

Summer Angus

From: Regina Mundekis <reggie_mundekis@me.com>
Sent: Monday, November 15, 2021 2:03 PM
To: Ashleigh Aitken Board (aaitken@ocfairboard.com); Barbara Bagneris; Sandra Cervantes; Natalie Rubalcava-Garcia; mrafiei@ocfairboard.com; Robert Ruiz; nkovacevich@ocfairboard.com; npham@ocfairboard.com; dlabelle@ocfairboard.com; Michele Richards
Subject: Nov 2021 Board Meeting Agenda Item 8A EQC Draft Operating Agreement
Attachments: EQC Infra Analysis Summary.pdf

Dear Board and CEO,

I'm reaching out to you regarding the draft Equestrian Center (EQC) contract in the November Board agenda packet. I appreciate the Board and staff bringing forward a draft of this temporary twelve-month stopgap contract prior to issuing an RFP(s) for EQC services.

EQC Contract

I am concerned that §8 Condition of the Equestrian Center, Maintenance & Repairs can be interpreted as letting the Contractor off the hook for the damage incurred prior to the date the contract is signed. Damage to the EQC includes possible structural damage in addition to many other issues have been identified in the Infrastructure Audit which was completed in February 2020.

[Link to Infrastructure Report, Equestrian Center section](#)

A summary of the structural defects and other issues called out in the Infrastructure Analysis is attached for your convenience. An analysis of the structural integrity of the majority of EQC buildings was recommended in the Infrastructure Analysis.

To date, the Board has not taken action to remedy the situational the EQC which includes a Professional Engineer evaluation of the structural integrity of the buildings. The Board needs to hire the Professional Engineer to do the structural analysis to determine what needs to be fixed at the EQC because this is a life safety and animal welfare issue.

The statement "Contractor accepts the current Equestrian Center facilities in operating order/condition." can be interpreted as resetting the date the condition of the facility is determined to be the date the contract is signed. The change of facility condition determination date changes the obligation to repair and maintain the EQC in the same condition from March 1, 2009, the signing date of the Restated Rental Agreement to sometime in late 2021 or early 2022. The Contractor gets a pass on their failure to perform maintenance and repairs for over 12 years under proposed terms of the contract. The current EQC contract is provided for your convenience.

[Link to EQC contract currently in force](#)

The proposed contract must be clearly state that the Contractor is obligated to return the EQC to the 32nd DAA at the end of the contract in the same condition that the EQC was on March 1, 2009, the date of record for when the Contractor began operating the EQC. Unambiguous clear language which correctly states the date the benchmark condition of the facility is determined to March 1, 2009, is needed.

Likely Illegal Gift of Public Funds Regarding 32nd DAA Paying for EQC Repairs

There is a likely an illegal gift of public funds for the 32nd DAA to pay for repairs for EQC deficiencies identified in the Infrastructure Analysis as the EQC operating contract obligates the Contractor to maintain the facility at their own expense.

A gift of public funds is prohibited under the California Constitution Article XVI, §6 which states, "The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever; [. . .]" Allowing the 32nd DAA to make repairs which the Contractor is obligated under the Contract to make unjustly enriches the Contractor by allowing the Contractor to retain funds which should have been used to repair the EQC.

Let's Save the EQC by Stopping the Decay

In closing, we are dealing with an issue which has killed off many equestrian facilities: a lack of maintenance. Equestrian facilities put a premium on the riding arenas while neglecting buildings and infrastructure. Barns are allowed to decay which may be downplayed with claims the horses don't care or mind. When the owner or operator is finally faced with a facility which is no longer barely usable, the facility is closed with claims made that there is not enough money to rebuild. We have an opportunity to stop this cycle of destruction by requiring the Contractor to follow the Contract which was signed in 2009 and to fix the problems at Contractor expense.

Sincerely,

Reggie Mundekis

Summary of EMG Infrastructure Audit Equestrian Center Findings

EQC Shop and Storage

EQC Shop“Interior walls in the EQC Storage building requires repainting and windows/frames should be repaired/replaced. At the front of the shops building there is deteriorated/crack timber elements that should be repaired. Existing HVAC energy management system (BAS) was reported as outdated and an upgrade is needed.”

Roof Structure in Poor condition. Recommend replacement in 2022

Window in Poor condition. Rotted and split wood beams. Recommend replacement in 2021

Window in Poor condition. Deterioration from age. Recommend replacement in 2021.

Window in Poor condition. Rotted frame. Recommend replacement in 2021.

Window in Poor condition. Deterioration from age. Recommend replacement in 2022.

Exterior Door in Poor condition. Deterioration from age. Recommend replacement in 2022.

Parking Lots in Poor condition. Cracked pavement. Recommend replacement in 2022.

Interior Wall Finish in Poor condition. Storage building only. Recommend Prep & Paint in 2021.

BAS/HVAC Controls in Poor condition. Reported that system is outdated by dial-up internet connectivity.

ADA Accessibility

ADA study is recommended for the Exterior Path of Travel, Interior Path of Travel, Public Use Restrooms due to lack of lack of compliance with ADA.

Summary of EMG Infrastructure Audit Equestrian Center Findings

Barn F

Key Issues and Findings: All sinks/water bowls in the horse stables are in poor condition and must be replaced. Wood patios must be repainted/re-stained. All of the large rolling metal doors at the horse stables are in poor condition and should be replaced. Nearly all of the interior metal walls at the stables are rusted/deteriorated at the seams and should be evaluated for replacement.

Structural Frame in Poor condition. Partial deterioration of framing. Action recommended in 2022.

Automatic Waterer Bowl in Poor condition. Significantly rusted. Recommend replacement in 2020.

Recommended Follow-Up Study: Building Envelope, Light Steel Framing Professional Engineer study recommended for rusted and oxidized metal framing members.

Interior Metal Wall in Poor condition. Rusted and deteriorated. Recommend replacement in 2021.

Exterior Door in Poor condition. Heavy doors difficult to open from rust and deterioration due to age. Tenant complaints. Recommend replacement in 2021.

Fences and Gates in Poor condition. Paint fully deteriorated in many sections. Prep and paint in 20-22.

Summary of EMG Infrastructure Audit Equestrian Center Findings

Barn G

Key Issues and Findings: All sinks/water bowls in the horse stables are in poor condition and must be replaced. Wood patios must be repainted/re-stained. All of the large rolling metal doors at the horse stables are in poor condition and should be replaced. Nearly all of the interior metal walls at the stables are rusted/deteriorated at the seams and should be evaluated for replacement.

Structural Frame in Poor condition. Partial deterioration of framing. Recommend action in 2022.

Automatic Waterer Bowl in Poor condition. Significantly rusted and falling off wall. Recommend replacement in 2020.

Recommended Follow-up Study: Building Envelope, Light Steel Framing. Professional Engineer study recommended for rusted and oxidized metal framing members. Recommend to evaluate and report in 2020.

Interior Metal Wall in Poor condition. Rusted and deteriorated. Recommend replacement in 2021.

Exterior Door in Poor condition. Heavy doors difficult to open from rust and deterioration due to age. Tenant complaints. Recommend replacement in 2021.

Fences and Gates in Poor condition. Paint fully deteriorated on many sections. Recommend paint and prep in 2022.

Summary of EMG Infrastructure Audit Equestrian Center Findings

Barn H

Key Issues and Findings: All sinks/water bowls in the horse stables are in poor condition and must be replaced. Wood patios must be repainted/re-stained. All of the large rolling metal doors at the horse stables are in poor condition and should be replaced. Nearly all of the interior metal walls at the stables are rusted/deteriorated at the seams and should be evaluated for replacement.

Structural Frame in Poor condition. Significant deterioration of framing. Recommend action in 2022.

Automatic Waterer Bowl in Poor condition. Rusted and deteriorated. Recommend replacement in 2020.

Recommended Follow Up Study: Building Envelope, Light Steel Framing. Profession Engineer study recommended for rusted and oxidized metal framing members. Recommend evaluate and report in 2020.

Exterior Door in Poor condition. Heavy doors difficult to open from rust and deterioration due to age. Tenant complaints. Recommend replacement in 2021.

Interior Metal Wall in Poor condition. Rusted and deteriorated. Recommend replacement in 2021.

Fences and Gates in Poor condition. Paint fully deteriorated on many sections. Recommend prep and paint in 2022.

Summary of EMG Infrastructure Audit Equestrian Center Findings

Barn I

Key Issues and Findings: All sinks/water bowls in the horse stables are in poor condition and must be replaced. Wood patios must be repainted/re-stained. All of the large rolling metal doors at the horse stables are in poor condition and should be replaced. Nearly all of the interior metal walls at the stables are rusted/deteriorated at the seams and should be evaluated for replacement.

Exterior Wall in Poor condition. Paint missing. Recommend prep and paint in 2020.

Exterior Wall in Poor condition. Deteriorated. Recommend prep and paint in 2021.

Structural Frame in Poor condition. Partial deterioration of framing. Recommend action in 2022.

Automatic Waterer Bowl in Poor condition. Rusted and deteriorated. Recommend replacement in 2020.

Recommended Follow-up Study: Building Envelope, Light Steel Framing. Professional Engineer study recommended for rusted and oxidized metal framing members. Recommend evaluate and report in 2020.

Exterior Door in Poor condition. Heavy doors difficult to open from rust and deterioration due to age. Tenant complaints. Recommend replacement in 2021.

Summary of EMG Infrastructure Audit Equestrian Center Findings

Barn J

Key Issues and Findings: All sinks/water bowls in the horse stables are in poor condition and must be replaced. Wood patios must be repainted/re-stained. All of the large rolling metal doors at the horse stables are in poor condition and should be replaced. Nearly all of the interior metal walls at the stables are rusted/deteriorated at the seams and should be evaluated for replacement.

Structural Frame in Poor condition. Significant deterioration. Recommend action in 2022.

Automatic Waterer Bowl in Poor condition. Rusty and deteriorated. Recommend replacement in 2020.

Recommended Follow-up Study: Building Envelope, Light Steel Framing. Professional Engineer study recommended for rusted and oxidized metal framing members. Recommend evaluate and report in 2020.

Interior Metal Wall in Poor condition. Rusty and deteriorated. Recommend replacement in 2021.

Exterior Door in Poor condition. Heavy doors difficult to open from rust and deterioration due to age. Tenant complaints.

Summary of EMG Infrastructure Audit Equestrian Center Findings

Barn K

Key Issues and Findings: All sinks/water bowls in the horse stables are in poor condition and must be replaced. Wood patios must be repainted/re-stained. All of the large rolling metal doors at the horse stables are in poor condition and should be replaced. Nearly all of the interior metal walls at the stables are rusted/deteriorated at the seams and should be evaluated for replacement.

Structural Frame in Poor condition. Partial deterioration of framing. Recommend action in 2021.

Automatic Waterer Bowl in Poor condition. Rusty and deteriorated. Recommend replacement in 2020.

Recommended Follow-up study: Building Envelope, Light Steel Framing. Professional Engineer study recommended for rusted and oxidized metal framing members. Recommend evaluate and report in 2020.

Interior Metal Wall in Poor condition. Rusty and deteriorated. Recommend replacement in 2021.

Exterior Door in Poor condition. Heavy doors difficult to open from rust and deterioration due to age. Tenant complaints. Recommend replacement in 2021.

Fences and Gates in Poor condition. Paint fully deteriorated on many sections. Recommend prep and paint in 2022 .

Summary of EMG Infrastructure Audit Equestrian Center Findings

Barn L

Key Issues and Findings: All sinks/water bowls in the horse stables are in poor condition and must be replaced. Wood patios must be repainted/re-stained. All of the large rolling metal doors at the horse stables are in poor condition and should be replaced. Nearly all of the interior metal walls at the stables are rusted/deteriorated at the seams and should be evaluated for replacement.

Exterior Floor in Failed condition. Chipped and deteriorated paint on deck. Recommend prep and paint in 2020.

Exterior Floor in Poor condition. Paint deteriorated. Recommend prep and paint in 2020.

Structural Frame in Poor condition. Partial deterioration of framing. Recommend action in 2022.

Automatic Waterer Bowl in Poor condition. Rusty and deteriorated. Recommend replacement in 2020.

Recommended Follow-up Study: Building Envelope, Light Steel Framing. Professional Engineer study recommended for rusted and oxidized metal framing members. Recommend evaluate and report in 2020.

Exterior Door in Poor condition. Heavy doors difficult to open from rust and deterioration due to age. Tenant complaints. Recommend replacement in 2021.

Interior Metal Wall in Poor condition. Rusty and deteriorated. Recommend replacement in 2021.

Fences and Gates in Poor condition. Paint fully deteriorated on many sections. Recommend prep and paint in 2022.

Summary of EMG Infrastructure Audit Equestrian Center Findings

Barn M

Key Issues and Findings: All sinks/water bowls in the horse stables are in poor condition and must be replaced. Wood patios must be repainted/re-stained. All of the large rolling metal doors at the horse stables are in poor condition and should be replaced. Nearly all of the interior metal walls at the stables are rusted/deteriorated at the seams and should be evaluated for replacement.

Structural Frame in Poor condition. Significant deterioration of framing. Recommend action in 2022.

Automatic Waterer Bowl in Poor condition. Rusted and deteriorated. Recommend replacement in 2020.

Recommended Follow-up Study: Building Envelope, Light Steel Framing. Professional Engineer study recommended for rusted and oxidized metal framing members. Recommend evaluate and report in 2020.

Exterior Door in Poor condition. Heavy doors difficult to open from rust and deterioration due to age. Tenants complaints. Recommend replacement in 2021.

Interior Metal Wall in Poor condition. Rusted and deteriorated. Recommend replacement in 2021.

Fences and Gates in Poor condition. Deteriorated. Recommend replacement in 2021.

Summary of EMG Infrastructure Audit Equestrian Center Findings

Barn N

Key Issues and Findings: All sinks/water bowls in the horse stables are in poor condition and must be replaced. Wood patios must be repainted/re-stained. All of the large rolling metal doors at the horse stables are in poor condition and should be replaced. Nearly all of the interior metal walls at the stables are rusted/deteriorated at the seams and should be evaluated for replacement.

Exterior Floor in Poor condition. Paint missing. Recommend prep and paint in 2020.

Structural Frame in Poor condition. Significant deterioration. Recommend action in 2022.

Automatic Waterer Bowl in Poor condition. Rusty and deteriorated. Recommend replacement in 2020.

Recommended Follow-up Study: Building Envelope, Light Steel Framing. Professional Engineer study recommended for rusted and oxidized metal framing members. Recommend evaluate and report in 2020.

Exterior Door in Poor condition. Heavy doors difficult to open from rust and deterioration due to age. Tenants complaints. Recommend replacement in 2021.

Interior Metal Wall in Poor condition. Rusty and deteriorated. Recommend replacement in 2021.

Fences and Gates in Poor condition. Paint fully deteriorated on many sections. Recommend prep and paint in 2022.

Zone Site

Key Issues and Findings: A set of spectator bleachers at the horse arena are in poor condition and should be replaced. There are multiple locations of the metal tube fencing that are damaged and should be replaced.

Sports Apparatus (bleachers) in Poor Condition. Weathered significantly. Recommend replacement (per Seat) in 2022.