



Friends and Neighbors of the Orange County Fairgrounds

Working for a Fairgrounds that is Focused on the Community

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VIA E-MAIL

Chair Sandra Cervantes
32nd District Agricultural Association
88 Fair Drive
Costa Mesa, CA 92626
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RE: *Lack of Public Disclosure of Activities of Fair Board Committees*

Dear Chair Cervantes:

At the March 26, 2020 meeting of the 32nd DAA Board of Directors, it became clear from comments made that staff of the 32nd DAA, in particular COO Ken Karns, was making presentations regarding capital improvement projects to the Facilities Committee and that the substance and specifics of these reports were not being conveyed in the Committee reports to the Board or to the public generally. As a result of this, and in the interest of transparency and public disclosure, Friends and Neighbors of the Orange County Fairgrounds submitted Public Records requests for:

- 1) All documents provided or shown to the Facilities Committee or its members since November 14, 2019, regarding facilities status, maintenance, or improvements.
- 2) All documents used by, relied upon, or consulted by staff members in preparing reports or providing information to the Facilities Committee or its members since November 14, 2019 regarding facilities status, maintenance, or improvements.
- 3) All documents provided, submitted, or shown to any third party licensing or approval agency or authority since October 14, 2019, regarding facilities status, maintenance, or improvements.

The results of these requests, which were only received this week, reveal that there has been much presented to and discussed with the Facilities Committee that has not then been reported at the monthly public meeting of the 32nd DAA Board of Directors. This lack of transparency and public reporting is the result of the use of two-person subcommittees, which due to their size, are exempt from public meeting requirements.

It is clear that, whether intentional or not, the full scope and detail of what was being reported to and

discussed with the Facilities Committee is not being reported back to the Board at public meetings or disclosed to the public. Our review of the material from this one public record request has revealed the following items which are just SOME of the issues that have not been raised with the Board in its entirety or made visible to the public:

- Staff has apparently been working with regional water control authorities regarding discharge issues arising from Winterfest and seeking a discharge permit related to Winterfest ice melt and runoff. Such interactions with regional water control authorities create legal liabilities to, and commitments for, the 32nd DAA. This should be disclosed to the public and the entirety of the Board. Additionally, it is unclear why the 32nd DAA appears to be assuming the cost and responsibility for doing this, when any issues are caused by the operation of Winterfest, which is rental production NOT a 32nd DAA production.
- Staff is apparently working with Fuscoe Engineering to develop detailed plans for the desilting basin and has gone so far as to submit plans to the City of Costa Mesa, without publicly disclosing the specifics of those plans to the Board in its entirety or other interested users at the Fairgrounds, such as those at the adjacent Equestrian Center. Again, this is an activity which has impact on other users of the Fairgrounds, and the public, as well as creating legal liabilities and responsibilities for the 32nd DAA.
- Staff is responding to Spectra requests to facilitate a remodel of Baja Blues. The specifics of this plan and what Spectra, whose contract ends in 2024, plans to do to an historic building which pre-dates the existence of the Fairgrounds has never been presented to the Board in its entirety or presented to the public. As the Baja Blues building is one of the few buildings at the Fairgrounds that dates to the Santa Ana Army Air Base, it has important historic value and should be treated as the sensitive publicly owned historic resource that it is.
- The landscaping effort around the A4 Skyhawk display has apparently been expanded to include re-landscaping of the private dining area reserved for catered dinners and parties of the Board and their guests during each night of the Fair. This change in scope to the proposed program, any additional costs associated with it, or the justification for it, has never been raised, publicly, with the Board in its entirety, or revealed to the public.

As a result of the realization of how much information was not being made public due to the non-public operation of just this one committee, Friends and Neighbors of the Orange County Fairgrounds now feels obligated to file weekly public records requests for all of the materials presented to or considered by all these committees and all of the documents relied upon or consulted by staff in providing information to each committee. We do not believe that submitting requests on a weekly basis for this information is necessarily the most efficient way to ensure public disclosure, but absent agendized and noticed public meetings of these Committees, we see no other option.

Two years ago, it appeared that the Board supported the idea of abandoning the use of these two person committees and moving the work of these committees to committees which operate with noticed, agendized, public meetings. Unfortunately, this has not come to pass. I encourage you, as chair, for the benefit of the public, to do what you can to put an end to this practice and have the 32nd DAA either abandon the use of two-person committees in favor of three person committees or institute a policy that the two (or fewer) person committees will voluntarily operate as if they were

three person committees for purposes of the Bagley-Keene Act. Again, whether intentional or not, this end-run around the requirements of the Bagley-Keene Act is not consistent with the values of openness and transparency spelled out in the Policies which you only recently adopted and is inconsistent with the basic tenets of public disclosure codified in the California Constitution and its statutes.

If you wish to discuss this matter further, I and others from Friends and Neighbors of the Orange County Fairgrounds are willing to do so at a mutually agreeable time. I must, in conclusion, say that I am ultimately profoundly saddened by what I am seeing here. Although, we had seen what appeared to be progress since Michele Richards became CEO, for some reason, there appears to be an almost instinctive predilection of some elements of the 32nd DAA to operate in secret, without public disclosure. This is contrary to California tradition, policy and law, most succinctly stated in Cal. Gov't Code §6250:

[A]ccess to information concerning the conduct of the people's business is a fundamental and necessary right of every person in this state.

Sincerely,



Vincent M. Pollmeier
Director, Friends and Neighbors of
the Orange County Fairgrounds

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