

Emergency Meeting
31st District Agricultural Association / Ventura County Fair
10 West Harbor Blvd., Ventura, CA 93001
Office (805) 648-3376, Fax (805) 648-1012
Website: www.venturacountyfair.org
Email: info@venturacountyfair.org

EMERGENCY BOARD MEETING NOTICE

The 31st DAA Board of Directors will be holding an emergency board meeting on
Tuesday, April 14, 2020 at 9:00 am.
Call-in# 866-784-9947 Pass Code 4699900

This virtual board meeting is called in accordance with Governor Gavin Newsom's proclaiming a State of Emergency to exist on March 4, 2020 as a result of the threat of COVID-19 and the March 12, 2020 Executive Order N-25-20. Board Directors and staff of the California Department of Food and Agriculture may attend this meeting telephonically without notice of or access to their teleconference location. Members of the public may attend the meeting and provide comment at the meeting location noticed above. Any item not so noticed on this agenda will not be considered or discussed.

BOARD OF DIRECTORS

31st District Agricultural Association

Leslie Cornejo (President), Leah Lacayo (Vice President),
Bonnie Atmore, Mike Bradbury, Cecilia Cuevas, Dan Long, Armando Lopez, Shanté Morgan-Durisseau

STAFF

Barbara Quaid, CEO

Public Participation

Members of the public are encouraged to provide comment to the Board 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 president 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 authority and jurisdiction and their placement on the agenda is within the discretion of the Board.

All meeting notices, agendas and materials considered by the Board during the meeting will be available to the public prior to the meeting in the fair office. Agendas and meeting notices will be posted on Board's website at www.venturacountyfair.org.

AMERICAN WITH DISABILITIES ACT

Pursuant to the American with Disabilities Act, individuals who, because of a disability, need special assistance to attend or participate in any Board meetings or Committee meetings, or in connection with other District Fair activities, may request assistance at the 31st DAA Fair office, 10 West Harbor Blvd., Ventura, CA or by calling (805) 648-3376. Requests should be made one (1) week in advance whenever possible.

The Board of Directors will be holding a special fair board meeting on Tuesday, April 14, 2020 at 9:00 am via teleconference.
Call-in# 866-784-9947 Pass Code 4699900

BOARD MEETING AGENDA

April 14, 2020

All matters noticed on this agenda may be considered for action. Items listed on the agenda may be considered in any order at the discretion of the Board President. Any item not so noticed will not be considered or discussed.

1) **CALL TO ORDER:** President Cornejo

2) **ROLL CALL OF DIRECTORS:**

3) **PUBLIC FORUM:** Anyone may address the Board on any matter, either on or off the Agenda. In accordance with state law, the Board will not comment or otherwise consider Public Comment matters until such items have been properly noticed for a future meeting.

4) **NEW BUSINESS:** (Discussion/Action by Board)

- a) New Fair Funding Updates
- b) Discussion and or possible action regarding approval of New Fair Funding MOU
- c) Discussion and or possible action regarding approval of Employee Working Conditions Policy
- d) Discussion and or possible action regarding approval New Fair Funding Contracting Policies and Producers -Leases
- e) Discussion and or possible action regarding Resolution to accept New Fair Funding

5) **ADJOURNMENT**



April 6, 2020

F2020-07

TO: All Fairground CEOs and Board Chairs

SUBJECT: Instructions to Become a Qualified Fair for New Fair Funds

Governor Newsom issued an [Executive Order](#) which included changes to the requirements for AB 1499 funds (New Fair Funds) during the COVID-19 emergency. The Executive Order will allow CDFA to distribute New Fair Funds to all fairs, including those fairs that cannot currently meet the 30 percent above minimum wage requirement. All other workforce requirements for meal and rest periods and overtime are still a requirement.

The California Department of Food and Agriculture (CDFA) has funding available for all fairs in the Network, subject to certain conditions and pursuant to Business and Professions Code (BPC) section 19620.15. Funds are available immediately for general operational support costs.

Below is information about application deadline, required workforce conditions to be met, and description of the required submittals.

Application Deadline and Submission

Allocation requests must be submitted while the Executive Order and duration of the proclaimed emergency is in effect, but no later than June 1, 2020. Resolution and Memorandum of Understanding shall be submitted via email to Greg Ferrero at Gregory.Ferrero@cdfa.ca.gov.

Required Work Conditions

Pursuant to Business and Professions Code section [19620.15](#), to be a qualified fair eligible for funding, the fair and the relevant lessees shall provide, without interruption, the following conditions to non-management employees:

- ✓ A meal period of not less than 30 minutes for a work period of more than five hours per day, unless the work period per day of the employee is less than six hours and the meal period is waived by mutual consent of both the employer and the employee.
- ✓ A second meal period of not less than 30 minutes for a work period of more than 10 hours per day, unless the work period per day of the employee is less than 12 hours, the second meal period is waived by mutual consent of both the



employer and the employee, and the first meal period was not waived.

- ✓ Compensation at the rate of no less than one and one-half times the regular rate of pay for any work in excess of eight hours in one workday, any work in excess of 40 hours in any one workweek, and the first eight hours worked on the seventh day of work in any one workweek.
- ✓ Compensation at the rate of no less than twice the regular rate of pay for any work in excess of 12 hours in one day.
- ✓ Compensation at the rate of no less than twice the regular rate of pay for any work in excess of eight hours on any seventh day of a work week.

Non-management employees who will receive the above benefits are those not in a supervisory role or have management decision making authority.

The leases affected are those tenants that have exclusive and continuous rights to occupancy at the fairgrounds for one year or longer. For example, a bakery occupying a building at the fairgrounds under a one-year agreement.

Required work conditions do not apply to:

- ✓ Employees covered by a valid collective bargaining agreement if that agreement expressly provides for all of the following:¹
 - Wages, hours of work, and working conditions of the employees.
 - Meal periods for the employees, including final and binding arbitration of disputes concerning application of its meal period provisions.
- ✓ Interim events and short-term rentals less than a year. For example, a four-day music festival under a five-year agreement with the fair. The music festival does not have rights to continuous and exclusive use year-round at the fairgrounds and would be excluded from the required work conditions.
- ✓ Lessees that employ less than fifty employees of a fulltime status as determined by the Internal Revenue Service's [Monthly Measurement Method](#).

¹ BPC section 19620.15 (h)(3)(C) is temporarily suspended while the Governor's Proclamation of the COVID-19 Emergency is in effect, pursuant to Executive Order N-40-20 (March 30, 2020).

Required Submittals

Board approved resolution (Attachment A) signed by CEO and Board President:

- ✓ Board's request for a general support allocation.

Memorandum of Understanding (Attachment B) signed by CEO or Board President:

- ✓ Board's approval of the for General Operational Support.
- ✓ Board's approval to provide the required work conditions to all non-management employees.
- ✓ Board's approval to require lessees provide the required work conditions to all non-management employees.

Board approved policies (see attached policy templates):

- ✓ Board's approved policies to ensure workforce requirements are met and incorporated into leases.

If any questions regarding letter, please contact John Quiroz at John.Quiroz@cdfa.ca.gov or (916) 900-5025.

Sincerely,

John Quiroz, Chief
Fairs and Exposition Branch

Enclosed

Contracting Policies and Procedures
as required by Business and Professions Code (BPC)
section 19620.15
(insert name) Fairgrounds

1. Leases that grant exclusive and continuous occupancy for a period of one-year or longer shall include the following provisions:
 - a. Lessee shall provide to all non-management employees the working conditions, or greater, outlined in Required Working Conditions Policy. Failure to provide the working conditions shall be considered a material breach.
 - b. Lessee acknowledges that the [Fair] is a state institution under the oversight of the California Department of Food and Agriculture (CDFA) which conducts periodic audits for the purpose of ensuring compliance with state law and policy. Upon written request and with reasonable notice, Lessee shall make records available to the CDFA Audit Office for examination in order to confirm compliance with the required work conditions policy. Records may include but are not limited to, payroll and time keeping records of non-management employees.”
 - c. Lessee shall notify [Fair] within 15 business days of receiving notice of any complaint made by a non-management employee or finding of a violation by a labor or personnel authority, based on the working conditions outlined in Required Working Conditions Policy.
 - d. Upon a finding that Lessee failed to comply with the required work conditions, Lessee shall provide [Fair] with written assurance within thirty (30) days of the finding that the breach will be cured before the [Fair] may terminate this lease as provided herein.
2. All existing leases prior to (insert date) shall be amended in writing and signed by the parties to include the required contract provisions and policy.
3. Upon the CDFA audit office’s request, the fair shall make available all records necessary to conduct an audit. During an audit, the fair shall assist CDFA in requesting that the lessee make available its records for examination pursuant to the lease.
4. The fair shall inform CDFA in writing within 15 business days of receiving notice of either of the following:
 - a. Any complaint or finding of a violation for the fair’s failure to provide the required work conditions to a non-management employee; or
 - b. A final ruling issued by a relevant labor or personnel authority that determines the fair or a lessee did not provide its non-management employees the required

work conditions.

5. The fair shall otherwise be in compliance with all labor laws and current with the Department's audit reporting requirements.

Exemptions:

- a. Lessees that employ less than fifty employees of a fulltime status as determined by the Internal Revenue Service's [Monthly Measurement](#) Method.

The above policy is adopted, verified and true:

Approved:

Board Chair signature

Date

Print Name

CEO signature

Date

Print Name

Attachment A

Resolution to Determine the Eligibility of the Fairgrounds To receive Sales and Use Tax Allocations AB 1499 Funding Under Executive Order N-40-20

A resolution of the _____ Fairgrounds Board requesting access to the Sales and Use Tax Allocations AB 1499 (New Fair Funding) as of _____. The _____ Fairgrounds Board understands that in order to receive New Fair Funding the fair and its lessees, will need to abide by the following work conditions for non-management employees in the manner described under in Chapter 3 of Division 7 of Title 3 of the California Code of Regulations. The Executive Order N-40-20 is suspending Business and Professions Code section 19620.15(h)(3)(C) throughout the duration of the proclaimed emergency.

- A meal period of not less than 30 minutes for a work period of more than five hours per day, unless the work period per day of the employee is less than six hours and the meal period is waived by mutual consent of both the employer and the employee.
- A second meal period of not less than 30 minutes for a work period of more than 10 hours per day, unless the work period per day of the employee is less than 12 hours, the second meal period is waived by mutual consent of both the employer and the employee, and the first meal period was not waived.
- Compensation at the rate of no less than one and one-half times the regular rate of pay for any work in excess of eight hours in one workday, any work in excess of 40 hours in any one workweek, and the first eight hours worked on the seventh day of work in any one workweek.
- Compensation at the rate of no less than twice the regular rate of pay for any work in excess of 12 hours in one day.
- Compensation at the rate of no less than twice the regular rate of pay for any work in excess of eight hours on any seventh day of a work week.

The _____ Board agrees to these terms and, as required by the regulations, has adopted a policy that outlines the required work conditions for all non-management employees of the fairgrounds and lessees.

Additionally, the Fairgrounds Board has approved contracting policy and procedures that stipulates that all lessees covered by the regulations are required to provide to non-management employees the required work conditions and that all leases shall include the required contract provisions.

Passed, approved, and adopted on this day, (insert date).

Ayes:

Nayes:

Abstentions:

The above statement is verified and true:

Approved:

Board Chair Signature

Date

Print Name

CEO Signature

Date

Print Name

AB 1499 Distribution - **DRAFT**

Spending Plan		
Distribution	Amount	Percentage
F&E Fund	1,739,000	9.3%
Allocation	13,300,000	71.4%
Deferred Maintenance	3,598,000	19.3%
TOTAL	18,637,000	100.0%

Allocation Per Class Size		
Class Size	# of Fairs	Allocation
I	9	198,700
I-X	3	194,550
II	9	190,400
III	14	182,100
III+	14	173,850
IV	8	165,600
IV+	6	157,350
V	4	149,000
VI	5	140,750
VII	5	132,500
Total Distribution		13,300,000

DRAFT

Exhibit X

Required Employee Work Conditions Policy (insert name) Fairgrounds

The (insert name) Fairgrounds will abide by the following work conditions for non-management employees in the manner described under in Chapter 3 of Division 7 of Title 3 of the California Code of Regulations.:

- A meal period of not less than 30 minutes for a work period of more than five hours per day, unless the work period per day of the employee is less than six hours and the meal period is waived by mutual consent of both the employer and the employee.
- A second meal period of not less than 30 minutes for a work period of more than 10 hours per day, unless the work period per day of the employee is less than 12 hours, the second meal period is waived by mutual consent of both the employer and the employee, and the first meal period was not waived.
- Compensation at the rate of no less than one and one-half times the regular rate of pay for any work in excess of eight hours in one workday, any work in excess of 40 hours in any one workweek, and the first eight hours worked on the seventh day of work in any one workweek.
- Compensation at the rate of no less than twice the regular rate of pay for any work in excess of 12 hours in one day.
- Compensation at the rate of no less than twice the regular rate of pay for any work in excess of eight hours on any seventh day of a work week.

This policy applies to all non-management employees employed by the fairgrounds and employees of leases that grant exclusive and continuous occupancy for a period of one-year or longer.

This policy **Does Not** apply to:

- a. Employees covered by a valid collective bargaining agreement if that agreement expressly provides for all of the following: (1) Wages, hours of work, and working conditions of the employees; (2) Meal periods for the employees, including final and binding arbitration of disputes concerning application of its meal period provisions.
- b. Interim events and short-term rentals of a term less than a year.
- c. Lessees that employ less than fifty employees of a fulltime status as determined by the Internal Revenue Service's [Monthly Measurement](#) Method.

The above policy is adopted, verified and true:

Approved:

Board Chair signature

Date

Print Name

CEO signature

Date

Print Name

DRAFT