



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

CEO Michele Richards
32nd District Agricultural Association
88 Fair Drive
Costa Mesa, CA 92626
E-Mail: mrichards@ocfair.com

RE: *Inadequate Response to California Public Records Request*

Dear CEO Richards:

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 including:

- 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.

We have now had an opportunity to review the documents produced by the 32nd District Agricultural Association in response to these CPRA requests. Unfortunately, the response is deficient. In particular, the production lacked documents which, based on the production of other documents, should have been included. In particular we note the absence of the following documents:

- Project Drawings for the Desilting Basin Project, including those received from Fuscoe Engineering on 1/29/2020, those submitted to the City of Costa Mesa on 1/30/2020, and those submitted to CCA to prepare bids on 1/30/2020;
- Test Records Associated with the Winterfest Ice Rink Water Melt Testing;
- The 2019/2020 Storm Water Management Proposal that was sent to CCA for contract;

- Design Review documents for Lot G Utilities work; and
- Documents regarding the scope, or plan for developing scope, for the ongoing fire sprinkler assessment

Rather than make further issue regarding these deficient documents, Friends and Neighbors of the Orange County Fairgrounds hav submitted additional CPRA requests directly addressing these deficient items. We, however, reserve the right to use this deficient response as evidence in possible future actions regarding the 32nd DAA's responses to CPRA requests.

More importantly, though, because we are now submitting weekly CPRA requests regarding the activities of multiple Board committees that use very similar language to these requests, I want to point out, to avoid future problems, that the requests include (emphasis added) requests for:

All documents **used by, relied upon, or consulted by staff members in preparing reports or providing information** to the [Committee] or its members . . .

So when there is indication that a presentation was made to a Committee regarding, for example, ice water melt tests, the underlying documents related to those tests should also be produced. Likewise when there is indication that the committee was updated on the status of the Desilting Basin project, the project documents and drawings should also, logically, be produced. This same logic applies equally to the other items mentioned earlier in this letter.

I understand that this may result in a not insignificant burden in identifying, locating, and producing documents that were used by, relied upon, or consulted by staff in providing information to the various Committees, but unfortunately, the practice of the Board in using committees that do not hold public meetings to conduct 32nd DAA business, a practice which we fully understand you do not have the power to change, leaves us no other option than to use CPRA requests to determine the scope and nature of the public business being performed out of the sight of the public by these committees.

Thank you for your cooperation in this matter. I hope that by letting you know of this issue and of the fact that Friends and Neighbors of the Orange County Fairgrounds will, on an ongoing basis, be submitting requests for documents associated with the activities of the Committees, that this will allow staff to identify documents which will be subject of CPRA requests as they are working with the Committees, hopefully making the process more efficient, until such time as the Board opens the work of the committees to public observation.

Sincerely,



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

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