
From: Whitney Hodges <WHodges@sheppardmullin.com>
Sent: Thursday, September 26, 2024 12:09 AM
To: NKovacevich@ocfairboard.com
Cc: djackson@ocfairboard.com; dlabelle@ocfairboard.com; npham@ocfairboard.com; nrubalcava-garcia@ocfairboard.com; rruiz@ocfairboard.com; Michele Richards; Michele Capps; Russell Emmons; Anna McLean; Abby Meyer
Subject: OCFEC Board - September 26, 2024 Hearing, Agenda Item 9.C: Notice of Violations
Attachments: OC Equestrian - Violations of 9.26.24 Board Hearing re Agenda Item 9.C, 4877-4373-7065 v 1.pdf

Good Evening,

Attached please find a comment letter related to Agenda Item 9.C as docketed for OCFEC Board's September 26, 2024 hearing. We asked that this be include in the administrative record for this agenda item.

Please let us know if there are any issues accessing the document.

Best,
Whitney

Whitney Hodges
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Attention: This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.

September 25, 2024

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File Number: 0009-390126

VIA E-MAIL AND U.S. MAIL

Nick Kovacevich
Chair of OC Fair & Event Center Board of Directors
OC Fair & Event Center
88 Fair Drive
Costa Mesa, California 92626
Email: NIKovacevich@ocfairboard.com

Re: Violations Related to the September 26, 2024 OC Fair & Event Center Board Directors Meeting: Agenda Item 9.C

Dear Chair Kovacevich & OC Fair & Event Center Board of Directors:

On behalf of a group of distinguished equestrians and long-term, nonprofit boarders of the Orange County Fair & Event Center (“OCFEC”) Equestrian Center (“Equestrian Center”), we write to notify the OCFEC and the OCFEC Board of Directors (the “OCFEC Board”) of violations of the Bagley-Keene Open Meeting Act (Govt. Code §§ 11120 *et seq.*) (the “Act”) related to Agenda Item 9.C : The Ranch as docketed on the agenda for the OCFEC Board’s September 26, 2024 hearing. As the OCFEC Board is aware, the Act directs that meetings conducted by a state body – like the OCFEC Board – are open and public to allow the public to attend and participate as fully as possible in the state body’s decision-making. (103 Ops.Cal.Atty.Gen. 42 (2020).) The public’s right to open meetings is not only guaranteed by the Act but is enshrined in the California Constitution. (Cal. Const., art. I, § 3(b).)

I. Agenda Item 9.C Violates OCFEC Board’s Notice Obligations Under the Act

The Act has rules for both the timing and the content of the notice and agenda for any hearing of the OCFEC Board. The rules give advance information to the public regarding the OCFEC Board’s planned business, so that those who are interested may attend the meeting or take other action. (103 Ops.Cal.Atty.Gen. at 49.) At least ten (10) calendar days before a regular meeting, the OCFEC Board must send the notice and agenda to any person who requests it and post it on its website. (Govt. Code § 11125(a); see 78 Ops.Cal.Atty.Gen. 327, 330-331 (1995).) In addition to the requisite administrative information, a notice must also include substantive information about the meeting, including an agenda describing each item of business that the OCFEC Board will consider at the meeting. (Govt. Code § 11125(a)-(b).) The description of each agenda item must give the average person enough information to understand the OCFEC Board’s intended action. (Govt. Code § 11125(b); 67 Ops.Cal.Atty.Gen. 84, 88 (1984) [the public should not have to be “clairvoyant or have had collateral information” to understand the OCFEC Board’s intended action].) To this end, the description must not be misleading and should convey the whole scope

of a matter. (67 Ops.Cal.Atty.Gen. at 88.) The OCFEC Board may not deliberate or act upon any item not described, or inadequately described, on the agenda. (Govt. Code §§ 11125(a), 11125.3; *see also Moreno v. City of King* (2005) 127 Cal.App.4th 17, 26-27; *Carlson v. Paradise Unified School District* (1971) 18 Cal.App.3d 196, 200; *San Joaquin Raptor Rescue v. County of Merced* (2013) 216 Cal.App.4th 1167, 1176-1179; *Hernandez v. Town of Apple Valley* (2017) 7 Cal.App.5th 194, 207-209.)

Attached hereto as Exhibit A is the agenda for the September 26th OCFEC Board hearing. In reviewing, it is clear the OCFEC Board has violated its notice requirements. Agenda Item 9.C lacks any form of description and does not convey the scope of the matter in violation of Government Code section 11125(b). To the contrary, this item merely includes the title of the agenda item: *Staff Presentation on Concept for The Ranch and Vote on Whether or Not to Approve*. The agenda then denotes Agenda Item 9.C is an “Action Item.” The materials provided for this item, attached hereto as Exhibit B, are no more illuminating. As pitched by OCFEC back in April 2024, it was understood that “The Ranch” would:

[E]xpand[] on the new vision for the current equestrian center at the fairgrounds. Rebranded as The Ranch Community Equine Center, the facility will focus on community programming for all while maintaining the current boarding and training activities.

The Ranch Community Equine Center will effectively become an extension of the organization’s agriculture education programs in support of its mission, similar to the free public programming offered at Centennial Farm.¹

This rebrand will reimagine the 7-acre Equestrian Center site into a more public-facing community equine center that will allegedly offer therapeutic programs, hands-on demonstrations,² training and regional horse shows, in addition to private horse boarding and lessons. The 2-page document on this extensive expansion of the present Equestrian Center fails to describe how OCFEC plans to reimagine the Equestrian Center, what demolition or construction would be involved, the siting of the new facilities, the source of funding, or the associated partnerships. Instead, the materials only state that the presentation will provide the OCFEC an update on these items, but do not provide advance materials for the public. This lack of description requires the readers to be “clairvoyant or have had collateral information” to understand the OCFEC Board’s intended action. (67 Ops.Cal.Atty.Gen. at 88.)

II. Agenda Item 9.C Violates OCFEC Board’s Public Comment Obligations Under the Act

Without this information, the public cannot meaningfully participate in the deliberation of Agenda Item 9.C. This is a direct violation of one of the major tenets of the Act. Generally, the public is entitled to speak at meetings with few restrictions. (Govt. Code § 11125.7(a).) Therefore, at a meeting, the OCFEC Board must give the public an opportunity to comment on each agenda item

¹ See <https://ocfair.com/oc-fairgrounds-equestrian-center-rebranded-to-the-ranch-community-equine-center/>.

² As a matter of note, the OCFEC is not permitted to do hands-on demonstrations of any kind under the insurance provided by the California Fair Services Authority. (See Exhibit D attached hereto.)

before voting on the item. (Govt. Code § 11125.7 (a).) Allowing public comment on each item immediately before the body considers the item ensures the body “has a clear and complete understanding of the public concern” regarding the item. (*Olson v. Hornbrook Community Services Dist.* (2019) 33 Cal.App.5th 502, 528.) By withholding information from the public, the OCFEC Board deliberately tempers the ability for the public to engage in a “robust” discussion on the item. It is not acceptable to have the OCFEC Board shielded from adverse public comment or testimony in the name of approving an agenda item without controversy.

III. Agenda Item 9.C Violates the OCFEC Board’s Deliberation Obligations Under the Act

It is the intention of the Act that actions of state agencies be taken openly and that agency deliberation be conducted openly. (Govt. Code § 11120.) In this regard, the Act protects the public’s opportunity not only to observe, but also to participate in the decision-making process of state bodies. (*Cal. State Employees’ Assn. v. State Pers. Bd.* (1973) 31 Cal.App.3d 1009, 1013.) Thus, state bodies *must deliberate at meetings that are open to the public.* (*Epstein v. Hollywood Ent. Dist. II Bus. Improvement Dist.* (2001) 87 Cal.App.4th 862, 867.)

Deliberation includes “not only collective decision-making, but also the collective acquisition and exchange of facts preliminary to the ultimate decision.” (*216 Sutter Bay Associates v. County of Sutter* (1997) 58 Cal.App.4th 860, 877 [internal quotation marks omitted]; 103 Ops.Cal.Atty.Gen. 42, 52, fn. 54 (2020).) Deliberation encompasses information gathering, analysis, debate, and negotiation, as well as decision-making. (*Sacramento Newspaper Guild v. Sacramento County Bd. of Supervisors* (1968) 263 Cal.App.2d 41, 47-48 [“[t]o ‘deliberate’ is to examine, weigh, and reflect upon the reasons for or against the choice,” including “the ascertainment of facts”].) Information gathering includes staff briefings, pre-meeting conferences, informal studies, training, facility tours, investigations, and fact-finding sessions. (See, e.g., *Frazer v. Dixon Unified School Dist.* (1993) 18 Cal.App.4th 781, 795-797 [information session with prospective contractors]; *Stockton Newspapers, Inc. v. Redevelopment Agency* (1985) 171 Cal.App.3d 95, 101-103 [series of one-on-one telephone conversations with agency attorney]; *Rowen v. Santa Clara Unified School Dist.* (1981) 121 Cal.App.3d 231, 233-234 [gathering to discuss qualifications of prospective consultants]; 94 Ops.Cal.Atty.Gen. 33, 36-37 (2011) [facility tour]; 42 Ops.Cal.Atty.Gen. 61, 68 (1963) [pre-meeting briefing sessions].)

Attached hereto as Exhibit C is a picture taken today of a sign erected on the OC Fairgrounds that advertises The Ranch. Based on this evidence, it appears the OCFEC Board has already come to a decision on whether it will approve The Ranch following the staff presentation – it will – and the hearing scheduled for September 26th is nothing more than a sham intended to present as compliance with the Act. Once again, the OCFEC Board is precluding the public for the necessary and required deliberation with no regard for the law.

IV. Penalties Associated with Violations of the Bagley-Keene Opening Meeting Act

The Act provides for criminal penalties, civil remedies, and attorneys’ fee awards in connection with violations of the Act. Specifically, the Act authorizes misdemeanor criminal penalties against any OCFEC Board member who violates the Act intending to deprive the public of information to

which the member knows, or has reason to know, the public is entitled. (Govt. Code § 11130.7; see Pen. Code §§ 19, 19.2) The Act also authorizes various civil remedies, for which the Attorney General, a district attorney, or any interested person³ may seek mandamus, injunctive, or declaratory relief in a superior court to prevent or stop violations or threatened violations of the Act. (Govt. Code § 11130(a); *see also Galbiso*, 182 Cal.App.4th at 668-669.) A prevailing plaintiff in an open-meeting action may recover reasonable attorneys' fees, but only from the state body, not from the members who violated the Act. (Govt. Code § 11130.5.)

V. Approval of The Ranch Violates OCFEC's Rules and Policies

When the idea of The Ranch was first presented, the community was assured it would have a "seat at the table," and the OCFEC would engage with the public and stakeholders prior to determining the direction of The Ranch concept.⁴ This was yet another false promise of the OCFEC in an attempt to garner public support for the elimination of the Equestrian Center and displacement of current tenants. Approval of The Ranch as presently proposed violates the OCFEC's Governing Policy Manual – particularly Policy 2.01 – Institutional Values, Policy 2.02 – Code of Ethics, Policy 3.01 – Board Chair Responsibilities, and Policy 4.02 – Authority and Accountability.

VI. Approval and/or Pre-Approval of The Ranch is a Violation of the California Environmental Quality Act

The California Environmental Quality Act (Pub. Res. Code §§ 21000 *et seq.*) ("CEQA" applies when a public agency proposes to "approve" a project. (Pub. Res. Code § 21080(a); CEQA Guidelines⁵ § 15004; *Save Tara v City of W. Hollywood* (2008) 45 Cal.4th 116; *Saltonstall v City of Sacramento* (2015) 234 Cal.App.4th 549, 566; *RiverWatch v Olivenhain Mun. Water Dist.* (2009) 170 Cal.App.4th 1186.) The term "approval" refers to a public agency decision that "commits the agency to a definite course of action in regard to a project." (CEQA Guidelines § 15352(a).)⁶ This definition of "approval" applies to all projects intended to be carried out by any person, which includes both private projects and projects undertaken by a public agency. (CEQA Guidelines § 15352(a).) "Approval" does not include an agency's "mere interest" in a project, "or inclination to support" a project. 14 Cal Code Regs §15004(b)(4).

Under CEQA Guidelines section 15352(b), public agency approval of a project is deemed to occur

³ Any interested person may file a civil action to invalidate a decision violating the Act within 90 days of the decision. (Govt. Code § 11130.3(a).)

⁴ Per the minutes approved for the December 14, 2023 OCFEC Board hearing attached hereto as Exhibit E, the OCFEC Board voted to "direct staff to work with the Board the public and other stakeholders to come up with a new model between now and June." No such meeting has occurred, and the public has been barred – and is continuing to be barred – from participation in the future design of the Equestrian Center.

⁵ All references to CEQA Guidelines herein shall mean 14 C.C.R. §§ 15001 *et seq.*

⁶ The term "approval" in the CEQA Guidelines is defined broadly so that an agency's commitment to a "definite course of action" on a project is treated as an approval. (CEQA Guidelines § 15352(a).) Under this standard, an agency cannot formally approve a project, or commit itself to approve it, without complying with CEQA before doing so.

[U]pon the earliest commitment to issue or the issuance by the public agency of a discretionary contract, grant, subsidy, loan, or other form of financial assistance, lease, permit, license, certificate, or other entitlement for use of the project.

Under CEQA, agencies may not undertake actions that could have a significant adverse effect on the environment or limit the choice of alternatives or mitigation measures before complying with CEQA. (CEQA Guidelines § 15004(b)(2).)

Approval of the redevelopment of the Equestrian Center into The Ranch is a discretionary action, requiring CEQA compliance. Agenda Item 9.C (whether to approve The Ranch) clearly commits the OCFEC Board to a course of action, thereby triggering the need for CEQA compliance in advance of approving The Ranch. There is no evidence that such compliance has occurred. Therefore, any action taken during the September 26th OCFEC Board hearing will be in violation of CEQA.

VII. Conclusion

The Act does allow the OCFEC Board to cure or correct an open-meeting violation. (Govt. Code § 11130.3(a).) To do so, the OCFEC Board would need to identify a point before the violation occurred, and then repeat the process from that point forward. To the extent the OCFEC Board already engaged in discussions or received information, the OCFEC Board should include such events on the record to make sure that everyone is aware and has an opportunity to respond. (*Julian Volunteer Fire Co. Assn. v. Julian-Cuyamaca Fire Protection Dist.* (2021) 62 Cal.App.5th 583, 601 [a “cure” generally requires that the action be thoroughly reconsidered at a properly noticed meeting, not merely ratified].) Therefore, we request the OCFEC Board re-agendize, re-notice and re-hear Agenda Item 9.C following compliance with (i) the Act, (ii) OCFEC’s Governing Policy Manual and (iii) CEQA, and after consideration of public input on the future of the Equestrian Center through community engagement activities.

Thank you for your prompt attention to this important matter. We look forward to your response and the steps the OCFEC Board intends to take to correct and remedy its noncompliance with the aforementioned laws and regulations.

Sincerely,



Whitney A. Hodges
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH:4857-0674-4297.2

cc: Vice Chair Babara Bagneris
Director Tanya Bilezikjian
Director Dimetria Jackson
Director Douglas La Belle

SheppardMullin

Chair Kovacevich
September 25, 2024
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Director Newton Pham
Director Natalie Rubalcava-Garcia
Director Robert Ruiz
Russell Emmons, Esq.
Anna McLean, Esq.
Abby Meyer, Esq.

Exhibit A



32nd District Agricultural Association
OC Fair & Event Center
88 Fair Drive, Costa Mesa, CA 92626
(714) 708-1500
www.ocfair.com

The mission of OCFEC is...

Creating Equitable Community Access To Agriculture, Entertainment, Cultural and Educational Experiences.

NOTICE OF MEETING

32ND District Agriculture Association, OC Fair & Event Center Board of Directors will be holding a regular board meeting on
Thursday, September 26, 2024 at 9:30 a.m.
(Meeting held in-person and via Zoom)

Community Room – Costa Mesa City Hall
77 Fair Drive, Costa Mesa, CA 92626
(see map and parking instructions on next page)

Join Zoom Meeting

<https://us02web.zoom.us/j/81162658373?pwd=RmFYQXBNV1dFeFhwMXRXUG1kVmZ5QT09>

Meeting ID: 811 6265 8373

Passcode: 2024

Dial in option: 1-669-900-9128

All meeting notices, agendas and materials considered by the Board during the meeting will be available online, in advance of the meeting at:
<https://ocfair.com/public-information/public-meetings/>

Board of Directors

Nick Kovacevich, Board Chair
Barbara Bagneris, Vice Chair
Newton Pham, Member
Doug La Belle, Member
Natalie Rubalcava-Garcia, Member
Robert Ruiz, Member
Tanya Bilezikjian, Member
Dimetria Jackson, Member

Secretary-Treasurer
Michele Richards
Chief Executive Officer

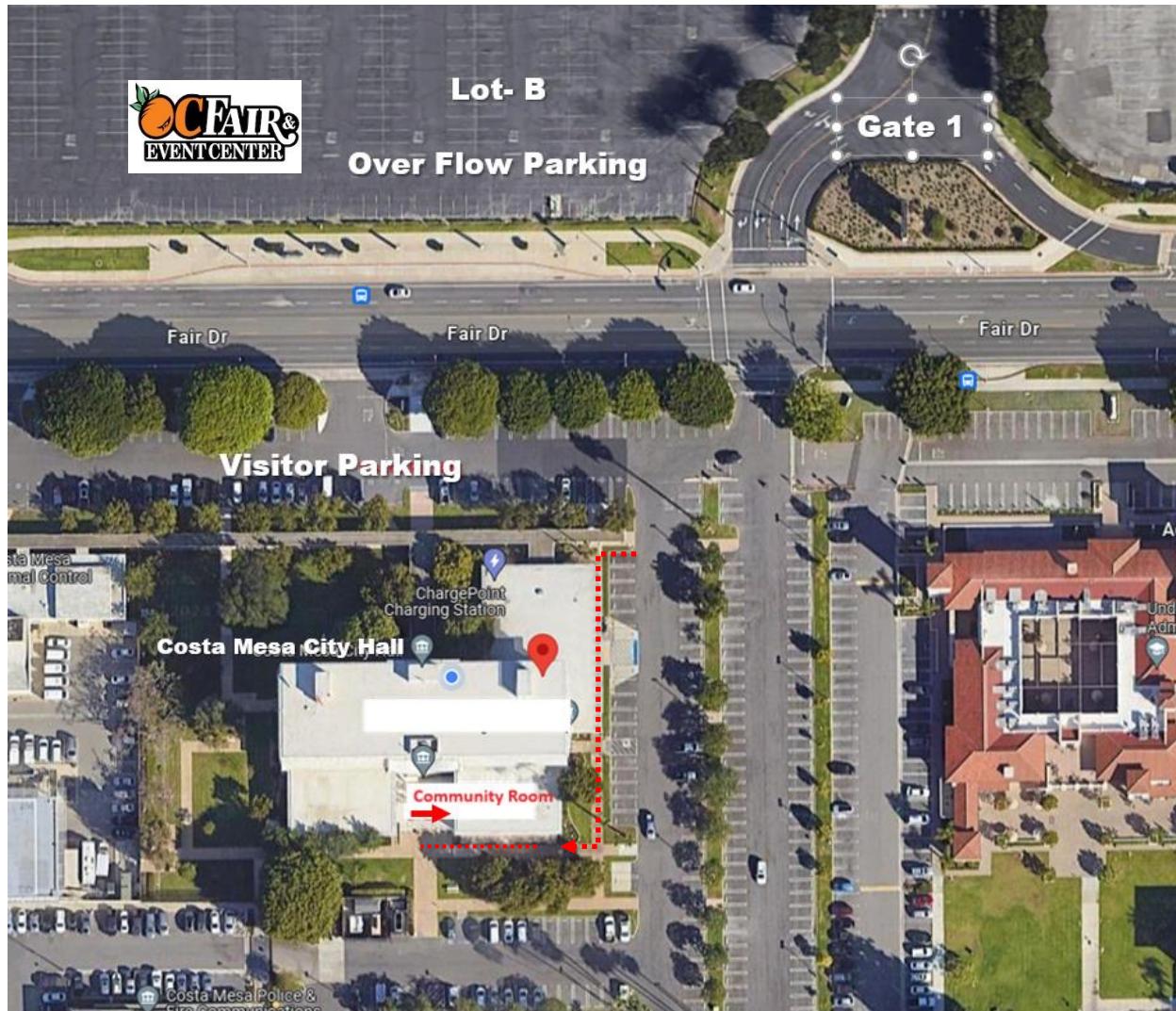
32nd DAA Counsel
Josh Caplan
Office of the California Attorney General

Meeting Location
Community Room – City of Costa Mesa City Hall
77 Fair Drive, Costa Mesa, CA 92626
(entrance is identified by red arrow)

Parking

Parking is available at City Hall in the Visitor Parking spaces (*identified below*).

Overflow parking is available directly across Fair Drive at the OC Fair & Event Center (88 Fair Drive) at Gate 1 in Lot-B (*identified in below*).



PUBLIC PARTICIPATION

Members of the public are encouraged to provide comment to the Board on each agenda item and may suggest items to be placed on the agenda for discussion at the next Board meeting. While the Board values the participation of the public, the Board chair reserves the right to limit the time for public comment to a maximum of three (3) minutes per speaker in order to proceed with the agenda. Public comment must be related to fair jurisdiction and placement of items on a future agenda is within the discretion of the Board.

AMERICANS WITH DISABILITIES ACT

All Board meetings must be accessible to the physically disabled. Any person needing a disability-related accommodation or modification in order to attend or participate in any Board or Committee meetings or other Fair activities may request assistance. Those persons wishing to attend the meeting and who may require special accommodations pursuant to the provisions of the Americans with Disabilities Act are requested to contact Guest Experience Supervisor, Thane Hollman at (714) 451-5946, at least five working days prior to the meeting to ensure the proper arrangements can be made.

VIDEO RECORDING NOTICE

Please take notice that this public meeting of the 32nd District Agricultural Association, a California state institution, is being recorded using video recording equipment. Please also take notice that the 32nd District Agricultural Association will release video recordings of its public meetings where required under California law.

At the discretion of the Board of Directors, all items appearing on this Agenda, whether or not expressly listed for action, may be deliberated and may be subject to action by the Board of Directors. The Board may convene to closed session pursuant to Government Code section 11126, subdivisions (a) and (e) to consider personnel evaluation and/or possible litigation. Items may not necessarily be taken up in the order shown on this Agenda. This agenda, and all notices required by the Bagley-Keene Open Meeting Act are available on the Internet at: www.ocfair.com

AGENDA

1. CALL TO ORDER

All matters noticed on this agenda, in any category, may be considered for action as listed. Any item not so noticed may not be considered. Items listed on this Agenda may be considered in any order, at the discretion of the chairperson.

2. THE MISSION OF OCFEC IS...

Creating Equitable Community Access To Agriculture, Entertainment, Cultural And Educational Experiences.

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

5. MINUTES:

A. Board meeting held June 27, 2024

Action Item

6. CONSENT CALENDAR

All matters listed under Consent Calendar are operational matters about which the Board has governing policies, implementation of which is delegated to the CEO. They will be enacted in one motion. There will be no discussion of these items prior to the time the Board of Directors votes on the motion, unless members of the board, staff or public request specific items to be discussed separately and/or removed from this section. Any member of the public who wishes to discuss Consent Calendar items should notify the Chair of the Board, at the time requested and be recognized by invitation of the Chair to address the Board.

A. Standard Agreements: SA-118-24PA; SA-121-24PA; SA-180-24YR; SA-164-24PA; SA-165-24PA; SA-167-24PA; SA-168-24PA; SA-169-24PA; SA-170-24PA; SA-171-24PA; SA-172-24PA; SA-173-24PA; SA-174-24PA; SA-176-24PA; SA-177-24PA; SA-178-24PA; SA-179-24PA; SA-181-24PA; SA-182-24PA; SA-183-24PA; SA-188-24AS; SA-189-24AS; SA-190-24AS; SA-191-24SP; SA-194-24PA; SA-195-24PA; SA-196-24PA; SA-199-24PA; SA-200-24PA; SA-201-24PA; SA-202-24PA; SA-203-24PA; SA-204-24PA; SA-205-24PA; SA-206-24PA; SA-207-24PA; SA-209-24PA; SA-210-24PA; SA-211-24PA; SA-212-24PA; SA-213-24PA; SA-214-24PA; SA-215-24PA; SA-216-24PA; SA-217-24PA; SA-218-24PA; SA-219-24PA; SA-220-24PA; SA-221-24PA; SA-222-24PA; SA-223-24PA; SA-224-24SP; SA-225-24FT; SA-226-24FTYR; SA-227-24GE

i. Standard Agreement Amendments (Exercise Option): SA-004-22YR (Amend. #2); SA-006-22FT (Amend. #3); SA-049-22FT (Amend. #2); SA-085-22FTYR (Amend. #3); SA-016-23FT (Amend. #3); SA-025-23YR (Amend. #1); SA-046-23YR (Amend. #1); SA-

047-23FT (Amend. #1); SA-84-23YR (Amend. #1); SA-102-23YR (Amend. #1); SA-103-23YR (Amend. #1); SA-107-23PS (Amend. #1); SA-108-23PL (Amend. #1); SA-109-23HA (Amend. #1); SA-110-23PA (Amend. #1); SA-216-23CT (Amend. #1); SA-217-23YR (Amend. #1); SA-224-23YR (Amend. #1); SA-224-23YR (Amend. #2); SA-225-23YR (Amend. #1); SA-227-23YR (Amend. #1); SA-008-24FTYR (Amend. #1); SA-061-24FTYR (Amend. #1); SA-091-24FT (Amend. #1); SA-093-24FT (Amend. #1); SA-156-24PA (Amend. #1); SA-171-24PA (Amend. #1)

B. Rental Agreements: OCC-2410; RA-EQC056-24; RA-EQC061-24; RA-EQC071-24; RA-EQC089-24; RA-EQC098-24; RA-EQC099-24; RA-EQC101-24; RA-EQC102-24; RA-EQC103-24; RA-EQC104-24; RA-EQC105-24; RA-EQC106-24; RA-EQC107-24; RA-EQC108-24; RA-EQC109-24; R-002-24; R-005-24; R-017-24; R-018-24; R-036-24; R-038-24; R-041-24; R-047-24; R-049-24; R-074-24; R-083-24; R-094-24; R-095-24; R-099-24; R-104-24; R-105-24; R-106-24; R-108-24; R-111-24; R-112-24; R-113-24; R-114-24; R-115-24; R-116-24; R-118-24; R-119-24; R-120-24; R-121-24; R-122-24; R-123-24; R-124-24; R-125-24; R-126-24; R-127-24; R-128-24; R-129-24; R-130-24

i. Rental Agreement Amendments: R-049-24 (Amend. #1); R-083-24 (Amend. #1); R-094-24 (Amend. #1); R-095-24 (Amend. #1); R-096-24 (Amend. #1); R-097-24 (Amend. #1); R-102-24 (Amend. #1); R-104-24 (Amend. #1); R-108-24 (Amend. #1); R-111-24 (Amend. #1); R-113-24 (Amend. #1)

C. Commercial Rental Agreements: 24116; 24168; 24173; 24171; 24172; 24169; 24175; 24087; 24095; 24096; 24097; 24178; 24170; 24118; 24179; 24176; 24132; 24133; 24180; 24177; 24149; 24174

D. Concession Rental Agreements: 24581; 24582

E. Independent Amusement Rental Agreements: 24642; 24643

F. Merchandise-Service Rental Agreements: 24644; 24645; 24646; 24747

G. Platinum Rental Agreements: 24707; 24739; 24738

H. Judging Agreements: CA-074-24; CA-075-24; CA-076-24; CA-077-24; CA-078-24; CA-079-24; LS-002-24; LS-003-24; LS-004-24; LS-006-24; LS-007-24; LS-008-24; LS-009-24; LS-010-24; LS-011-24; LS-012-24; LS-013-24; LS-014-24; LS-015-24; LS-016-24; LS-017-24; LS-018-24

I. Active Joint Powers Authority Agreements (New): None.

J. Correspondence:

Communications to the Board from members of public related to OCFEC business are identified below and included with the Board materials (available on the OCFEC website). Note that this agenda item includes only those communication(s) that were sent to the entire Board and CEO before the publication of this month's agenda. The deadline for correspondence to be included on the September 2024 agenda is September 13, 2024.

- i. 06/19/24 – Claudia Berglund: Michele Richards response to my email
- ii. 06/26/24 – Aileen Anderson: OCF Equestrian Center Contracts
- iii. 06/26/24 – Anna-Lisa Larson: Equestrian Center Notices
- iv. 06/26/24 Lisa Sabo: Equestrian Contract
- v. 06/27/24 – Gretchen Sheppard: Fwd OCFEC Equestrian Center 30 Day Notice to Quit
- vi. 06/28/24 – Reggie Mundekis: Favoring Equestrian Boarders Must Stop Immediately
- vii. 07/01/24 – Claudia Berglund: Adjustment to Victory at the Fair Invoice
- viii. 07/12/24 – Carolyn Beaver: Letter from 32nd DAA re your expired EQC Rental Agreement
- ix. 08/05/24 – Macki Hamblin: June, July, August Board
- x. 08/06/24 – Carolyn Beaver: Letter
- xi. 08/07/24 – Aileen Anderson: June, July and August payments to OCF Equestrian Center
- xii. 08/07/24 Sarah Klifa: Board payments and horse welfare
- xiii. 08/11/24 Jessica Buehler: Buehler Veterinary Inc Letter to OC Fairgrounds Management
- xiv. 08/13/24 – Lara Maxinoski: OCF Equestrian Center
- xv. 08/15/24 – Lisa Sabo: Making it clear
- xvi. 08/18/24 – Lisa Asbo: Karime Perez
- xvii. 08/20/24 – OC Resident
- xviii. 08/26/24 – Christina Topffer: Preserve the OC Fair EQC for Our Community
- xix. 09/06/24 – Reggie Mundekis: EQC Holdouts Are Granted Privileges No One Else Has

K. CDFA Correspondence:

Communications to the Board from the California Department of Food & Agriculture Division of Fairs & Expositions regarding relevant topics at Fairs and Expositions.

- i. None.

- End of Consent Calendar –

7. CEO'S OPERATIONAL ANNOUNCEMENTS AND UPDATES

8. MATTERS OF PUBLIC COMMENT

Public comment is allowed on issues NOT on the current agenda. However, no debate by the Board shall be permitted on such public comments, and no action will be taken on such public comment items at this time, as law requires formal

public notice prior to any action on an agenda item. Speakers are requested to fill out and submit a comment card to the meeting secretary prior to the start of the meeting and are limited to three minutes.

Comments will be accepted on all other agenda items at the time each item is listed on the agenda. Speakers wishing to address the Board on items on the agenda are requested to fill out and submit a comment card to the meeting secretary prior to the start of the meeting and identify the agenda item(s) on which you desire to address the Board. Speakers are limited to three minutes.

9. GOVERNANCE PROCESS

- A. Presentation of Hispanic Heritage Month Proclamation by Community Affairs Committee**
Information Item
- B. 2024 OC Fair Wrap-Up Presentation**
Information Item
- C. Staff Presentation on Concept for The Ranch and Vote on Whether or Not to Approve**
Action Item
- D. Board Appointment of Chair and Vice Chair Nominating Committee**
Information Item
- E. Committee / Ad Hoc Committee / Liaison Report**
Information Item

To assure compliance with the Bagley-Keene Open Meeting Act, Committee reports are only for the purpose of the Committee chair, Ad Hoc Committee members or Liaison to provide a verbal update. Should the Board want to discuss any Committee work item not already on the agenda; those would need to be agendized for a future Board meeting.

- i. **Leadership Committee** (Chair Kovacevich, Committee Chair; Vice Chair Bagneris)
- ii. **Financial Monitoring and Audit Committee** (Director Pham, Committee Chair; Director Bilezikjian)
- iii. **Facilities Committee** (Director Ruiz, Committee Chair; Director Bilezikjian)
- iv. **Governance Committee** (Director La Belle, Committee Chair; Chair Kovacevich)
- v. **Community Affairs Committee** (Director Rubalcava-Garcia, Committee Chair; Director Jackson)

10. CLOSED SESSION (Closed to the Public)

- A. Pending Litigation** – The Board will meet in closed session to consult with legal counsel regarding the following pending litigation. [Gov. Code section 11126(e).]

- i. To confer with and receive advice from legal counsel regarding potential litigation involving the 32nd District Agricultural Association. Based on existing facts and circumstances, the Board of Directors will decide whether to initiate litigation. (Govt. Code, § 11126, subd. (e).)
- ii. To confer with and receive advice from legal counsel regarding potential litigation involving the 32nd District Agricultural Association. Based on existing facts and circumstances, there is significant exposure to litigation against the 32nd District Agricultural Association. (Govt. Code, § 11126, subd. (e).)
- iii. To confer with counsel, discuss, and consider the following pending litigation to which the 32nd DAA is a party. B&L Productions, Inc., et al., v. Gavin Newsom, et al., U.S. District Court for the Central District of California, Case No. 8:22-cv-01518 (JDEx)
- iv. To confer with counsel, discuss, and consider the following pending litigation to which the 32nd DAA is a party. Changing Strides, et al., v. 32nd District Agricultural Association, et. al., Orange County Superior Court, Case No. 30-2024-01421750-CU-WM-WCJ
- v. To confer with counsel, discuss, and consider the following pending litigation to which the 32nd DAA is a party. Changing Strides, et al., v. 32nd District Agricultural Association, et. al., Orange County Superior Court, Case No. 30-2024-01423147-CU-OR-CJC

11. UPCOMING EVENTS PREVIEW

12. BOARD OF DIRECTORS MATTERS OF INFORMATION

13. NEXT BOARD MEETING: OCTOBER 24, 2024

14. ADJOURNMENT

Respectfully submitted,



Michele A. Richards Secretary-Treasurer

Chief Executive Officer, OCFEC Date of notice: 10:35 a.m. September 16, 2024

Exhibit B



BOARD OF DIRECTORS AGENDA REPORT

MEETING DATE: **SEPT. 26, 2024** ITEM: **9C**

SUBJECT: **Staff Presentation on Concept for The Ranch and Vote on Whether or Not to Approve**

DATE: September 20, 2024

FROM: Michele Richards, CEO

PRESENTATION BY: Michele Richards, CEO

Action Item

BACKGROUND

At its December 2023 meeting, the Board of Directors directed staff to develop a new model for the equestrian center for more public programming and greater access for the community at large, while still maintaining boarding and training of privately owned horses.

Staff initially introduced the concept of The Ranch at the January 2024 Board meeting which would include a variety of public programming designed to educate and serve the community at large. Updates were also presented at Board meetings in February 2024 and March 2024.

Staff will present further detail about the development of The Ranch concept including proposed layout, exhibit design concepts and public programs.

The proposed layout would include use of the five barns on the west side of the center for public programming, reserving the four barns on the east side for use by private boarders.

The proposed exhibits design concepts would include development of future exhibit and tour space, small group meeting space and spaces for interactive activities.

Staff will provide the Board with an update on new partnerships that have been developed for the launch of public programs, along with ideas for future programming.

Initial costs for development of The Ranch will include Ranch After-School Program materials and supplies, completion of the entrance mural, development of outdoor gardening beds and gathering spaces and initial materials for the exhibits. Estimated cost

for this initial work is not to exceed \$50,000. Subsequent costs related to the build-out of exhibits will be included in the 2025 budget for Board approval.

RECOMMENDATION

Staff recommends:

1. a recommitment to the Board's vision and direction for The Ranch
2. approval to move forward with further development of the concepts presented, and
3. approval of the initial cost of not to exceed \$50,000 for additional Ranch After School Program materials and supplies, completion of the entrance mural, development of outdoor gardening beds and gathering spaces, and initial materials for the exhibits.

Exhibit C



• THE RANCH
COMMUNITY CENTER
714-708-1652

Exhibit D

Gibran Stout

From: Kristen Fryer <kfryer@cfsa.org>
Sent: Wednesday, July 10, 2024 2:54 PM
To: Gibran Stout
Subject: RE: equine insurance coverage query

Hello Gibran,

CFSA can only cover the unmounted instruction. We can only do this as a demonstration/education. Any touching or riding they would need to provide their own insurance. The coverage we can provide would need to be set up by the fair where this is taking place.

Thank you.

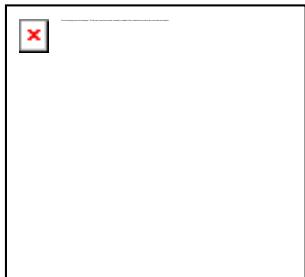
Kristen Fryer

Risk Analyst I
California Fair Services Authority
(O) 916/263-6174
(F) 916/263-6159
kfryer@cfsa.org

1776 Tribute Road, Suite 100
Sacramento, CA 95815
www.cfsa.org



CFSA and California Fairs
We Are Better Together!
How can we help you today?



From: Gibran Stout <ocvaulting@gmail.com>
Sent: Wednesday, July 10, 2024 1:14 PM
To: Kristen Fryer <kfryer@cfsa.org>
Subject: equine insurance coverage query

Hello there,

I am trying to find out if CFSA insures/covers DAA/Fair Employees for the following equine activities:

1. Care, custody, control (exercising) of horses
2. Equine instruction, unmounted.
3. Equine instruction, mounted
4. Equine therapy, unmounted
5. Equine therapy, mounted.

Thanks so much!

Gibran Stout

949-355-7023

This email has been scanned for spam and viruses. Click [here](#) to report this email as spam.

Exhibit E

MINUTES OF OCFEC BOARD OF DIRECTORS MEETING HELD DECEMBER 14, 2023

The following Minutes are a summary of Board action and proceedings. For a full transcript please click on the link below or visit the ocfair.com website.

https://s3.us-west-1.amazonaws.com/ocfair.com/wp-content/uploads/2023/12/16090812/23_12_December_Transcript.pdf

1. CALL TO ORDER:

Chair Kovacevich, called the meeting to order at 9:34 a.m.

2. MISSION STATEMENT

3. PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was recited by Director Tanya Bilezikjian. Roll call was taken by Summer Angus.

4. DIRECTORS PRESENT:

Chair Kovacevich, Vice Chair Bagneris, Director Pham (via Zoom), Director La Belle, Director Rubalcava-Garcia, Director Ruiz (via Zoom), Director Bilezikjian and Director Jackson.

Director Pham joined the meeting at 10:15 a.m.

DIRECTORS ABSENT/EXCUSED: None.

OTHERS PRESENT:

Michele Richards, OCFEC CEO; Ken Karns, OCFEC Chief Operating Officer; Joan Hamill, OCFEC Chief Business Development Officer; Melissa Au-Yeung, Chief Administrative Officer; Summer Angus, OCFEC Executive Assistant; Josh Caplan, Office of the Attorney General; Reginald Joseph, transcriptionist; Gibran Stout; Leigh-Ann Kazolas; Reggie Mundekis; Diana Silveira; Claire McKenna; Isabella Cortez Dominguez; Clay Harper; Cora Cordova; Avery Aguirre; Katie & Mattie Farrell; Aspasia Zouras; Alice Haug; McKenzie Silveira; Wiebke Olamendi; Erin Simon; Kylie Simon; Angela Howe; Debbie Grani; Bob Yates; Brian Sabo; Lisa Sabo; Katrina Foley, OC Supervisor; Melissa Kremel; Sheila Ferguson; Joy Gould; Ann Mase; Holly Jarvis; Claudia Berglund; Stacy Kendall; Mary Capallen; Chrissy Kruse; Anna Freitas; Carolyn Beaver; Camren Cummings; Aileen Anderson; Patti Stone; Debra Hoffman; Tracy Underwood; Lisa Mays; Alex Swansen; Marsherie; Sharlee Van Vliet (Shay); Claire Graves; Callie Rutter; Emma Kelly; Antonina Styclen; Penelope Ann Alvord; Quinn Alvord; Amy Desarro; Alex Alvord; Audrey Xagorarakis; Noelle Anderson; Marina Pearsall; Irene Dunlap; Peneploe Ely-McGregor; Jeff Vickman; Harper Hilterbrand; Jeanne Haliska; Shannon Ely-McGregor; Macki Hamblin; Ashley Danielsen; Jaya Mayne; Brian Cummings; Michelle Conklin; Briana Dombroske; Laura Thomas; Caroline; Dan Silverton; Lisa Bacca; Samuel Brown; George Medina

5. MINUTES:

A. Board meeting held November 16, 2023

Action Item

ACTION: Director La Belle motioned and Director Bilezikjian seconded to approve the minutes from Board meeting held November 16, 2023. **MOTION**

CARRIED. AYES: Chair Kovacevich, Vice Chair Bagneris, Director La Belle, Director Bilezikjian and Director Jackson. NAYES: None. ABSTENTIONS: Directors Rubalcava-Garcia and Ruiz,

6. MATTERS OF PUBLIC COMMENT

Gibran Stout discussed the oath and responsibilities of the Board, and the public having a seat at the table. She urged the Board to form an ad hoc committee for the Equestrian Center (EQC). She asserted equestrians want to have a conversation and there is one-hundred percent solutions to every issue that is on the agenda today.

Samuel Brown stated the role of the OCFEC Board is to be an agricultural advisory board, is to be consistent with the historical and land use planning of Orange County. He urged the Board to research and familiarize themselves with the indigenous and native equestrian tradition and culture that is native to the southwest that predates the state of California.

Lisa Baca, LA Equestrian Coalition, spoke in opposition of the EQC alleged closing for office space. She discussed equine therapy for autism, cerebral palsy and teen/youth mental health and that federal and state dollars that are available for therapeutic riding programs. She criticized the EQC finances in terms of staffing overhead and sub-contracted services.

George Medina, Compton equestrian rider, asked the Board how they would vote if they were a child, if they would vote to close the EQC for alleged offices. He discussed closures of equine facilities state wide.

7. CONSENT CALENDAR:

- A. Standard Agreements:** SA-001-24HB; SA-002-24HB; SA-003-24HB; SA-005-24HB; SA-006-24HB; SA-007-24HB; SA-009-24GE; SA-010-24GE; SA-012-24YR
 - i. Standard Agreement Amendments (Exercise Option):** SA-005-21MB (Amend. #3); SA-096-22FT (Amend. #1); SA-008-23SP (Amend. #2)
- B. Rental Agreements:** R-143-23; R-144-23; R-009-24; R-023-24; R-026-24; R-027-24; R-039-24; R-051-24; R-052-24; R-056-24; RA-EQCLisRat-23; RA-EQCAleBoo-24; RA-EQCAmyCur-24; RA-EQCAnnRid-24; RA-EQCAshDan-24; RA-EQCBriCum-24; RA-EQCCarTod-24; RA-EQCCarGra-24; RA-EQCCarBea-24; RA-EQCCasHer-24; RA-EQCCinFox-24; RA-EQCcliTay-24; RA-EQCDebGra-24; RA-EQCDenXag-24; RA-EQCDonPat-24; RA-EQCGerDeO-24; RA-EQCGibSto-24; RA-EQCGreShe-24; RA-EQCHarOtt-24; RA-EQCHeaHov-24; RA-EQCJenMcC-24; RA-EQCJoaSch-24; RA-EQCKarCoo-24; RA-EQCKenSot-24; RA-EQCKriFlo-24; RA-EQCLarMax-24; RA-EQCLauBue-24; RA-EQCKatRil-24; RA-EQCLinDan-24; RA-EQCLisRat-24; RA-EQCMacHam-24; RA-EQCMadJab-24; RA-EQCMarBut-24; RA-EQCMarSul-24; RA-EQCMelHah-24; RA-EQCMelSch-24; RA-EQCMicHil-24; RA-EQCMicNic-24; RA-EQCNicWea-24; RA-EQCPatSto-24; RA-EQCraQWin-

24; RA-EQCRayGir-24; RA-EQCRobLut-24; RA-EQCLisSab-24; RA-EQCSamSch-24; RA-EQCSarKli-24; RA-EQCShaEly-24; RA-EQCSheKus-24; RA-EQCSigGal-24; RA-EQCSuelrz-24; RA-EQCSusBur-24; RA-EQCSusGyo-24; RA-EQCTejBru-24; RA-EQCTiaTer-24

- i. **Rental Agreement Amendments:** R-138-23 (Amend. #1); R-143-23 (Amend. #1); R-022-24 (Amend. #2)

C. Active Joint Powers Authority Agreements (New): None.

- i. **Active Joint Powers Authority Agreement Amendments:** None.

D. Correspondence:

Communications to the Board from members of public related to OCFEC business are identified below and included with the Board materials (available on the OCFEC website). Note that this agenda item includes only those communication(s) that were sent to the entire Board and CEO before the publication of this month's agenda. The deadline for correspondence to be included on the January 2024 agenda is January 11, 2024.

- i. 11/10/23 Carolyn Beaver Letter to Board of Directors Re: Equestrian Center

E. CDFA Correspondence:

Communications to the Board from the California Department of Food & Agriculture Division of Fairs & Expositions regarding relevant topics at Fairs and Expositions.

- i. None.
- End of Consent Calendar –

CEO Richards pulled Rental Agreement R-026-24 due to an error with the contract number, stating the contract will come back next month.

ACTION: ACTION: Director La Belle motioned and Director Ruiz seconded to approve the Consent Calendar with agreement R-026-24 pulled. **MOTION CARRIED.** **AYES:** Chair Kovacevich, Vice Chair Bagneris, Director La Belle, Director Rubalcava-Garcia, Director Ruiz, Director Bilezikjian and Director Jackson. **NAYES:** None. **ABSTENTIONS:** None.

8. GOVERNANCE PROCESS

A. Review of Year 2 (2023) Strategic Plan Initiatives and Update on Status Information Item

CEO Richards reviewed and delivered a status update on year two of the three-year Board strategic plan.

Director La Belle stated the strategic plan process was not done in a vacuum, that it was an extensive process involving staff, the Board and stakeholders.

CEO Richards shared next strategic plan will start in the spring of 2024.

B. Discussion Regarding the Development of Public Programming at the Equestrian Center and Vote on Next Steps

Action Item

Chair Kovacevich explained Board Leadership believed that there was an issue with gift of public funds with the way that the Equestrian Center was currently being ran; OCFEC managed EQC operations at a loss with private boarders and private businesses operating out of the facility. He recounted the Board's earlier decision to launch an RPF for management of the EQC. He announced that in hearing an abundance of input from the public and elected officials wanting public programing for therapeutic riding programs for developmentally disabled youth, teen suicide, communities of color, veterans, etc., prompted Board Leadership to want to revisit the item and reassess the decision of hiring a private operator and continuing business as usual, as well as discussing the gift of public funds. He reiterated that the Board discussion will be focused on public programing at the EQC and the gift of public funds issue.

By request, CEO Richards reviewed the public benefit model of Centennial Farm and Heroes Hall and explained the difference how the EQC is currently operated from those facilities: The EQC having trainers who rent offices, rent stalls and provide their clients with lessons, and as well as private boarders that rent stalls.

Leigh-Ann Kazolas criticized the exclusion of the EQC in the master site plan. She discussed the fairgrounds metric to measure maximum public benefit is the volume of people served. She discussed EQC trainers offering free and reduced programs. She shared her experience how the EQC helped her.

Reggie Mundekis stated the following: the EQC is a public asset that use public money; the users of the EQC include private boarders, and trainers who are profit seeking businesses. She argued there are different models for the EQC that would serve a wider portion of the public, that don't require having boarders and trainers. She urged the Board to cancel the RFP and move forward with public programing at the EQC.

Diana Silveira discussed her daughter's experience taking lessons at the EQC and her growth and passion as a horse rider. She talked about the alleged closure of the facility.

Chair Kovacevich stated the Board is not closing the facility, but discussing public programing or to continue with the RFP process. He asked speakers to keep to the topic of the agenda item and not allege closure or turning the EQC into a parking lot; actions the Board has never discussed.

Claire McKenna spoke how learning to ride at the EQC has benefitted her and how the facility is a public benefit.

Isabella Cortez Dominguez shared her struggle with mental health and how riding at the EQC helped her. She added that it was an affordable hobby for her and she found a community at the EQC.

Clay Harper, Master Horseman and trainer, discussed how he and other trainers donate their time in addition to private lessons. He asserted having private trainers enhances the center, they add professionalism and provide a safety factor.

Cora Cordova, senior enrichment director, shared her support for the EQC and its impact on the community. She shared she has been bringing seniors to the EQC for the Halloween costume parade. She shared how interaction with horses have helped her through her divorce and the seniors she serves.

Avery Aguirre shared her love of and connection with horses, her discovery of vaulting and would be sad if she lost her Gigi (horse) and her vaulting family.

Katie Adams Farrell, read a letter her daughter wrote about her love of horses and her participation in programs at the EQC. She shared how being around horses has helped her daughter's struggles with anxiety.

Aspasia Zouras shared she takes lessons at the EQC. She asserted trainers do pro bono lessons for people. She criticized the EQC signage for having the word private on it, implying no access to the public.

Alice Haug discussed her life and how equestrian centers gave her a sense of community and responsibility. She stated she provides equine therapy. She stated she and her trainer moved fourteen horses to the EQC last week to provide access to the community because of the alleged discussion regarding an potential closure. She criticized signage at the EQC for stating "user access only."

Makenzie Silveira spoke of her passion for horses and how riding has had a profound impact on her life, physically and emotionally. She hopes to inspire others to start riding horses and asserted public facilities are crucial to the community.

Wiebke Olamendi, EQC volunteer, asserted the EQC serves a public purpose and most visitors, parents and riders are not horse owners but are the public. She asserted there are many volunteers like herself happy to introduce people to the horse world, that trainers provide free exhibitions and demos, horsemanship classes, barn tours and classes for local scout and underprivileged youth.

Erin Simon asserted the equestrian community (gathered at the meeting today) are part of the public that benefit directly and indirectly from the EQC. She discussed the fading history of agriculture especially with the decline of equestrian facilities. She spoke in support of finding a qualified equestrian management operator for the EQC.

Kylie Simmon spoke in support of keeping the EQC alive.

Angela Howe stated she allows community children to interact with and give her horse treats anytime they ask. She discussed her personal story and the impact of the equine community on her life and the life of others. She criticized

staff management of the facility for choosing to run at a deficit and not properly tracking who goes in and out.

Debbie Grani discussed the closeness and camaraderie of the EQC community. She criticized EQC management of making mistakes that have affected the profit. She asserted the EQC is a public facility that needs to remain open, providing strength and unity to the public.

Bob Yates stated the EQC is a unique facility that has an unusual formula where private businesses in a public facility are providing a community service. He pleaded with the Board not to make any major modifications, changes or closure of the EQC.

Brian Sabo, discussed his Olympic equestrian experience/achievement. He also discussed profitability when making relationships between the public and private sector. He asserted the equestrians want to work together with the Board to make the EQC profitable. He read a letter from a disabled veteran in support of the preservation of the OC fairgrounds EQC.

Lisa Sabo asserted once the EQC is gone, it's gone forever. She discussed her efforts to help save the fairgrounds from sale in 2009. She shared her passion for her training business and the people it serves. She stated there is no place for her to take all her horses. She criticized EQC management for signage stating private boarders and trainers.

Katrina Foley, OC Supervisor Fifth District, stated her office is ready to partner with the fairgrounds to help with development of after school programs and riding programs; to help partner with the health care agency with the Mental Health Service Act funds to provide equine therapy programs like the Shay Center. She discussed protecting the equestrian community. She offered that the County of Orange can help support those efforts.

The meeting adjourned for a break at 11:31 a.m. and reconvened at 11:42 a.m.

Melissa Kremel stated she moved to Costa Mesa specifically to be close to the EQC. She shared how riding horses at the EQC helped her heal physically and emotionally from a brain injury. She discussed how the EQC programs help people, create a community and let people check out of the busy urban city.

Sheila Fergusson asserted the public wants interaction with horses. She discussed her experience running the pony ride at the Irvine Park. She discussed using part of the EQC for 4H programs. She asserted she does not want to lose the facility but wants to use it for future generations and to incorporate hogs and goats as well as.

Joy Goulde, manager of the Whittier Narrows Equestrian Center, discussed her center. She discussed opportunities that the OC EQC could have. She asserted the trainers at the EQC are a big resource.

Ann Mase discussed the vacancies at the EQC. She asserted that if the EQC doesn't stay open there will be business and job loss. She stated the EQC is

set up and ready for increased business and criticized the current management.

Holly Jarvis discussed how many of the aspects of the EQC might bring in revenue and also serve the public in many ways like emergency evacuation center for large animals serves. She argued that there is no subsidizing or gift of public funds for any individuals, as boarders pay full market value to board their horses. She spoke in support of continued current operation of the EQC.

Claudia Bergland discussed horse riding as a sport, making comparison to other sports that have public facilities, like tennis and golf. She stated no sports come free. She asserted riding it is a girl and woman dominated sport and the community has an obligation to consider riding as much of an opportunity as little league.

Stacy Kendall stressed that the EQC is a very important facility to keep for the community as it provides public benefit. She spoke in support of continuing with the RFP process to find an experienced operator to have a self-sustaining facility.

Mary Capellini, Save Our Youth Director, discussed how the EQC is a public benefit to the underserved students in her program. She discussed collaborations with the OC Fair Board and nonprofits at the EQC. She encouraged more opportunities to collaborate for the youth in the community at the EQC.

Chrissy Kruse spoke in support of the healing power of horses. She asserted all are welcome at the EQC. She discussed how the EQC impacts the community, especially women and girls. She spoke in support of continuing the RFP process.

Anna Freitas shared her love of the EQC and stated it is good for the community.

Director Pham logged off the meeting (via Zoom) at 12:07 p.m.

Carolyn Beaver asked a series of “why?” questions criticizing EQC management and the Board. She criticized EQC signage requiring visitor check in. She asserted private owners and trainers are doing public good and provide benefit to many people. She alleged EQC staff of not wanting events to be successful in providing public benefit, also criticizing staff for not pursuing trainer suggested events. She asserted there is a symbiotic relationship between boarders, trainers and public benefit.

Cameron Cummings discussed how her student benefitted from working with and riding horses as recommended by his physician. She stated the fairgrounds provides a lot of people the ability to access to horses and the ability to work through mental or physical issues.

Aileen Anderson stated that working within the UC system, she is familiar the state regulations that (being a state facility) OCFEC has to deal with. She presented a petition (3800 signatures) that is asking for four basic elements to

formally recognize the EQC as a resource of public benefit: maintenance, investment partnership and expand public access programming. She spoke in support of maintaining the current structure and of the RFP process, urging active pursuit of a reputable and responsible bidder. She criticized comments she heard regarding no public programming at the EQC, which she stated she personally participated in.

Patti Stone discussed how she offers free tours and horsemanship classes at the EQC. She criticized that her free tour sign was taken down. She asserted the EQC is an education center.

Debra Hoffman shared how her daughter benefitted from riding at the EQC. She argued that the definition of public benefit is subject to interpretation depending on who you ask. She asked for a mutually agreed upon system of measurement for public benefit of the EQC. She asked that an ad hoc committee be assembled to formulate an effective system to track the public benefit of the EQC.

Tracy Underwood discussed various opportunities for public programming at the EQC and sponsorship opportunities for additional revenue. She also suggested partnering with neighboring colleges for equine/animal science classes.

Lisa Maze discussed viewing the EQC's impact on the economy and the benefit it brings to Orange County as a whole with a macro approach. She shared several ways having the EQC improves and increases Orange County revenue.

Alex Swanson shared how he and his brother benefitted from riding programs at the EQC.

Marsherie shared how her daughter benefitted from riding at the EQC and how the EQC is used for public benefit.

Shay Van Vliet shared her life long passion for horses and riding. She discussed how the alleged closing of the barn would impact her and the community.

Claire Graves discussed the impact horses have on children, especially children on the spectrum. She urged the EQC plays an important role in the lives of many in Orange County, that horses are therapeutic and provide hands on experience for youth. She spoke in support of keeping boarders and trainers that offer services to the public.

Callie Rutter discussed how the EQC is similar to a gym. She criticized the signage at the EQC and the website. She urged the Board to listen to the speakers and make a better choice in management of the facility.

Emma Kelly discussed how the EQC is a safe place that has a positive impact on children and adults. She asserted the EQC falls in line with the OCFEC mission statement.

Denise Xagorarakis argued the EQC is servicing the public. She argued that she and others (private boarders) are members of the public that board their horses at a public facility. She argued that trainers who operate their businesses at the EQC are members of the public who service the public. She also criticized the signage at the EQC.

Antonia Styclen shared how the EQC helped her and reconnected her with her passion of horses after immigrating to America. She shared plans of providing access to her private horse to one of the OC based nonprofit horse therapy programs, has been delayed out of fear of what it to happen with the facility.

Penelope Ann Alvord shared her experience and love of horses and what they mean to her and her family. She stated the EQC serves her diverse community. She stated an alleged shut down of the facility would hurt the community.

Quinn Alvord shared her love of horses and participating at the EQC, that its her favorite place.

Amy Desarro discussed how horses have impacted her life and the life of her children. She spoke in support of the vaulting program. She shared the confusion about people being worried that the EQC will shut down. She stated the EQC impacts the community and would like to see programs grow.

Audry Xagorarakis stated horses are people's best friends and serve people.

Noelle Anderson asserted there is a lot of public programming at the EQC every day. She advocated for a committee that would allow communication between the equestrians at the EQC, the Board and staff, stating they can help with decision making to protect the EQC.

Marina Pearsall shared how horses saved her life and stated she doesn't know where she'd be without the EQC. She spoke highly of Sabo Eventing. She shared how the EQC has given her the opportunity to ride while not having the financial means to own a horse.

Irene Dunlap discussed the closure of many horse housing areas in Orange County. She thanked the Board for considering to maintain the EQC. She talked about programming that could be developed with the school district to bring kids to the stables to learn about horses.

Penelope McGregor shared how the Newport Mesa Pony Club has taught her responsibility, perseverance and discipline and the EQC gives so many a place to belong and connect with horses.

Jeff Dickman shared how he was the past Orange County Trail and Bikeway Planner. He encouraged contacting the county to garner their interest in the EQC to develop multiuse trails.

Harper Hilterbrand shared his love of riding and how Pony Club has taught him horsemanship, commitment and perseverance.

Jeanne Haliska shared how her daughter benefitted from and is now thriving from joining the Pony Club at the EQC.

Shannon Ely McGregor stated she collected two-hundred fifty letters from EQC users expressing their experiences at the EQC (the Board was given a packet with copies of the letters). She shared her daughter's experience riding at the EQC where she has found a community to belong to.

Director Pham returned to the meeting at 1:16 p.m.

Maki Hamblin described the agricultural history and jewel of Orange County. She urged without the central location of the EQC many would lose access to horses forever. She pleaded the Board to keep the EQC available as a resource for the community for generations to come.

Ashley Danielsen, owner of All About Horses at the EQC, stated that while her business at the EQC is privately owned, her mission in servicing the public is to have Girl and Boy Scout troops out to the center regularly throughout the year, to earn their safety around large animal and horse badges.

Jaya Mayne discussed her participation with EQC nonprofit Changing Strides where foster children get an opportunity to ride and interact with horses, many for the first time, stating this program benefits many children in the community with the greatest needs. She encouraged moving forward with a plan that benefits everyone.

Brian Cummings discussed the fairgrounds supporting the EQC is a public good, not a gift of public funds. He shared a story of the Whittier Narrows equestrian center and how LA County agreed that spending money on that center was not a gift of public funds. He asserted the OC EQC is already offering public programs.

Gibran Stout criticized that no effort has been made by staff to accurately gather the number of people who come to the EQC. She criticized the comparison of the EQC to Centennial Farm and Heroes Hall. She argued incomplete/misinformation and lack of data. She criticized that trainers are being treated differently than any other vendor or service on the fairgrounds.

The meeting adjourned for a break at 1:31 p.m. and resumed at 1:43 p.m.

Michelle Conklin shared she has her horses in the Sabo Eventing youth program for free as her way of giving to the community. She shared types of programming and therapeutic programs that could be at the EQC for inner city kids, adult seniors and veterans.

Laura Thomas criticized CEO Richards recent KFI radio interview and management of the EQC. She asserted there is plenty of public programming offered by the trainers and urged the Board to expand them for public benefit. She spoke in support of moving forward with the RFP process.

Briana Dombroske, shared she is a licensed professional clinical counselor working for a nonprofit that provides mental health services with horses. She shared she is currently working on programming and partnership with EQC trainers (Sabo and Hamblin). She stated it is challenging to find equine centers in urban areas where the needs of youth with trauma are the greatest. She asserted that to lose the ability to provide programs at the fairgrounds would make services inaccessible to many.

Caroline Colesworthy shared her confusion with the EQC being labeled a private facility where she is a member of the public and her children take lessons on public fairgrounds.

Dan Silverton asserted a management problem at the EQC. He stated the Board has an opportunity to continue to support equine appreciation of all sorts and levels. He suggested the RFP be rewritten to attract functional management. He criticized that EQC staff has not put any programs in place since taking over management of the facility.

Lisa Bacca criticized the EQC link location on the OCFEC website stating that is hard to find. She criticized in looking at the staff and Board bios (on the website) that there is no equestrian expertise. She asserted the EQC is not a private facility but public. She encouraged equestrian expertise be brought in to build out a revenue generating RFP and platform.

Chair Kovacevich reiterated the Board discussion on the agenda item today is focused on:

- Gift of public funds: the Board to determine that operating the EQC facility at a loss as it currently runs today, is it justifiable relating to a gift of public funds?
- The Board to decide whether or not to continue with the RFP for an EQC operator
- Or the Board to look at developing public programming for the facility

Board discussion ensued; items discussed:

- Appreciation for the passion of the speakers
- Director La Belle's familiarity with large equine operations and facilities
- Board support of OCFEC management of the EQC; facility now being managed properly
- Private business for profit operating on state property
 - Fairgrounds is not being adequately compensated by those businesses
- Suggestion of putting the management RFP on hold and launching and RFP to solicit proposals for trainers
 - Trainers could include in their proposal what type of nonprofit benefit programs they will provide to the community
 - The Board needing to know and evaluate programs
- Board to decide how to maximize for public benefit
- Concerns about rumors of turning the EQC into a parking lot which the Board never discussed
- Board wanting to see public benefit
- Continue to discuss public programming

- Riding lessons can be \$85 an hour – out of reach for most urban families
- Some support for continuing with the RFP to find an operator
- Support for more public access to the facility, not closure
- Fiduciary responsibility to operate the facility properly
- OCFEC development of programing like Centennial Farm – regular occurring school tours
- OCFEC to possibly own horses
- Development of the Boards vision for the facility
- Ideas for the EQC: housing mounted police horses, possibility of boarding some horses to offset costs, county subsidized public accessible programing
- Clarification of misconceptions of other facilities like Centennial Farm and Heroes Hall that run at a deficit but have nothing but public access and programing, not private for-profit business operating out of them
- More public benefit and more access to the community at large
- The Board not having a direct line of sight of visibility to make sure there currently is public access and public benefit of the EQC
- Having a different model all together - new model could provide much better service to the public and be more inclusive
- Wanting the facility to remain under a different line of sight public programing model
- Private business operating out of the facility that did not go through the competitive bid process – need to be in compliance with state law
- If the Board decides to phase out the current model there would be no need for the RFP (for an operator)

Directors La Belle and Bilezikjian left the meeting.

Vice Chair Bagneris motioned (summarized, restated and clarified by Chair Kovacevich) to put the RFP on hold, to notify the current operators that the model is going to be changing effective June 2024 and direct staff to work with the Board, the public and other stakeholders to come up with a new model between now and June.

ACTION: Vice Chair Bagneris motioned and Director Rubalcava-Garcia seconded to approve to put the Request for Proposal for management of the Equestrian Center on hold, to notify the current operators that the model is going to be changing effective June 2024 and direct staff to work with the Board the public and other stakeholders to come up with a new model between now and June. **MOTION CARRIED.** **AYES:** Chair Kovacevich, Vice Chair Bagneris, Director Rubalcava-Garcia, Director Ruiz and Director Jackson. **NAYES:** None. **ABSTENTIONS:** None.

ACTION: Vice Chair Bagneris motioned and Director Ruiz seconded to table remaining agenda items to January 2024 Board of directors meeting. **MOTION CARRIED.** **AYES:** Chair Kovacevich, Vice Chair Bagneris, Director Rubalcava-Garcia, Director Ruiz and Director Jackson. **NAYES:** None. **ABSTENTIONS:** None.

9. CLOSED SESSION (Closed to the Public)

No closed session.

10. CEO'S OPERATIONAL ANNOUNCEMENTS AND UPDATES

CEO Richards reported the following:

- Chair and Vice Chair attended the OCFEC employee Thanksgiving potluck
- New Bagley-Keene provisions go into place January 1, 2024

Ken Karns, Chief Operating Officer gave an operational update regarding closure of the campground due to the upcoming construction.

Joan Hamill, Chief Business Development Officer gave an update on upcoming events at OCFEC.

11. BOARD OF DIRECTORS MATTERS OF INFORMATION

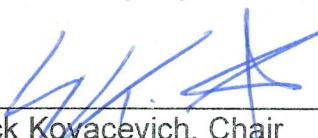
Board members made concluding comments:

- Happy Holidays and New Year to everyone
- Appreciation to staff
- Appreciation to the Board Chair for direction guidance during a challenging meeting
- Appreciation to the public speakers
- Excitement to do something greater for the public good

12. NEXT BOARD MEETING: JANUARY 25, 2024

13. ADJOURNMENT

The meeting adjourned at 2:49 p.m.


Nick Kovacevich, Chair


Michele Richards, Chief Executive Officer
1-25-24