workshop, not only to the Board but to the public,
12 to allow everyone the opportunity to evaluate and
13 analyze that material prior to the workshop.

14 We are also recommending, as I indicated in
15 my earlier comments, that sometime between the April
16 workshop and the May Board Meeting, that there be an
17 evening public meeting where the public input can be
18 presented relative to the work to date on the process.

19 The -- I'm fully aware of CEQA. I clearly
20 understand it. Until we do the CEQA process, we have
21 nothing other than a concept plan. CEQA will entail --
22 depending on what the Board ultimately approves, will
23 entail probably a full EIR, which will go through a
24 preparation process, public comment process, response to
25 comments, and it will come back ultimately at some point

1 in time, probably the end of the year, for the Board to
2 take and certify the EIR on what would then become the
3 master concept plan for the OC Fair & Event Center.

4 So I don't know if Ken wants to comment
5 further or Kathy, but -- (indiscernible) --

6 MR. KEN KARNs: (Indiscernible.)

7 DIRECTOR DOUGLAS LA BELLE: -- appropriate.

8 BOARD CHAIR BARBARA BAGNERIS: Very good.

9 DIRECTOR NICK BERARDINO: Madam Chair?

10 BOARD CHAIR BARBARA BAGNERIS: Yes, Director
11 Berardino.

12 DIRECTOR NICK BERARDINO: I too want to thank
13 Doug for -- I mean he's city manager, and I -- and I
14 know city managers and the public fight over CEQA. I
15 mean that's one of the big things.

16 But, Doug, prior to being city manager,
17 didn't you work in the planning department at one point?

18 DIRECTOR DOUGLAS LA BELLE: I did. Several
19 agencies. I was the planning director and, obviously,
20 was responsible for administering a number of EIRs. And
21 I fully -- I fully support the process, and I appreciate
22 Reggie's comments. There's no intent to hide anything
23 or do anything else. This is a full and open process
24 relative to the environmental.

25 The issue is until we know where the Board

1 ultimately wants to go relative to this process, we're
2 dealing with just a concept. And I understand that
3 until the full EIR is done, if that assumes that's what
4 we're going to do, we have nothing, basically.

5 So there's going to be more than ample
6 opportunity for the individuals, the public, and
7 everyone else to comment on the environmental at that
8 point in time.

9 DIRECTOR NICK BERARDINO: And I brought that up,
10 Madam Chair, because I would hope the -- you know, the
11 public would feel some comfort knowing -- I mean Doug --
12 Doug -- Doug's been on how many planning departments?

13 I know you and I used to arm wrestle when you
14 were the Director of Planning in Huntington Beach or
15 something over there that had to do with planning.

16 DIRECTOR DOUGLAS LA BELLE: Well, three specific
17 cities I had planning responsibilities. And then the
18 other cities where I was city manager, I also had
19 planning responsibilities.

20 DIRECTOR NICK BERARDINO: And you did a lot of
21 development too in Chino Hills. You were the city
22 manager when that city grew out.

23 DIRECTOR DOUGLAS LA BELLE: Correct.

24 DIRECTOR NICK BERARDINO: So I, too, echo your
25 appreciation for having him here.

1 And I don't think there's anything wrong, but
2 I think it reduces the -- the rancor if you feel
3 comfortable in knowing that you have somebody that --

4 You were a planning director and stuff.

5 -- that you guys can talk with each other a
6 little bit and directly ask Doug some of these
7 questions, it might be helpful.

8 DIRECTOR DOUGLAS LA BELLE: That would be fine.

9 BOARD CHAIR BARBARA BAGNERIS: And as your Chair,
10 I don't deal in back-room deals. My basic -- people who
11 know me, I do what's right, not what's popular. And so
12 if there are any back-room deals going on and I find out
13 about it, it would be -- it would be exposed
14 immediately. So I don't think that should be a concern
15 for anybody.

16 We are going to have these three meetings,
17 and you see the agenda, the way we've outlined it for
18 now. And if we have to make an adjustment, we will, in
19 the timing. But these three meetings are on the agenda,
20 and they will happen as listed.

21 Anything else on this agenda item? Okay.
22 We're going to move to item F. We have two more public
23 comments, one from Reggie Mundekis and then Anna V., in
24 that order, please.

25 MS. REGGIE MUNDEKIS: Great.

1 Thank you again.

2 The California Constitution grants the public
3 the right to see how the people's business is being
4 conducted and states so in Article 1, Section 3, of the
5 Constitution. It's so important they put it first.

6 It says, "The people have the right of access
7 to information concerning the conduct of people's
8 business, and, therefore, the meetings of public bodies
9 and the writings of public officials and agencies shall
10 be open to public scrutiny."

11 This section was added several years after
12 the 2004 guidance on the California Public Records Act
13 that's in the Board agenda packet was published. Since
14 2004, there have been more than 30 significant cases
15 which apply to help how public records requests are
16 managed.

17 An example of what is missing in the 2004
18 guidance is a prohibition on the boilerplate letters
19 that the 32nd DAA appears to rely upon and which appear
20 in the agenda packet. These boilerplate forms list all
21 of the possible reasons for which the 32nd DAA might --
22 (indiscernible) -- when it responds to a public records
23 request. Only the date and contact information are
24 changed.

25 A 2011 case, American Civil Liberties Union

1 of California vs. the Superior Court of San Francisco
2 County, held that a conclusory or boilerplate assertion
3 that is -- that merely recites statutory standards are
4 not sufficient.

5 Despite this legal holding seven years ago,
6 the 32nd DAA continues to send out form letters to
7 respond to public records requests. These actions fail
8 to respect the constitutional rights of the requesters.

9 More recent guidance is available in The
10 People's Business: A Guide to the California Public
11 Records Act published in April 2017 from the California
12 League of Cities. The 32nd DAA should establish
13 procedures for ensuring that the public's constitutional
14 rights are not infringed by complying with statutory
15 provisions and judicial rulings.

16 This means at a minimum provide meaningful
17 nonboilerplate responses to public records requests
18 which identify whether or not the 32nd DAA has documents
19 responsive to the requests within ten days.

20 Only requesting 14-day extensions from one of
21 the statutorily defined specific unusual circumstances
22 occurs, providing copies of the identified responsive
23 documents, either with the response letter or promptly
24 thereafter. This does not mean 60 to 90 days. Quite
25 frankly, if you have money to spend on a staff

1 concierge, you can get this done much faster than you've
2 been doing it.

3 An up-to-date understanding of the
4 constitutional rights of members of the public regarding
5 public meetings and public records is important for all
6 directors and employees of the 32nd DAA, thus violations
7 of those rights, even unintentionally, occur.

8 I encourage you to take this opportunity to
9 eliminate even the risk of this occurring by providing
10 the employees and staff with up-to-date documentation
11 and ongoing training.

12 Thank you.

13 BOARD CHAIR BARBARA BAGNERIS: Anna?

14 MS. ANNA VRSKA: Anna Vrska.

15 I haven't had the pleasure of being denied by
16 this agency. I've battled the City of Costa Mesa and,
17 for the most part, with persistence removed resistance
18 and got my documents, some of which ended up being
19 embarrassing to the agency. So I understood why they
20 didn't want to give them to me or to the person
21 requesting them. However, that is no reason.

22 This is why these laws exist, to be the
23 checks and balance. It's not that anyone wants to do
24 anything wrong, but no one is perfect. So that's what
25 residents serve the purpose -- one of the purposes.

1 I would suggest you just release the records
2 in a timely manner. Stop being obstructionist. It will
3 get you nowhere except getting lawsuits and
4 embarrassment.

5 For example, like when Ms. Mundekis said that
6 you can't produce the Ticketmaster contract. To me,
7 that's embarrassing. I would be mortified if I was the
8 Board or the agency, because what kind of place of
9 business are you running? What does that even mean that
10 you can't locate a current contract that is being
11 amended?

12 So that's what I would say. Just hide your
13 shame and -- or clear your shame and provide the
14 documents and get your house in order truly and
15 correctly. Thank you.

16 BOARD CHAIR BARBARA BAGNERIS: So item 9F, I
17 asked that this be added to the agenda so that we can
18 understand what the process is for public records
19 requests fulfillment, how we can fill those requests.
20 And any guidance or direction that's needed, we take
21 from the Attorney General's Office.

22 So at this time I'd like to turn over the
23 discussion to CEO Kramer.

24 MS. KATHY KRAMER: Thank you, Chair Bagneris. As
25 you stated, this is to provide information to the Board

1 of Directors and the members of the public as to how the
2 32nd DAA processes the fulfillment of public records
3 requests. In your packets, and I'm going to references
4 them, you'll see some samples as we walk through this.

5 Attached is a copy of the summary of the
6 California Public Records Act prepared by the Office of
7 the Attorney General in 2004. This reference guide
8 provides general information about the California Public
9 Records Act Summary and is provided as part of a general
10 background for this discussion. Staff works with the
11 AG's office to comply with any and all current versions
12 of the law.

13 I want to walk you through the process.
14 Once -- once the District receives a public record
15 request, staff reviews the request and works with the
16 appropriate departments to locate responsive documents.
17 It is also common for staff to work with the AG's
18 office, depending on the complexity of the request.

19 The process of fulfilling responsive
20 documents for a public records request can be very
21 comprehensive. Staff must review all responsive
22 documents to determine if any documents or information
23 in a document is exempt from disclosure under the Public
24 Records Act.

25 For example, if any document includes

1 personal identifying information, such as noncommercial
2 addresses, e-mail addresses, telephone numbers, or along
3 with any other sensitive personal information, Social
4 Security number, credit cards, this information is
5 redacted before the document is made available to the
6 requester.

7 If it is determined that the responsive
8 documents can be located within the ten-day requirement,
9 documents are processed and the requester is notified
10 via e-mail. You can see that in your packet. It's
11 sample A. You can see the e-mail that talks about -- it
12 ties back to the response.

13 In addition, a standard form letter approved
14 by the AG's office -- see sample A1 -- accompanies the
15 e-mail and responsive documents.

16 If it is determined that the responsive
17 documents cannot be located and processed within the ten
18 days of the request, then the requester receives
19 sample B letter -- we'll look at that letter -- within
20 the ten-day window. This letter is exactly the same
21 standard form letter except, as you'll notice on the
22 second page -- it is highlighted in yellow -- this
23 letter provides the requester with an approximate number
24 of days it will take to compile, review, and redact
25 documents responsive to the request.

1 Because of the mere volume and complexity of
2 these requests, staff processes public records requests
3 in the order in which they are received to ensure each
4 request is thoroughly researched and all public records
5 not exempt from disclosure are provided.

6 Just as a point of reference, in 2017 the
7 District received and processed 110 public records
8 requests. We have hired an additional part-time staff
9 that is currently being trained to assist in fulfilling
10 public record requests received by the District.

11 So that is our process. I'd be happy to
12 answer any questions. I know Josh, as well, works very
13 closely with myself and our team that fulfills the
14 public records requests.

15 BOARD CHAIR BARBARA BAGNERIS: Yes, Director
16 Berardino.

17 DIRECTOR NICK BERARDINO: Madam Chair, thank you.

18 And, first, I think on public records
19 requests -- let's see. We have Theresa sitting here.
20 Theresa and I are part of an organization where we have
21 just won our third lawsuit for public records requests,
22 our third successful lawsuit. We've -- we've gained --
23 we -- I guess I'm not permitted to say how much money
24 that we've won over the three lawsuits, but --

25 MS. THERESA SEARS: We covered fees.

1 DIRECTOR NICK BERARDINO: Yeah. We covered fees,
2 and our fees were extensive.

3 MS. THERESA SEARS: Commercial rates.

4 DIRECTOR NICK BERARDINO: Exactly.

5 So I'm very familiar with this process. You
6 know, a hundred public records requests on any bad year
7 in 20 jurisdictions that I represented employees is
8 probably my low.

9 So there are a couple things about -- I think
10 we need -- I think we really need -- because the volume
11 for an agency this size -- and even if you talk to
12 attorneys that do this will tell you you got -- there's
13 caution. I mean at least we get cautioned when we go
14 after from our lawyers. Our lawyers caution us on the
15 following things.

16 Repetitive and consistent requests of when
17 we're going to go to court, you know, they don't -- they
18 don't like to see a lot of that because -- because they
19 think it takes on -- at least this is what I've been
20 cautioned.

21 And let me preface this. And I'm, obviously,
22 a big advocate of public records requests to the point
23 that I mean I sue people over not giving them and been
24 involved in just two years three lawsuits. I can't -- I
25 don't know how many I have.

1 And you can get -- you can -- judges don't
2 like -- and I'll just share this. Judges -- at least
3 what I've been told repeatedly -- they don't like when
4 they see a whole litany of -- because then they think,
5 okay -- and they accuse me -- and I've had judges accuse
6 me of and saying "You're bullying," you know, "You're
7 bullying with your requests." And had the biggest fight
8 with the Orange County Courts where -- talk about not
9 getting -- try to get something -- try to get a judge's
10 credit card receipts. Good luck. I mean you ultimately
11 get them, but it takes, you know, years. And then they
12 won't give them to you, and you have to go down there
13 and review them. So I think you have to be cautious.

14 And I think the important thing about this is
15 really beyond the public records requests. I think
16 that -- and I think if you talk to lawyers that
17 specialize in this -- and there are lawyers in
18 California who are terrific at this -- they will tell
19 you they want to see before you go to court --

20 And, you know, I know, Reggie, you know this
21 stuff very well. I've read your stuff, and I compliment
22 you on the -- the -- I mean I really do. I think the
23 language in it is -- I don't necessarily think you're
24 always on point, but that's, you know, an agreement or
25 disagreement. But the work is well-done, and the cites

1 are well-done.

2 But lawyers will caution you, at least I've
3 been cautioned, that "What have you done to
4 administratively resolve the issue? In other words,
5 what have you done to contact the parties? What have
6 you done to arrange discussions? What have you done to
7 have meetings? What have you done to clarify the issue
8 that's beyond coming here, asking us to -- to enforce
9 that?"

10 And that is, you know -- and generally you
11 have to show -- at least we have in our court
12 proceedings -- we have to show a litany of what we've
13 done, you know, to try to contact people, to talk to
14 people, to have meetings with people, to have open
15 discussions, and that kind of thing.

16 And I think that's the healthy part, and why
17 the Act is good is because the Act is there as a hammer.
18 It's not there as -- you know, it's there really -- I --
19 I think it's everybody's right, but I think it's there
20 to say encourage discussion first. And then if you
21 can't, then, okay, then, you know, you implemented it.

22 So I would like to somehow encourage -- and
23 I've said it before -- to encourage some way on some of
24 these things to just have discussions first and see, you
25 know, before the requests come in. Because the requests

1 are good and we fulfill them.

2 And I also at the same point, while
3 complimenting you, Reggie, on the formatting, the
4 written form that you use, which is informative and does
5 coincide with the law, Josh is -- you know, you talked
6 about getting the Attorney General back, and none of us
7 wanted to wait.

8 I think when did we lose the Attorney
9 General? Do you --

10 MS. REGGIE MUNDEKIS: 2009.

11 DIRECTOR NICK BERARDINO: 2009. It took us six
12 years to get them back.

13 And the Attorney General is the issuer and
14 responsible for the reviewer and does, you know, take
15 action when public jurisdictions aren't in conformance
16 to the Act because they are a law enforcement agency.

17 And -- and Josh does a fantastic job on this.
18 You just have to -- I mean, again, through my experience
19 and I've seen hundreds, maybe a thousand, maybe more,
20 responses from attorneys on -- on PRAs. Josh does a
21 fantastic job in reviewing these and complying with the
22 law and --

23 MS. REGGIE MUNDEKIS: Since I have been addressed
24 by name from the dais, I request to be allowed to start
25 speaking.

1 BOARD CHAIR BARBARA BAGNERIS: I'm going to ask
2 Director Berardino to just direct it to me. You can say
3 "the public." I'm not going to receive any more
4 comments right now from the public.

5 DIRECTOR NICK BERARDINO: Okay. So in terms of
6 the public, what I would like to encourage us to do is
7 that I'm not in any way trying to throw a wet blanket on
8 this because the requests will come in, but I would like
9 us to follow sound practices in terms of these requests,
10 which is to try to set up something so we can have the
11 dialogue, you know, an open dialogue with the community.

12 And I know as you mentioned, Madam Chair, you
13 are clearly a sterling example of someone who does
14 things based on what you believe to be right, not what
15 you believe to be favorable. So I know there's an open
16 door there, and I know with Kathy too. I just -- I just
17 know it.

18 So I really would encourage us to try to in
19 some way set up a way where we can talk and see if we
20 can't resolve some of these at the lowest possible level
21 so it saves everybody a lot of time and provides quicker
22 resolution to the issues and answers to questions.

23 And I don't know how we do that, but -- I
24 don't know if there's an open forum or, you know, some
25 kind of way. I don't know the process of doing that.

1 But something that we can do to get the answers quicker
2 in a way that builds -- I mean that builds trust with
3 votes and the community and builds a dialogue and
4 provides a -- an avenue where we can embrace dissent and
5 improve upon dissent and, you know, get it on the right
6 track. And so that's my -- I just wanted to add.

7 BOARD CHAIR BARBARA BAGNERIS: I agree with you
8 on a lot of what you said. I really struggle -- I mean
9 just this week alone, I think we got four. Not only do
10 I have to open my e-mail and read it, I just -- you
11 know, it's a lot of information.

12 And I know that -- you said how many we had
13 last year?

14 MS. KATHY KRAMER: 110.

15 BOARD CHAIR BARBARA BAGNERIS: So if there was a
16 way that we could figure out how we could get some of
17 this data out -- it's not easy. I would -- I wouldn't
18 even take that job to have to go through records and
19 find information.

20 But if there is a way that we could help
21 minimize or eliminate -- not eliminate -- minimize how
22 many requests we get for data would be helpful. It's
23 just a lot.

24 And I just wanted to make sure that everybody
25 knew what our process was, what we were doing to fulfill

1 data requests, because we have to fulfill them. This is
2 not something -- we're not trying to avoid it. We're
3 not trying to hide from it. We have to do it. And if
4 we have an Attorney General that sits here, he gets to
5 see these, he gets to --

6 MR. JOSH CAPLAN: A Deputy Attorney General.

7 BOARD CHAIR BARBARA BAGNERIS: A deputy. I'm
8 sorry. Did I promote you? I'm sorry. That's called --
9 what's that called? I'm prophesying on you, buddy.

10 So, anyway, I just want to say that we are --
11 I -- I believe in this Board. I don't think there's
12 dishonesty on this Board. I don't think there's
13 dishonesty on the staff. That's my personal gut feel
14 about the people that we work with.

15 The Bagley-Keene doesn't allow us to have
16 these serial comments -- conversations outside of these
17 meetings. This is where we come and we hear what we
18 need to hear so that we can make decisions. So I
19 thought it was beneficial and useful if this information
20 would be presented not only to the Board, but to the
21 public, so we can see there is a process. We're not
22 trying to avoid, but we do have a process, and this is
23 how we operate to get public records requests out.

24 So does anybody else have any other comments
25 about this item? It is informational only.

1 Okay. With that, we've gone through our
2 agenda. There is not a closed session item for today,
3 so we don't have to deal with that.

4 And Board of Directors Matters of
5 Information, I will start on Director Berardino's side.

6 DIRECTOR NICK BERARDINO: I would like to ask
7 if -- you know, we're talking about all these contracts
8 and very healthy discussion. And I would like to see
9 the guide that we have here for staff who interact with
10 contractors and what the prohibitions are, such as going
11 to dinner, having lunch, or what the interaction -- what
12 guides the interaction with contractors.

13 MS. KATHY KRAMER: Okay.

14 DIRECTOR NICK BERARDINO: And I realize contracts
15 are part of commerce. But as public agencies, I think,
16 you know, there needs to be very strict guidance, very
17 strict rules about that, so I'd like to see what they
18 are here. And if you could provide that, I'd appreciate
19 it very much.

20 MS. KATHY KRAMER: Very well.

21 DIRECTOR NICK BERARDINO: Thank you.

22 And thank you, Madam Chair. I have to tell
23 you it is really relieving to have somebody as organized
24 as you to have -- and getting done as much as you're
25 getting done by, you know, listening, when the meetings

1 are, what's going to take place, what's the agenda, how
2 long we're going to be here, have it all organized like
3 that. Really, that's Homeric. So thank you very much.

4 BOARD CHAIR BARBARA BAGNERIS: I learned from the
5 best.

6 For the record, I learned from the best.

7 I go back and read the transcripts, and I say
8 "Did I really say that?"

9 DIRECTOR NICK BERARDINO: Yeah. Don't say that.

10 But really, no, that is really, really
11 helpful, very organized. Thank you very much.

12 DIRECTOR SANDRA CERVANTES: Madam Chair, great
13 meeting. And just wish everybody a great February.

14 BOARD CHAIR BARBARA BAGNERIS: Director Tkaczyk?

15 DIRECTOR STAN TKACZYK: Thank you.

16 Director Berardino started it, and I'd like
17 to add to it in regards to the RFP process. Information
18 that was shared today certainly enlightened me, and I
19 would like to bring it to the agenda next meeting, if
20 possible, that we do look at the policies and procedures
21 that have to do with the RFP process and specifically
22 the review process when the interviews are taking place
23 and grading is taking place and the people that are
24 involved in that process. Because there seems to be a
25 total integration of just keeping it in-house.

1 I know that over the years, I was asked to
2 sit on several city and county panels in regards to an
3 industry that I was involved in to share light with some
4 of the processes they went through, and it seems that
5 we're lacking on that. It seems that we're doing
6 everything in-house, and I have some concerns about
7 that. So I think it's time that we look at the process
8 and review it.

9 BOARD CHAIR BARBARA BAGNERIS: Okay. Probably
10 not over the next three board meetings, but at some
11 point this year?

12 DIRECTOR STAN TKACZYK: I'm -- the sooner, the
13 better, because I think we have some -- some RFPs that
14 are coming up that I think may warrant changes in what I
15 heard today, and quickly.

16 BOARD CHAIR BARBARA BAGNERIS: Is that --

17 DIRECTOR STAN TKACZYK: I'm done.

18 BOARD CHAIR BARBARA BAGNERIS: Director La Belle?

19 DIRECTOR DOUGLAS LA BELLE: I think I mentioned
20 this earlier under my several comments on the Master
21 Site Plan, but the RFP, speaking of RFP, that is being
22 prepared by staff to seek proposals for CEQA.
23 Consulting will hit the streets probably early March,
24 and that document, when it becomes completed by staff,
25 not only will the full Board receive a copy of that

1 document when it goes out, but the public will have the
2 opportunity to receive a copy as well. And maybe that
3 will assist in the dialogue relative to the process we
4 currently or will follow in the future.

5 With that, I'm -- nothing further. Great to
6 be here. Great to be anywhere, as a matter of fact.

7 BOARD CHAIR BARBARA BAGNERIS: So when -- when
8 you do get the agenda item to talk about policy for RFP
9 process, that would include long-term contracts, as
10 well.

11 DIRECTOR STAN TKACZYK: Whatever the process is,
12 absolutely.

13 DIRECTOR DOUGLAS LA BELLE: I think it should
14 concern the long-term contracts, absolutely.

15 DIRECTOR NICK BERARDINO: And I would also like
16 to see our personnel manual or our Human Resources
17 manual which should contain guidance on interaction with
18 contractors.

19 I mean I can tell you, like, in 43 years of
20 business, you will not -- in the political business, you
21 will not find a single person that ever bought me a
22 drink, bought me lunch, bought me a golf game, never
23 went out to lunch. People want to do business with me,
24 I -- you won't find one. I tell you, you want to do
25 business with me, you come to my office, sit down, and

1 we do business. After that, go on.

2 I don't need to have lunch with you. I don't
3 need to have a coffee with you. I don't need to have a
4 drink with you. I don't need to have nothing with you.
5 All I need to have with you is business.

6 And you will not find except one time when I
7 forgot my wallet and somebody bought me lunch in 43
8 years. But I learned that, man, forgetting your wallet,
9 that could be a very, very bad official thing.

10 But I would like to see -- I hope there is
11 guidance, and I'd like to see it from our own H.R.
12 manual. Because I just think, if not, I would like to
13 at some point when we talk about these contracts impose
14 that, that no lunches, no coffee, no interaction
15 outside. You do business -- it's a public facility.
16 It's a public business. You do business, you do it here
17 and go about your way.

18 BOARD CHAIR BARBARA BAGNERIS: Very good. Any
19 other comments from anyone?

20 I want to thank everyone. It was a longer
21 meeting than I had planned today, but we got a lot of
22 good discussion in. I'm always appreciative and amazed
23 at what people know that sit around the table and how it
24 helps us to -- in our deliberations of all of the
25 different issues that we have to tackle. So I

1 appreciate my colleagues -- my Board of Directors
2 colleagues.

3 And also I have to always thank the staff. I
4 just -- I know that they do so much and get so much
5 done, and we appreciate them. And I know some of them
6 don't sleep. And you can't possibly be sleeping, the
7 things that I see that you do.

8 So I always appreciate that, that the love
9 for this facility is evident. The workers, the staff,
10 everybody really loves what they do, that they would
11 continue to come back on a day-to-day basis and get
12 things done the way that you do.

13 And the innovation and the creativity of our
14 staff, I really -- I wish I could take you back to my
15 job so that we can be creative in how we build weapons.
16 How about that?

17 And thank you, Josh, always for taking my
18 calls.

19 And if there is nothing else, I'm going to
20 adjourn this meeting. So adjourned.

21 (Whereupon, the OCFEC Board of Directors
22 Meeting was hereby adjourned at 11:42 a.m.)

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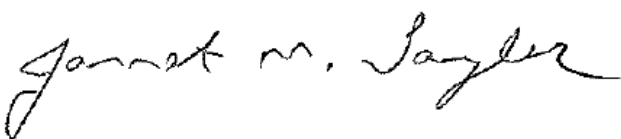
Certificate
of
Certified Shorthand Reporter

The undersigned certified shorthand reporter
of the State of California does hereby certify:

That the foregoing proceedings was taken
before me at the time and place therein set forth and
was recorded stenographically by me and thereafter
transcribed, said transcript being a true copy of my
shorthand notes thereof.

I further certify that I am neither
financially interested in the action nor a relative or
employee of any attorney of any of the parties.

In witness whereof, I have subscribed my name
this date, March 6, 2018.



Janet M. Taylor
Certified Shorthand Reporter
Certificate Number 9463

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