

2.100.065 Statements of Economic Interests. Every person appointed to a board, commission, or committee designated by the City Council resolution adopting the City's Conflict of Interest code, shall file a Statement of Economic Interests with the City Clerk on forms provided by the City Clerk. Statements of Economic Interests shall be filed upon taking office, annually no later than thirty (30) days after the date specified by law, and upon leaving office. Any such person who fails to file a Statement of Economic Interests as provided in this Section shall automatically vacate the office. (3391-8/98)

2.100.070 Employment limitation. No person serving on any board or commission shall hold any full or part-time paid office or employment in the Huntington Beach personnel system while so serving, unless otherwise specified. (2896-6/87)

2.100.080 Duration of terms. Members shall serve until their respective successors are appointed and qualified. The City Council shall have the power to fill any vacancies. Unless otherwise specified, terms of members of boards and commissions shall be four (4) years, staggered so that the majority of terms shall end in odd-numbered years following the election of four (4) council members and remainder of the terms shall end in odd-numbered years following the election of three (3) council members. (2896-6/87)

2.100.085 Attendance. Any person appointed to any city board, commission, or committee shall automatically vacate the office upon a fifth (5th) unexcused absence during a calendar year or upon more than three (3) consecutive unexcused absences at any time during the term of office. Upon request of the absent member, each board, commission, or committee shall have the authority to determine whether an absence is excused. The appointing authority shall appoint a successor to fill the vacancy. (3124-12/91, 3776-9/07)

2.100.090 Open meetings. All meetings of boards and commissions shall be open to the public unless subject to the closed session exceptions contained in the Ralph M. Brown Act (Government Code § 54950). (2896-6/87)

2.100.100 Rules. Each board and commission may adopt such bylaws and rules as may be necessary or convenient for the conduct of its business, subject to approval of the City Council. (2896-6/87)

2.100.110 Applicability. This chapter shall apply to all boards and commissions, unless an ordinance enacted after the date of this section establishes different requirements. (3124-12/91, 3323-5/96)



Moostache, a local band, is embarking on its first tour

Happenings | B1

Surf City's Mike Miles to tee it up with golfing's finest

Sports | B6

Today's Weather



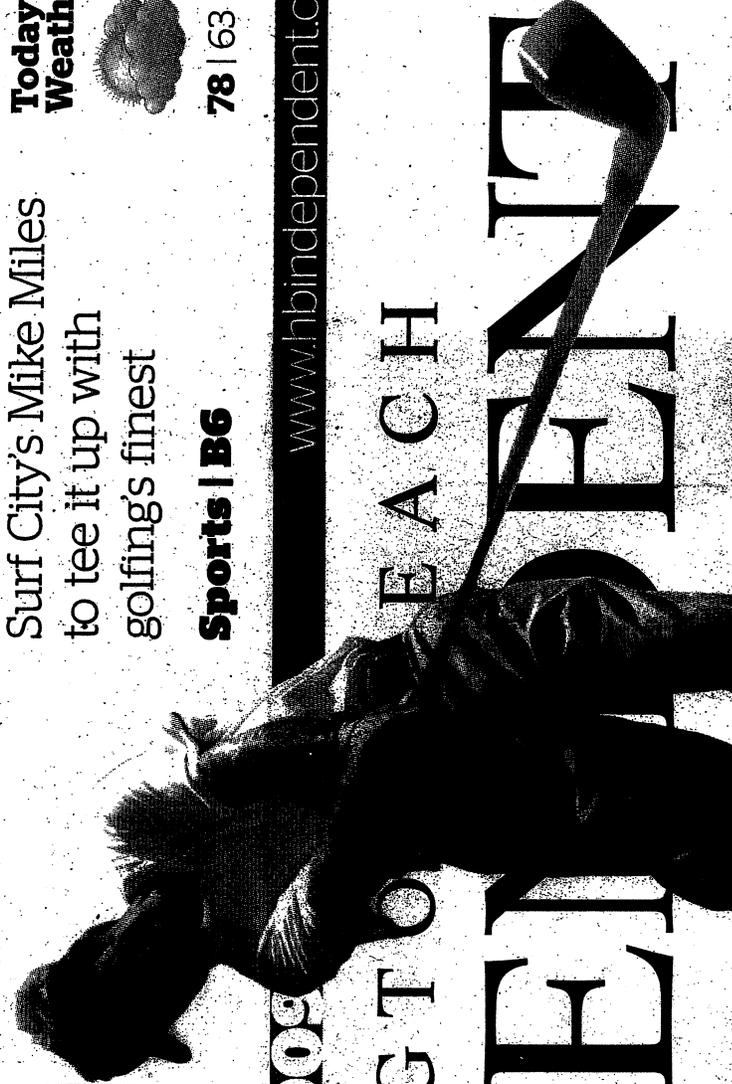
78 | 63

THURSDAY/AUGUST 13, 2009

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HUNTINGTON BEACH

INDEPENDENT



ALSO SERVING THE FOUNTAIN VALLEY AND SUNSET BEACH COMMUNITIES

Christopher Michael Hernandez II • March 2, 1992 - Aug. 8, 2009

Local teen's funeral is today

High School student says humble, always respectful with respect others, school says.

DICE BAKER

baker@latimes.com

Funeral will be today for a 17-year-old Huntington Beach boy who fell off the roof of a movie theater Friday night

was a guitar-playing Honor Roll student at Servite High School in Anaheim, and would have been a senior this year. He earned his Eagle Scout award in March.

A funeral Mass will be at 10 a.m. at St. Vincent de Paul Catholic Church, 8345 Talbert Ave.

Following the Mass, the burial will be at Good Shepherd Cemetery, 8301 Talbert Ave.

"Always humble, always treating others with respect and kindness.

geness, determination and musical talent. He was a young man of many accomplishments: an Eagle Scout, an excellent student and a gifted musician. He played bass for the Servite Jazz Band and Campus Ministry Music Team.

"His love of music and the Lord brought beauty to every liturgy," Servite administrators said in a release.

Christopher was riding on the roof of a 2006 Nissan Altima, driven by an-

Drive on Friday evening.

When the car's driver attempted to turn right on Wildrose Lane, about 9:05 p.m., the force of the turn threw Christopher off the roof and into the street, authorities said. Police and fire personnel responded to the scene, where they found Christopher had suffered major head and abdominal injuries.

Due to the severity of the injuries, Christopher was transported to UCI Medical Center in Orange. He was

day, the county coroner's office said.

Police have not released the name of the boy who was driving.

Those with information on the accident are asked to call Investigator Dennis Fulton of the Huntington Beach Police Traffic Bureau at (714) 536-5670.

A foundation will be established in Christopher's name.

To make a donation in lieu of flowers, send a check to Mark Arizmendi, 16812 Baruna Lane, Huntington

is fans — especially his parents, coaches and ds. as not too long ago that itself was a Little Leaguer in Huntington Beach. The 5th School graduate then CLA before being drafted in 2006.

nor league stints pitching honing Valley Scrappers, dians, Akron Aeros, Buffalo I Columbus Clippers, Huff Major League debut against Bay Rays on May 17. The has been compared to ne, Barry Zito and Jeremy pretty good company to be against so early in a career. chance to talk with David lay about his experience in baseball in general and his in Huntington Beach. he was born in San Diego, moved here when he was a and he loves Surf City (he in the off-season). He fair number of Angels ile growing up here, and he cent experience of pitching A was one for the books. y dad really good seats for

NE, page A12

Districts plan for budget shortfalls

Larger class sizes and fee increases are just the tip of the iceberg for students. School boards to discuss future cuts in coming weeks.

BY CANDICE BAKER
candice.baker@latimes.com

Just like every year, thousands of students around the city — from new kindergartners to college seniors — are spending the month registering for classes and stocking up on filler paper, colored pencils and Snack Packs.

But on the first day of school, many of the youngest primary school students will find their classrooms filled with more fellow students than last year. Community college students

will pay an extra \$6 per unit for each class they want to take. University students may pay thousands more.

Each district, school and classroom is adjusting in its own way to the state's budget turmoil. Although the state budget was signed in late July, area districts are still in a holding pattern, waiting for the final word as to how much they'll have to do without.

"Obviously, overall it's very devastating to all of education," said William Loose, Ocean View School District's assistant superintendent for administrative services. "We're continuing to deal with massive cuts in our district, but we're doing the best we can."

His district doesn't anticipate making any additional changes for the current year. The district already has increased some class sizes from 21 to

Upcoming Board Meetings

- Ocean View** 7 p.m. Tuesday
17200 Pinehurst Lane
Huntington Beach
- Fountain Valley** 7 p.m. Aug. 27
10055 Slater Ave. Fountain Valley
- Huntington Beach City** 7 p.m. Aug. 25, 20:45
Cralmer Lane
Huntington Beach
- Huntington Beach Union** 7:30 p.m. Tuesday 5832 Bolso Ave. Huntington Beach

24 students, reconfigured some middle school classes, released temporary teachers and "swept" some cate-

See SHORTFALLS, page A11

beach.
"As much as my heart bleeds for Sunset Beach, I have to have as my
See BEACH, page A10

Cultural Center Report: Profit is possible

BY BRITNEY BARNES
britney.barnes@latimes.com

The proposed cultural center in Triangle Park could play home to surfing and ocean-themed exhibits, a 350-person event space, and create more than \$4.4 million a year in revenue, according to a draft study obtained by the Independent.

The document, commissioned by the Huntington Beach Marketing &

See CENTER, page A11



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2009 5TH ANNUAL LAGUNA BEACH MILLION DOLLAR HOME RAFFLE BENEFITS



CENTER

Continued from page A1

Visitors Bureau, is an analysis of the potential market demand, estimated revenue and the economic impact of a cultural center, and hasn't been released to the public or responded to by the bureau, President and Chief Executive Steve Bone said.

The bureau is waiting for City Council members to approve the Downtown Specific Plan before commenting or moving forward on the draft, Bone said. At this point, the draft does not represent the opinion of the bureau, but is the recommendation of a third party, Bone said.

The center is part of the proposed changes to the Downtown Specific Plan to create a hub at the north end of Main Street's downtown area. The plan is an update to the long-range planning documents the city uses to determine building specifications.

The plan is being amended to increase development over the next 20 years. It encompasses the area south of Goldenwest Street and north of Beach Boulevard along the beach and up to Palm Avenue in the downtown area. From Sixth Street north, the plan only extends up to Walnut Avenue. South of Main Street, the plan includes the resort areas.

The cultural center would be the focal point of a proposed cultural arts overlay district that includes the Huntington Beach Art Center, a performing arts theater and an underground parking structure. The center is projected to open in 2013 and would attract an estimated 300,000 tourists and community members a year — increasing the city's income from transient occupancy tax and bringing in a projected \$4.4 million a year, according to the draft.

The three- to four-story, 40,000- to 50,000-square-foot building would include a 350-person rentable event space, a

possible rooftop terrace and a restaurant or cafe with veranda seating, according to the draft. The center would also boast a 100- to 125-seat theater, a gift shop and interactive exhibits.

The center would feature different exhibits, including one on surfing that the report states would be superior to the California Surf Museum in Oceanside, Huntington's International Surfing Museum and others in California. The exhibit would feature the history

of surfing and those who have contributed to its culture, including inductees in the Huntington Beach Walk of Fame, according to the report.

The center would also have a marine life exhibit with live specimens, an interactive learning library and educational classrooms.

"The idea is to make it highly interactive," Bone said.

One of the most hotly contended aspects of the Downtown Specific Plan — the possible removal of the Main

Street Library — is included in the draft.

"The existing building would not remain," Bone said.

The center would replace the library with a larger, state-of-the-art one that would better accommodate the needs of the community, Bone said.

Despite the possibility for increased revenue, some residents have been up in arms for months over the possible development of the center and the destruction of their park and library. Community mem-

bers have criticized the Huntington Beach Residents Assn. study, the city's F sion study with resident cultural center neighborhood

Resident said he is m how large ar the propose and said he lay hand on port to no a dents need t

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SHORTFALLS

Continued from page A1

gorical funds to use in other areas which the state permit-

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and a few of those who have contributed to its culture, including inductees in the Huntington Beach Walk of Fame, according to the report.

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Despite the possibility for increased revenue, some residents have been up in arms for months over the possible development of the center and the destruction of their park and library. Community mem-

bers have created the Huntington Beach Downtown Residents Assn. and have packed the city's Planning Commission study session meetings with residents against the cultural center being built in their neighborhood.

Resident Richardson Gray said he is most concerned with how large and visitor-intensive the proposed center could be, and said he has been trying to lay hand on a copy of the report to no avail. Gray said residents need to see the details of

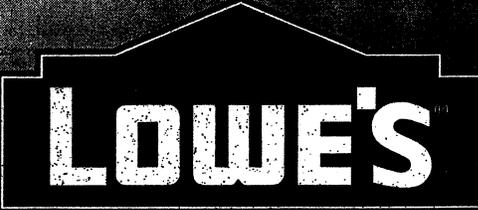
the plan to understand the full scope of the project.

One of the residents' biggest concerns is with the loss of the buffer zone between the downtown bars and their homes, and the increase of traffic on the two-lane highways around the intended site of the cultural center.

The Downtown Specific Plan must gain approval from the Planning Commission and the City Council before the Cultural Center can become more than a draft.

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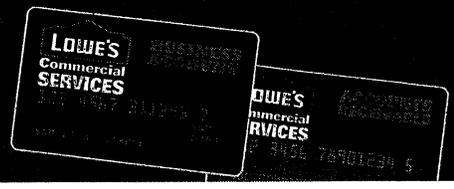
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RICHARDSON GRAY
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richardson.gray@yahoo.com

Certified Mail, Return Receipt Requested, and Regular Mail

July 7, 2009

Steve Bone
President & CEO
Huntington Beach Marketing and Visitors Bureau
Hotel/Motel Business Improvement District
301 Main Street, Suite 208
Huntington Beach, CA 92648

Stanley Smalewitz
Director
Economic Development Department
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Scott Hess
Director of Planning
Planning Department
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Fred Wilson
City Administrator
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Connie Pedenko
Executive Director
Huntington Beach Downtown
Business Improvement District, Inc.
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Huntington Beach, CA 92648

Natalie Kotsch
Executive Director
International Surfing Museum
200 Olive Avenue
Huntington Beach, CA 92648

Jennifer McGrath
City Attorney
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

Joan Flynn
City Clerk
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

**Re: Request for Access and Copies
Under the California Public Records Act, Sections 6250 through 6276.48
Cultural Center Feasibility Study
Site of the Main Street Library and its Surrounding Triangle Park**

My Request

I am writing to each of you based on my personal knowledge or belief that one or more of you, your group's colleagues, or your group's staff members have possession of a Feasibility Study for a Cultural Center (Center) proposed for the site of the Main Street Library (Library) and its surrounding Triangle Park (Park). In May of this year, I first learned that a Draft of this

Feasibility Study was being circulated. Under the California Public Records Act (Act), Sections 6250 through 6276.48, I am formally requesting access and copies, complete and intact, of the Draft Feasibility Study and, if it is finished, the Final Feasibility Study.

I had hoped to avoid the formality of this request. After two months of rejections of my several informal requests, I have come to believe that this formal request is my best option.

Deadline and No Exemption

If I am not granted my request within ten days, **by July 17th**, I need you to send me a written response by that date, explaining why my request has been denied. Although the Feasibility Study might only be in draft form, no exemption applies under the Act, in that the public interest in disclosure clearly outweighs any interests of the City, or of its sponsored, quasi-governmental, taxpayer funded or subsidized downtown business partners, in withholding this information from the public. The public interest in disclosure is especially compelling at this time, during the currently ongoing public review process for the Downtown Specific Plan (DTSP), which includes the City's proposals for the Library, Park, and Center. When I gain possession of the Feasibility Study, I immediately will send copies to the local media listed at the end of this letter, to make sure that the public has full information about the details envisioned for the Center.

Planning Commission Meetings Must Be Delayed If My Request Is Not Granted Promptly

If I am not granted my request by July 17th, via my copies of this letter to the City's Council Members and Planning Commission Members, **I am asking for a delay of the Planning Commission's (Commission's) last DTSP Study Session, now scheduled for July 28th, until at least ten days after my request has been granted.** If I am not granted my request by July 17th, I am asking for commensurate delays for the Commission's Study Session on the DTSP's draft Environmental Impact Report (EIR) and of the Commission's Public Hearing and Vote on the DTSP and draft EIR. Unless my request is granted well before these Commission meetings, in my opinion, the City's public review process for the DTSP and draft EIR will be fatally defective, due to the City and its downtown business partners' withholding of vital information from the public, and due to the public review process' lack of adequate transparency.

Crucial Importance of the Public's Access to the Complete Details of the City's Proposals

Repeatedly, I have tried to give the initial proposals for the Library and Park the benefit of the doubt. As an example, during the Community Workshops and Scoping Meeting on the DTSP and draft EIR in 2007 and 2008, I did not oppose the general ideas put forth for the Library and Park. Similarly, in February of this year, after Steve Bone described to me his vision for a cultural center at the Library and Park, I did not oppose his general concept.

Unfortunately, I repeatedly have been shocked by the details of these proposals for the Library and the Park, when they have been belatedly revealed. My reactions flow from the proposals' mammoth size and projected visitor-intensity, and their virtually ignoring the many legitimate quality of life concerns for the thousands of surrounding downtown residents.

The first set of these distressing details was in the DTSP draft of December 2008, presented at the last Community Workshop. The second set of these disturbing details, according to a couple of key ideas about which I have learned, is in the Feasibility Study that has not been made available to the public as of yet.

Triangle Park Deed Restriction

Triangle Park, I believe, is the City's second oldest and most historic park. It was developed as a park in 1912 (see front-page article in *Huntington Beach News* of June 21, 1912). In its original deed, the City made an enduring, unqualified, and unlimited commitment to maintain Triangle Park in good condition as parkland for all time, forever. Especially on account of this legal obligation of the City's, the concept, scope, and size of the proposals for redeveloping the Library and Park are profoundly troubling.

In my opinion, the citizens, residents, voters, and taxpayers of Huntington Beach have the legal right to require that the City honor Triangle Park's deed restriction. I am convinced that this deed restriction legally supersedes Measure C, the City's charter provision requiring a citywide referendum to build on parkland. Similarly, I am convinced that no Measure C vote can terminate or subordinate this Triangle Park deed restriction.

Troubling Details from the Feasibility Study Draft

The Feasibility Study Draft, according to what I have learned from my own reliable sources, is for a very large and very visitor-intensive surf and ocean themed museum. According to the DTSP of June 2009, the Center is proposed to be as large as 50,000 square feet, including culturally related retail uses, or over five times the size of the existing, historic Library buildings. While I would support such a cultural center for downtown nearer to Pacific Coast Highway, such a huge tourist attraction is wholly ill suited for the Library and Park, and their bordering established residential areas.

This size tourist attraction at the Library and Park literally would ruin the residential quality of life in the established neighborhoods near the north end of downtown. The couple of key ideas that I have learned about the Feasibility Study Draft are as follows:

1. The Center is projected to attract as many as 400,000 museum, special events, and restaurant visitors annually. This level of attendance would make the Center one of the busiest museum attractions, if not the absolute busiest, in all of Southern California.
2. The Center is proposed to contain multiple special events venues, including full alcohol and entertainment permits and outdoor areas, which together would be as large as or even larger than the biggest restaurants, bars, and nightclubs currently in downtown.

There are several reasons why I, as a resident who owns his home at the north end of downtown, find these details completely horrifying:

- A. With its projected 400,000 visitors annually, the Center would be a mammoth noise generator bordering established residential areas.
- B. At its proposed size, the Center would generate a massive increase in traffic congestion, including the attendant air and noise pollution from vehicles.
- C. This increase in vehicle traffic would have a huge adverse impact especially on Main Street between Pacific Coast Highway and Beach Boulevard, some of which is already an over-burdened, two-lane road lined on both sides by established single-family home neighborhoods. To reach the Center from Interstate 405, almost all traffic ultimately would take Main Street from Beach Boulevard (coming from the south on the 405) or from Golden West via Yorktown (coming from the north on the 405).
- D. The Library and Park, and their surrounding residential neighborhoods, are a totally inappropriate location for such an enormous tourist attraction. The Library and Park's only access is via two-lane, local roads, which are almost entirely through established residential areas. The one exception is the stretch of Main Street from Pacific Coast Highway, which already too often is literally choked with traffic.
- E. The Center would require a very large number of on-site parking spaces.
- F. Downtown's largest restaurants, bars, and nightclubs already are too big, too rowdy, and too noisy for their locations in the midst of established neighborhoods. All of these existing large downtown restaurants, bars, and nightclubs are south of Olive Avenue, a full two to three blocks from the dense residential areas north of downtown. The Center's large special events venues easily could bring the noisiness and rowdiness of downtown to the doorsteps of these many homes and their residents. Such large special events would include rushes of vehicle traffic at the beginning and end of each event.

Conclusion

Please let me know when I can have access to and obtain copies of the Draft Feasibility Study and, if completed, the Final Feasibility Study. Thank you for your cooperation.

Sincerely yours,

Richardson Gray

cc: All City Council Members
All Planning Commission Members
Orange County Register
Huntington Beach Independent
OC Weekly
The Local News
The OC Voice

RICHARDSON GRAY
415 Townsquare Lane #208
Huntington Beach, CA 92648
714-348-1928
richardson.gray@yahoo.com

July 20, 2009

Certified Mail, Return Receipt Requested, and Regular Mail

Stephen K. Bone
President & CEO
Huntington Beach Marketing and Visitors Bureau
Huntington Beach Hotel/Motel Business Improvement District
301 Main Street, Suite 208
Huntington Beach, CA 92648

**Re: Request for Access and Copies
Under the California Public Records Act, Sections 6250 through 6276.48
Cultural Center Market Demand Study
Site of the Main Street Library and its Surrounding Triangle Park**

Dear Mr. Bone:

Attached are copies of my July 7th letter to you and your July 17th reply. As you can see in my July 7th letter, my request was addressed both to the Huntington Beach Marketing and Visitors Bureau ("Bureau") and to the Huntington Beach Hotel/Motel Business Improvement District ("Hotel BID"). Your reply, however, only responded on behalf of the Bureau. It is my understanding that the Bureau administers the Hotel BID.

My Request

I am writing to you again based on my belief that one or more of the Hotel BID's members, a member's staff, or other colleagues have possession of at least a draft of the Cultural Center Market Demand Study ("Draft Study") proposed for the site of the Main Street Library and its surrounding Triangle Park. Under the California Public Records Act, Sections 6250 through 6276.48 ("Act"), I am formally requesting access and copies, complete and intact, of the Draft Study and, if it is finished, the final version of this Cultural Center Market Demand Study ("Final Study").

Deadline and No Exemption

If I am not granted my request within ten days, **by July 30th**, I need you to send me a written response by that date, explaining why my request has been denied. It is my understanding that the Hotel BID is a legislative body of a local agency, and as such is fully subject to the Act.

Stephen K. Bone
July 20, 2009
Page 2

Conclusion

Please let me know when I can have access to and obtain copies of the Draft Study and, if completed, the Final Study. Thank you again for your cooperation.

Sincerely yours,

Richardson Gray

RICHARDSON GRAY
415 Townsquare Lane #208
Huntington Beach, CA 92648
714-348-1928
richardson.gray@yahoo.com

July 21, 2009

Certified Mail, Return Receipt Requested, and Regular Mail

Joan Flynn
City Clerk
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

**Re: Request for Full Access to All Documents,
And Selected Copies Only As Needed
Under the California Public Records Act, Sections 6250 through 6276.48
All Documents Possessed by the City
Concerning Proposal(s) for a Cultural Center or Increased Parking or Both
At the Site of the Main Street Library or of its Surrounding Triangle Park or Both**

Dear Ms. Flynn:

Under the California Public Records Act, Sections 6250 through 6276.48, I am formally requesting access to all documents, concerning a proposal or proposals for a cultural center or increased parking or both at the site of the Main Street Library or of its surrounding Triangle Park or both (the "Cultural Center"), possessed by any officers or staff members of the City, or of the City's bureaus, departments, boards, commissions, agencies, or nonprofit entities that are legislative bodies. This request for documents specifically includes any Market Demand Study for the Cultural Center, in draft form or final form or both. I want to view all of these documents before I selectively authorize you to make any copies for me. By email, I also want you to send me any electronic files that are available for any of these documents.

If you do not grant my request within ten days, **by July 31st**, I need you to send me a written response by that date, explaining why you denied my request. Please let me know when I can have access to the requested documents. Thank you again for your cooperation.

Sincerely yours,

Richardson Gray



July 17, 2009

Via e-mail to Richardson.gray@yahoo.com and regular mail

Richardson Gray
415 Townsquare Lane #208
Huntington Beach, CA 92648

**Re: Request for Access and Copies
Under the California Public Records Act, Sections 6250 through 6276.48
Cultural Center Feasibility Study
Site of the Main Street Library and its Surrounding Triangle Park**

Dear Mr. Gray:

I am responding on behalf of the Huntington Beach Marketing and Visitors Bureau ("Bureau") to your letter dated July 7, 2009, in which you request what you assert are certain public records, purportedly pursuant to California Public Records Act ("Act") Sections 6250 et seq. Please note that I do not represent and do not speak for, and therefore this response is not on behalf of, other addressees of your July 7th letter, specifically, Scott Hess, Connie Pedenko, Jennifer McGrath, Stanley Smalewitz, Fred Wilson, Natalie Kotsch and Joan Flynn.

We disagree that the Bureau is subject to the Act. The Bureau operates as a private non-profit 501 (c) (6) corporation under contract to the City of Huntington Beach to promote the City as the premier overnight beach destination in Orange County and Southern California. The United States District Court in San Francisco has opined that the Bureau does not "exercise the kind of governmental authority required to deem the Bureau a 'legislative body' within the meaning of the Brown Act. Its grant contract with the City of Huntington Beach which defines the services the Bureau performs as an independent contractor are akin to that of an advertising agency, focusing primarily on marketing, advertising and branding."

In addition, the Cultural Center Feasibility Study to which you refer was actually a preliminary Cultural Center Market Demand Study paid for from the Bureau's private source funds, not from our funds through our contract with the City of Huntington Beach.

Finally, the Board of Directors of the Bureau has voted to postpone the premature release of the Market Demand Study so as to not interfere with the City Of Huntington Beach Downtown Specific Plan process.

The Bureau must therefore respectfully decline your request.

Yours truly,

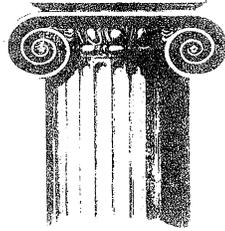


Stephen K. Bone
President & CEO, Huntington Beach Marketing and Visitors Bureau

CC: J.D. Shafer, Chair, Huntington Beach Marketing and Visitors Bureau
Jennifer McGrath, City Attorney, City of Huntington Beach
Fred Wilson, City Administrator, City of Huntington Beach
Scott Hess, Director of Planning, City of Huntington Beach
Stanley Smalewitz, Director, Economic Development Department, City of Huntington Beach
Connie Pedenko, Executive Director, Huntington Beach Downtown Business Improvement District
Joan Flynn, City Clerk, City of Huntington Beach
Natalie Kotsch, Executive Director, International Surfing Museum
City of Huntington Beach Council Members
City of Huntington Beach Planning Commission Members
Orange County Register
Huntington Beach Independent
OC Weekly
The Local News
The OC Voice

Huntington Beach Marketing and Visitors Bureau
301 Main St., Ste. 208
Huntington Beach, CA 92648
Phone: (714) 969-3492 | Fax: (714) 969-5592

ST. GEORGE & CARNEGIE



July 30, 2009

VIA FEDERAL EXPRESS

Richardson Gray
41 Townsquare Lane #208
Huntington Beach, CA 92648

Re: Request for Access and Copies under the California Public Records Act, Sections 6250 through 6276.48 ("CPRA"), for Huntington Beach Marketing and Visitors Bureau Cultural Center Market Demand Study

Dear Mr. Gray:

Our Firm, *ST. GEORGE & CARNEGIE*, represents the Huntington Beach Marketing and Visitors Bureau ("Bureau"). We have reviewed your correspondence, dated July 20, 2009. This letter is written in response to your request for access and copies under the California Public Records Act ("CPRA") regarding the Cultural Center Market Demand Study ("Study") that was prepared by the Bureau.

As was previously stated to you in correspondence dated July 17, 2009 from Steve Bone, President & CEO of the Bureau, the Bureau is not subject to the CPRA. The Bureau operates as a private non-profit 501(c) (6) corporation under contract to the City of Huntington Beach to promote the City as the premier overnight beach destination and is not a "Public Agency," including a "State Agency" or a "Local Agency" as defined in the CPRA. The CPRA does not apply to the Bureau, as confirmed by the United States District Court in San Francisco.

The preliminary draft Study was paid for with private funds of the Bureau and was not "commissioned" by the City of Huntington Beach or any other party that would be subject to the CPRA. The Bureau is the rightful owner of the Study and is not obligated to provide it to you. The Study is considered to be confidential information of the Bureau.

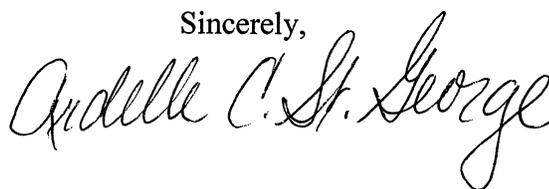
Additionally, although the Bureau administers the Huntington Beach Hotel/Motel Business Improvement District ("Hotel BID,") the Hotel BID was not provided a copy of the Study by the Bureau.

Richardson Gray
July 30, 2009
Page 2

Under the various reasons stated in this response, the CPRA is not applicable and the Bureau is not under obligation to produce the Study to you under the CPRA or otherwise.

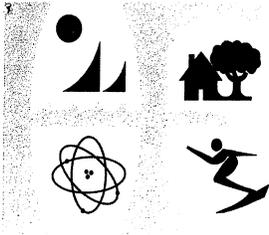
If you have any additional questions regarding access to Bureau records, please contact my office.

Sincerely,

A handwritten signature in cursive script that reads "Ardelle C. St. George". The signature is written in black ink and is positioned below the word "Sincerely,".

Ardelle C. St. George

cc: J.D. Shafer, Chair, Huntington Beach Marketing and Visitors Bureau
Steve Bone, President & CEO, Huntington Beach Marketing and Visitors Bureau
Donna Mulgrew, Vice President/COO, Huntington Beach Marketing and Visitors Bureau



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING

July 13, 2009

Richardson Gray
415 Townsquare Lane #208
Huntington Beach, CA 92648

SUBJECT: Public Records Act Request Re: Cultural Center Feasibility Study

Dear Mr. Gray,

The Planning Department has received a copy of your request for access and copies of a cultural center feasibility study for the Main Street Library site. Please be advised that the Planning Department does not have any records pertaining to your request. All Planning Department records and reports related to the Downtown Specific Plan (DTSP) Update project, including the Natelson Dale Market Feasibility Study (July, 2008), are available for review at the Planning and Zoning Counter, City Hall – 3rd Floor.

If you would like to set up an appointment to review the project file, please contact Jennifer Villasenor, Associate Planner, at (714)374-1661 or via email at jvillasenor@surfcity-hb.org.

Sincerely,

Scott Hess, AICP
Director of Planning

xc: Fred Wilson, City Administrator
Stanley Smalewitz, Director of Economic Development
Joan Flynn, City Clerk
Jennifer McGrath, City Attorney