



CALIFORNIA STATE UNIVERSITY, FULLERTON

Office of the President

University Counsel

P.O. Box 6810 / 800 N. State College Blvd, CP-1000

Fullerton, CA 92834-6810 / Tel 657-278-7428 / Fax 657-278-5557

September 14, 2015

The Honorable Glenda Sanders
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

Re: The Fullerton Arboretum; Orange County Grand Jury Report, Joint Powers Authorities: Issues of Viability, Control, Transparency and Sovereignty

Dear Judge Sanders:

This letter is prepared on behalf of the Fullerton Arboretum Commission. The Fullerton Arboretum was created by a Joint Exercise of Powers Agreement between the Redevelopment Agency of the City of Fullerton and the Trustees of the California State University dated March 24, 1976. The Agreement is now between the University and the City of Fullerton as the successor agency to the Redevelopment Agency. Under the terms of the Joint Powers Agreement, the Fullerton Arboretum Authority is governed by a seven-member Commission consisting of three members appointed by the Trustees of the University, three members appointed by the City of Fullerton and one at-large member appointed by a majority vote of the other six commissioners. For current members, see: <http://fullertonarboretum.org/governance.php> The purpose of the Fullerton Arboretum is to foster knowledge and appreciation of the plant world through collections that preserve and promote stewardship of worldwide plant diversity and regional agricultural heritage. The Arboretum is located on 26 acres of the California State University, Fullerton campus.

The response of the Fullerton Arboretum Commission to the Orange County Grand Jury Report is as follows:

Finding F.4. The Fullerton Arboretum Authority does not have a single controlling entity, and instead has two controlling entities: the California State University and the City of Fullerton. Thus, the Arboretum Authority disagrees partially with this finding; specifically, it disagrees that this finding has applicability to the Arboretum Authority.

Finding F.5. The Fullerton Arboretum Authority does not have a single controlling entity, and instead has two controlling entities: the California State University and the City of Fullerton. Thus, the Arboretum Authority disagrees partially with this finding; specifically, it disagrees that this finding has applicability to the Arboretum Authority.

Recommendation R.3. The Fullerton Arboretum Authority annually takes the following actions: has an annual outside financial audit performed by an independent CPA firm and provides a copy of the complete audit on its website. See, http://fullertonarboretum.org/governance_tax.php These practices are longstanding and have been in place since the Arboretum and its website were created. Simultaneously with this letter being sent to you and annually going forward in the future, the Arboretum Authority will communicate via electronic correspondence and provide the website link to the audit to the following

THE CALIFORNIA STATE UNIVERSITY

Bakersfield / Channel Islands / Chico / Dominguez Hills / East Bay / Fresno / Fullerton / Humboldt / Long Beach / Los Angeles / Maritime Academy
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entities: The Orange County Controller and State Auditor. Thus, all of the recommendations made in this report have been implemented.

If you have any further questions or the Arboretum Commission may provide additional information or be of assistance in any way, please let me know.

Sincerely,



Monique Shay
University Counsel

Cc: The Fullerton Arboretum Commission Members
The Orange County Grand Jury

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the County of Orange, State of California. I am over the age of 18 years and not a party to the within action. My business address is P.O. Box 6810, Fullerton, California 92834.

On September 15, 2015, I served the foregoing documents described as:
CSU Fullerton's response to the Honorable Glenda Sanders. regarding: ***The Fullerton Arboretum; Orange County Grand Jury Report, Joint Powers Authorities: Issues of Viability, Control, Transparency and Sovereignty*** on the interested parties in this proceeding by placing the original itself, enclosed in a sealed envelope with postage thereon fully prepaid, via first-class certified mail/return receipt requested, addressed as follows:

The Honorable Glenda Sanders
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

The Orange County Grand Jury
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[XX] **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid in the county of Orange, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit of mailing in affidavit.

[] **BY FACSIMILE TRANSMISSION** pursuant to CRC 2001 *et seq.* I transmitted to machine, pursuant to CRC 2006 from FAX No. _____. The facsimile machine I used complied with Rule 2003, and no error was reported by the machine. Pursuant to Rule 2006, I caused the machine to print a record of the transmission, a copy of which is attached to this declaration.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 15, 2015, County of Orange, California.



Danielle Garcia