
Subject: FW: Equestrian Center - Correspondence Regarding a New Vision and Contract for the Equestrian Center
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From: Regina Mundekis [mailto:reggie_mundekis@me.com]
Sent: Monday, October 19, 2020 10:40 AM
To: Ashleigh Aitken Board (aaitken@ocfairboard.com); Barbara Bagneris; Sandra Cervantes; Natalie Rubalcava-Garcia; npham@ocfairboard.com; nkovacevich@ocfairboard.com; dlabelle@ocfairboard.com; rruiz@ocfairboard.com
Cc: Michele Richards
Subject: Equestrian Center - Correspondence Regarding a New Vision and Contract for the Equestrian Center

Dear Board,

Please see the attached correspondence regarding a new vision, direction, and contract for the Equestrian Center.
Please contact me if you have questions or need additional information.

Thank you for your interest in this matter,

Reggie Mundekis
714-876-7524



Friends and Neighbors of the Orange County Fairgrounds

Working for a Fairgrounds that is Focused on the Community

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October 19, 2020

VIA E-MAIL

Natalie Rubalcava-Garcia, Board Chair
32nd District Agricultural Ass'n Board
32nd District Agricultural Ass'n
88 Fair Drive
Costa Mesa, CA 92626

RE: *Improvements for Equestrian Center Operations and a New Direction*

Dear Board,

The Equestrian Center (“EQC”) is a treasure funded and created by a prior Board which now has an opportunity for renewal, recommitment and re-focus. An outside operator has managed the EQC, as a for-profit business, under a contract from the time the 32nd District Agricultural Association (“32nd DAA”) was up for sale. Changes in the current operator's desire to continue in this business and a changed environment at the 32nd DAA create an opportunity for aligning the EQC operation with the 32nd DAA vision and a renewed focus on community, agriculture, and education.

Youth ranging from toddlers to high schoolers make up a large portion of the customers of the trainers at the EQC and form the ultimate user base for the EQC. A few examples of youth programming include:

- Day camps during school breaks teach school age children about horsemanship.
- Pony Club is a fee based league much like other youth sports leagues which “[. . .] creates athletes through organized teamwork and responsible leadership.” (From the United States Pony Club website www.ponyclub.org/Athletes) Pony Club has competitions where youth travel offsite to compete.
- Riding lessons with youth gaining proficiency to allow them to compete for prizes in offsite competitions.

As such, the EQC operates as a youth sports facility with activities which are similar to other youth sports such as softball, Little League, or football and needs to be managed as such.

We have an opportunity at this time to look at how the EQC can be better managed to improve service to the public while better integrating the EQC into 32nd DAA operations and ensuring that the youth who are so much a part of the user base are protected. The development of new vision for the role of

the EQC, followed by a competitive bidding process and contract award, consistent with that vision, are in the best interests of the 32nd DAA.

Current Contract Has Not Aged Well

The current contract dates from 2009 and 2013 when the 32nd DAA was in the process of being sold and now continues on a month to month basis as the actual contract expired on February 28, 2014, with no action being taken to either formally extend the contract or negotiate a new contract. Ongoing issues regarding interpretation of and compliance with the contract compound management issues. Several examples of areas needing improvement are:

- Use current standard State contract language in a number of areas such as indemnification, non-discrimination, drug-free workplace and other terms are not reflected in the contract. These terms have changed since 2009 when the underlying contract was signed.
- Conduct Megan's List screening is not conducted on EQC employees, trainers, boarders, and volunteers with those appearing on the database not permitted to be present at the EQC.
- Ensure that the highest standards are met for maintenance, safety, accessibility, etc. at the EQC.
- Ensuring that the contract recognizes the role of the EQC as a youth sports facility, and ensure the protection of youth participants through:
 - Enforcement of State statutes require youth sports facilities to have education about concussion prevention and sudden cardiac arrest, in addition to other requirements. (Cal. Health and Safety §124235-124236)
 - Take steps to educate and protect young athletes at the EQC from the kinds of exploitation and abuse that have been reported elsewhere in a number of sports, including swimming, gymnastics, and equestrian sports.
 - Prohibit the use of tobacco products including vaping devices, snuff and similar items within 250 ft of youth sports activities. (Cal. Health and Safety §104495) A ban on use of tobacco products is required for the EQC and portions of the surrounding parking areas including areas traditionally used by Cirque du Soleil.

Creating a New Vision of the EQC and a New Contract

A new vision for the EQC should be built around ideas that increase diversity of EQC users, create public programming, provide protections for the youth utilizing the facilities and protect the interests of the 32nd DAA. The Board is encouraged to reach out to other organizations, entities, and communities to build a new vision of the EQC, to draft a request for proposal (“RFP”) which enables that vision, and to enter into a new contract with an operator, who embraces and can make that vision a reality.

Increasing Diversity of EQC Users

As the 32nd DAA works to increase diversity to better align with what Orange County looks like today, the Board is encouraged to reach out to the diverse community to determine what is needed and what could be the future of the EQC. Ideas to start with are:

- Conducting Equine Therapy: Equine therapy has been discussed as a potential use. The term “equine therapy” includes treatment for physical disabilities, psychological recovery, and work therapy, each with potentially different types of clients and needs. There should be an investigation as to whether there is a market for these services at the EQC and how such a market could be met.
- Increasing Diverse Users: Riding groups for Black, Hispanic riders and riders of other under-represented communities could operate at the EQC and offer lessons and public programs.

- Conducting Youth Programs: Outside youth groups such as the Girl Scouts, Campfire, and Boy Scouts may want to participate in programs at the EQC.
- Increasing Community Classes: Increasing programs offered through the City of Costa Mesa Recreation Department and other sources.
- Increasing Integration of EQC into OCFEC: Finding ways to better integrate the EQC into the broader programming of the Event Center and the events sponsored by the 32nd DAA.
- Improving ADA Access: The EQC needs to comply with California ADA standards including an accessible path of travel. Also, improving access allows for use by disabled persons including those in equine therapy programs.

Creating Centennial Farm-Type Activities at the EQC

Centennial Farm is popular with youth, educators and adults for the agricultural programming and education activities. A similar effort can be undertaken at a renewed EQC by using a portion of the proceeds from a new operating agreement to fund such activities. The 32nd DAA can retain use of a portion of the facility ranging from one stall to entire barns for this programming.

Providing Protections for Youth Utilizing the EQC

Youth are a core user base of the EQC and need to be treated with respect for their safety while in EQC facilities and programs.

- Building Youth Restrooms/Changing Facilities: There is one restroom building with one restroom for men and one for women including a shower in each. There is no locker room for changing clothing which forces users to change clothes in the restrooms. The restroom is used by adults and youth. The focus on youth horsemanship at the EQC merits the creation of separate restrooms and locker rooms for adults and youth. A gender neutral restroom and changing area is also needed and can be used by those requiring assistance using the restroom or changing.
- Conducting Megan's Law Screenings: Any and all EQC employees, volunteers, boarders, trainers, and contractors need to complete a screening for Megan's Law with those appearing on the Meagan's Law list not permitted into EQC.
- Making Day Camps Safer by Complying with Statutes: Day camps for youth are held during times when school is not in session. A determination needs to be made if said day camps are subject to the California Child Care Act (Cal. Health and Safety §12596.70-1596.895) and Day Care Center (Cal. Health and Safety §1596.90-1597.21) and related regulations. Day camps need to be brought into compliance with the applicable statutes and regulations.
- Conducting Needed Safety Programs Regarding Concussions, Cardiac Arrest, Opioid Abuse, Emotional and Physical Abuse of Youth Attending Programs:
 - Statutes require youth sports programs to educate participants about prevention of and management of concussions and head injuries, cardiac arrest and opioid abuse. “Youth sports organization” is defined in statute (Cal. Health and Safety, §124235 (b)(4)) as “an organization, business, nonprofit entity, or a local governmental agency that sponsors or conducts amateur sports competitions, training, camps, or clubs in which persons 17 years of age or younger participate.”
 - Problems of emotional, physical, and sexual abuse in gymnastic and swimming programs,

among others, have shown the pervasive nature of these devastating problems. Programs involving all users and staff of the EQC to prevent, manage where appropriate, and report these issues are needed if the EQC is to continue operating.

- **Banning Use of Tobacco Products In and Around the EQC to Comply with Statute:** Statute requires a 250 ft perimeter between use of tobacco products and youth sports. The outline of the perimeter when measured from the parking area included in the EQC lease crossed Gate 8 into the parking lot in front of the Spectra compound and into Lot G including the location of Cirque du Soleil.

Protecting 32nd DAA Interests

As the 32nd DAA owns the EQC facilities and receives revenue from the operations, there is an ongoing interest in updating the terms of the operator contract to better align with long term interests of the 32nd DAA. Some of the issues to consider include:

- **Drafting a New RFP, Conducting a Competitive Bidding Process and Awarding a New Contract:** A new vision can be enshrined in a new RFP put out for competitive bidding followed by selection of the new operator and drafting of the new contract. This process protects the interests of the 32nd DAA and the long term viability of the EQC.
- **Limiting the Term of the Contract:** OCFEC has been dealing with the ill effects of contracts for the OC Market Place and EQC because the contract terms are too long. OCFEC has had success with a term of three years for the initial contract with up to three one-year renewals before the contract goes out to bid with a new Request for Proposal (RFP). This structure keeps contractors sharp and prevents being locked into decades long agreements which do not age well. When the contract nears the end, the new RFP reflects what has been learned and what is now needed. The same should be done for the new EQC contract.
- **Increasing Revenue from the EQC:** A new contract should have a 25% rate charged on all revenues from the EQC flow to the OCFEC. The EQC is currently operated as a for-profit business which leases space to for-profit businesses. The 25% rate is in keeping with the rates charged for other revenue generating concessionaires.
- **Including Clear Provisions Allowing for Emergency Use of the EQC:** The 32nd DAA property can be used for emergency purposes at any time in whole or in part. A new contract needs to allow for emergency use of the EQC as needed.
- **Improving Audits and Oversight of the EQC:** Concessionaires and other contractors at the OC Fairgrounds are subject to audits to verify payments made to OCFEC are correct. Quarterly audits of the payments and facilities should be conducted to allow for timely actions when needed.
- **Including Standard State Contracting Terms in EQC Contract:** The standard contracting terms for the State which includes non-discrimination and other terms need to be included in the new EQC contract.

The people of Orange County have a treasure of a facility which can become an even more vital and

important part of the community and ^{32nd} DAA with a new vision and vitality. We look forward to the crafting of a new vision and direction for the EQC.

Thank you for your interest in this matter,



Distribution:

Board of Directors - 32nd District Agricultural Ass'n

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