

MINUTES
State Allocation Board
December 10, 2003

Upon notice duly given, the monthly meeting of the State Allocation Board was held in Room 447 of the State Capitol, Sacramento, California on December 10, 2003 at 2:00 p.m.

Members of the Board present were as follows:

- Jeannie Oropeza, Program Budget Manager, Education, Department of Finance, designated alternate for Donna Arduin, Director, Department of Finance
- Dr. William J. Jefferds, Director, Department of General Services
- Duwayne Brooks, Director, School Facilities Planning Division, California Department of Education designated representative for Jack O'Connell, Superintendent of Public Education
- David Sickler, Southern Regional Director, State Building & Constructions Trades Council of California
- Senator Dede Alpert
- Senator Tom Torlakson
- Senator Bob Margett
- Assembly Member Marco Firebaugh
- Assembly Member John Dutra

Members of the Board absent were as follows:

- Assembly Member Tony Strickland

Representatives of the State Allocation Board (SAB) were as follows:

Luisa M. Park, Executive Officer
Bruce B. Hancock, Assistant Executive Officer

Representatives of the Department of General Services, Office of Public School Construction (OPSC) were as follows:

Luisa M. Park, Executive Officer
Karen McGagin, Deputy Executive Officer

Representative of the Department of General Services, Office of Legal Services, was as follows:

Garry Ness, Acting Chief Counsel

With a quorum present, Ms. Oropeza, Chair, called the meeting to order at 2:15 p.m.

PRIOR MINUTES

A motion was made and carried to approve the minutes for the October 22, 2003 SAB meeting.

EXECUTIVE OFFICER'S STATEMENT

The Executive Officer advised the SAB members that the Governor issued Executive Order S-2-03 on November 17, 2003 which requires all Departments to cease processing any proposed regulatory action and requests the immediate return of any pending regulations from the Office of Administrative Law and those now in the regulatory process. The OPSC will request an exception for future regulation packages and plans to bring proposed regulation amendments for the School Facility Program to the January 2004 SAB meeting.

CONSENT ITEMS

In considering this item, the Board approved the consent calendar as presented.

FINANCIAL REPORTS***Status of Funds***

The Board accepted the Status of Funds report as presented.

Modernization Funding for Energy

In considering this item, the Board approved the staff's recommendations with direction to replenish the energy fund as soon as possible and to report at a future SAB meeting on what can be done to ensure that energy funds will be used in the future and to include information on obstacles that districts may face requesting energy funds.

Reservation of Administrative Costs for the California School Finance Authority

In considering this item, the Board approved the staff's recommendation.

SPECIAL CONSENT ITEMS***Deferred Maintenance Program Funding***

This item was withdrawn by the Office of Public School Construction and will be placed on the January 28, 2004 SAB agenda.

Grant Joint Union High/Sacramento 58/67363-00-01

In considering this item, the Board approved the staff's recommendation.

Le Grand Union High/Merced 51/65730-00-01

In considering this item, the Board approved the staff's recommendations.

Loma Prieta Joint Union Elementary/Santa Clara 51/69500-00-01

In considering this item, the Board approved the staff's recommendation.

Palo Verde Unified/Riverside 5167181-00-01

Ms. Kate Wren, Superintendent for Palo Verde Unified School District, answered questions from the SAB members.

Senator Torlakson and Senator Dutra requested that staff request a legal opinion on the liability of the company as well as the district and agencies that approved the construction of the school on a gas line. They also requested information on what ramifications there are for other school districts if approved.

Senator Margett requested more data from experts in the field of gas transmission lines. He also requested staff research if a bill is necessary to require local entities to cooperate and relinquish information pertaining to pipelines.

Mr. Garry Ness, Acting Chief Counsel, recommended that the Attorney General’s office assess the legal obligations due to their expertise in tort condemnation.

Senator Torlakson moved to incorporate all staff requests and report back at the January SAB meeting; and the motion carried with the following vote:

MEMBER	AYE	NAY	ABSTAIN	ABSENT
Senator Alpert	X			
Senator Margett	X			
Senator Torlakson	X			
Assembly Member Dutra	X			
Assembly Member Firebaugh	X			
Assembly Member Strickland				X
Jeannie Oropeza	X			
Dr. William J. Jefferds	X			
David Sickler	X			
Duwayne Brooks		X		
Total	8	1	0	1

Motion:

Carried X
 Failed

Use of New Construction Grants

In considering this item, the Board approved the staff’s recommendation.

SPECIALS/APPEALS

Lakeside Union Elementary/San Diego 25/68189-00-12

In considering this item, the Board approved the staff’s recommendation.

Rim of the World Unified/San Bernardino 58/67868-00-001

Senator Brulte spoke in favor of the Rim of the World Unified’s request for approval for excessive costs for rehabilitation needs due to health and safety issues at several sites in the District and for financial hardship assistance.

Mr. Clint Harwick, Superintendent for the Rim of the World Unified spoke on behalf of the District.

In considering this item, the Board approved the staff’s recommendation, with the following amendment to staff recommendation #3; and the motion carried with the following vote:

Specify that funds made available to the District from any source for the purposes of tree removal or generators be returned to the state in an amount up to the value of the District’s 40 percent contribution.

MEMBER	AYE	NAY	ABSTAIN	ABSENT
Senator Alpert	X			
Senator Margett	X			
Senator Torlakson	X			
Assembly Member Dutra	X			
Assembly Member Firebaugh		X		
Assembly Member Strickland				X
Jeannie Oropeza	X			
Dr. William J. Jefferds	X			
David Sickler	X			
Duwayne Brooks	X			
Total	8	1	0	1

Motion:

Carried X

Failed

INFORMATION/REFERENCE

Board Meeting Dates for the 2004 Calendar Year

Modernization Unfunded List – Projects that have received Unfunded Approval as of October 22, 2003

OPSC Workload Summary List – New Construction and Modernization through December 2, 2003

Facility Hardship/Rehabilitation Approvals without Funding List as of October 22, 2003

CLOSED SESSION

In accordance with Section 11126 (e) (1) of the Government Code, the Board adjourned to a closed session at 3:23 p.m. to confer with and receive advice from legal counsel regarding litigation titled: “*Godinez, et al. versus Davis, et al.*” (Los Angeles County Superior Court, Case #BC227352), in which the Board is named as a defendant.

Upon conclusion of the closed session, the Board reconvened into open session at 3:39 p.m.

ADJOURNMENT

There being no further business to come before the Board, the Chair adjourned the meeting at 3:40 p.m.

LUISA M. PARK, Executive Officer