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CALIFORNIA STATE ALLOCATION BOARD  
PUBLIC MEETING

CALIFORNIA DEPARTMENT OF EDUCATION  
1430 N STREET, ROOM 1101  
SACRAMENTO, CALIFORNIA 95814

DATE: WEDNESDAY, APRIL 27, 2011  
TIME: 4:05 P.M.

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APPEARANCES

MEMBERS OF THE BOARD PRESENT:

PEDRO REYES, Chief Deputy Director, Policy, designated representative for Ana Matosantos, Director, Department of Finance

SCOTT HARVEY, Acting Director, Department of General Services.

KATHLEEN MOORE, Director, School Facilities Planning Division, California Department of Education, designated representative for Tom Torlakson, Superintendent of Public Instruction.

SENATOR ALAN LOWENTHAL

SENATOR LONI HANCOCK

SENATOR SHARON RUNNER

ASSEMBLY MEMBER JOAN BUCHANAN

ASSEMBLY MEMBER CURT HAGMAN

REPRESENTATIVES OF THE STATE ALLOCATION BOARD PRESENT:

LISA SILVERMAN, Acting Executive Officer

REPRESENTATIVE OF THE DEPARTMENT OF GENERAL SERVICES, OFFICE OF LEGAL SERVICES PRESENT:

LANCE DAVIS, Staff Counsel

P R O C E E D I N G S

1  
2  
3 CHAIRPERSON REYES: In the interest of time, we'll  
4 go ahead and get started as a Subcommittee of the Board --  
5 or I don't know what it works at, as a Committee of the  
6 Board. You guys use the term Subcommittee. I think it --  
7 Subcommittee I think of a Committee -- not of the Board but  
8 whatever nomenclature's the same.

9 The Department of Education has asked if we at all  
10 possible could -- thank you -- if at all possible, we could  
11 leave the premises by 6:00 and I said you haven't been to  
12 one of our Board meetings clearly. Yes, we have had them  
13 here before.

14 But anyhow, in interest of time, we can do that.  
15 So, Ms. Silverman, if you can walk us through what we can  
16 and cannot do with the attorney kind of looking over her  
17 shoulder to make sure that we don't violate any laws. So  
18 for now we'll skip the Minutes. We'll skip the Consent, but  
19 we can certainly go to the **Executive Report**.

20 MS. SILVERMAN: Yes. Unless we -- do we want to  
21 do the roll?

22 MS. JONES: Roll call.

23 CHAIRPERSON REYES: Let's do the roll call. Fine.

24 MS. GENERA: Senator Lowenthal.

25 Senator Hancock.

1 Senator Runner.

2 SENATOR RUNNER: Here.

3 MS. GENERA: Assembly Member Brownley.

4 Assembly Member Buchanan.

5 Assembly Member Hagman.

6 ASSEMBLY MEMBER HAGMAN: Here.

7 MS. GENERA: Scott Harvey.

8 Kathleen Moore.

9 MS. MOORE: Here.

10 MS. GENERA: Lyn Greene.

11 MS. GREENE: Here.

12 MS. GENERA: Pedro Reyes.

13 CHAIRPERSON REYES: Here. And I'd like to welcome

14 Senator Runner to her first the State Allocation Board

15 meeting. We will make every effort to get you out of here

16 by 6:00.

17 SENATOR RUNNER: Oh, thank you.

18 CHAIRPERSON REYES: I'll say that smiling.

19 ASSEMBLY MEMBER HAGMAN: Mr. Chair, I hope you

20 notice the Republican contingent is here.

21 SENATOR RUNNER: On time.

22 ASSEMBLY MEMBER HAGMAN: On time.

23 CHAIRPERSON REYES: I didn't want to go there, but

24 okay. Okay. And the Chair was here too.

25 ASSEMBLY MEMBER HAGMAN: Yes.

1 CHAIRPERSON REYES: Okay. Ms. -- all right.

2 MS. SILVERMAN: Okay. So, yes. Can I turn to --  
3 get your direction --

4 CHAIRPERSON REYES: I guess we do have to notice  
5 the absence of a quorum, but anyway, go ahead as  
6 Subcommittee.

7 MS. SILVERMAN: So if I can have the Board members  
8 turn to Tab 3 and on Tab 3, page 9, is the **Executive**  
9 **Officer's Statement.**

10 And we wanted to highlight to the Board is we've  
11 been reporting on a monthly basis as with respect to the  
12 priorities of funding and the success of priorities of  
13 funding, is provide the Board some updates.

14 Last month, we did report out that the  
15 apportionments that were provided in December was over  
16 99 percent success rate. Likewise this month for those  
17 apportionments provided in January, we actually had  
18 100 percent success rate as well and we are still processing  
19 those fund releases for those 26 projects for  
20 \$107.6 million, so that's great news.

21 And we're making great strides as well with the  
22 February priority apportionments. There were 20  
23 apportionments for \$87.9 million and we still have four  
24 projects left to submit the fund release request. And again  
25 to remind the school districts that that fund release

1 request must be in our office by May 23rd, 2011.

2           And we also wanted to share with you the updates  
3 on the Seismic Mitigation Program. We have attached in your  
4 agenda an update report that will be shared today by  
5 Mr. Harvey who chairs the Subcommittee and likewise I'm sure  
6 we'll have some comments from the other members that sit on  
7 the Seismic Subcommittee such as Ms. Moore.

8           And so we've actually had two meetings to date and  
9 so that's great news. We had a meeting April 12th was the  
10 first meeting and we had a meeting yesterday afternoon here  
11 at CDE.

12           Another item I wanted to share with you is the  
13 State Agency Joint Workshop. We actually did report out at  
14 the last meeting that subsequent day we were going to have a  
15 joint workshop and that included Department of Education and  
16 Division of State Architect and that was off with astounding  
17 success and we are really thrilled with the opportunity to  
18 bring that forward and looking forward to having more input  
19 from the stakeholders as far as what kind of workshop items  
20 they would like us to carry forward.

21           And with that, we actually had 54 participants in  
22 the audience and 45 participants also that participated via  
23 Webcast. So again all those materials are posted on our  
24 Website if you want to refer to that. At any time any  
25 place, school districts have access to that information.

1           So we'll be working together to bring forward  
2 another workshop sometime in June.

3           Also we wanted to highlight with the Board is OPSC  
4 has created also a new outreach team. That outreach team is  
5 really focused on getting again more activation or more  
6 participation from school districts that may have  
7 eligibility. So our goal is to reach out to those districts  
8 and to give them some orientation about the program and what  
9 programs that haven't been accessed and again the goal is to  
10 give a step-by-step tutorial about how the program works.

11           And so we've also launched a series of Webinars  
12 starting with -- in the middle of April and we've been  
13 releasing a Webinar every Monday through May 16th. So again  
14 that information is posted on our Website and we encourage  
15 school districts to access that information.

16           The other item I wanted to share with you is --  
17 oh, regulation update. Although it's not printed here on  
18 your document, we wanted to share with the Board that we've  
19 heard news from the Office of Administrative Law. The  
20 general site regulations were approved effective today, so  
21 that's good news.

22           The next two items I want to share with you is the  
23 priorities in funding cash management meeting. We will have  
24 our fourth meeting on May 17th and that's 3:30 to 5:00.

25           CHAIRPERSON REYES: Ms. Silverman, let me

1 interrupt you for a second. If they approve the regulations  
2 today, are there any grants that we have to go back and  
3 amend and when can we do that?

4 MS. SILVERMAN: Yes. I think we brought up that  
5 issue when we were having that discussion --

6 CHAIRPERSON REYES: Right.

7 MS. SILVERMAN: -- a few months ago and we will  
8 bring those projects back in June.

9 CHAIRPERSON REYES: Okay. Thank you.

10 MS. SILVERMAN: Yeah. And then the last item  
11 which is not noted on the page is I wanted to share with the  
12 Board members is as a result of the meeting yesterday, the  
13 Seismic Subcommittee, it was recommended that we have  
14 another meeting and so we have another meeting that's  
15 scheduled for May 18th from 3:30 to 5:00 and so we'll post  
16 that also on our Website and the location's also to be  
17 determined.

18 With that, I'll open up to any questions.

19 CHAIRPERSON REYES: Any questions from the Board  
20 members?

21 ASSEMBLY MEMBER HAGMAN: None for me.

22 CHAIRPERSON REYES: Any comments from the public?  
23 Thank you. Moving on to the next item that we can dispense  
24 with.

25 MS. SILVERMAN: Do you want to take up **Consent** and

1 leave it open?

2 CHAIRPERSON REYES: We do -- we can do that.

3 MS. SILVERMAN: Although --

4 CHAIRPERSON REYES: Let's take the **Consent** with  
5 one amendment and that is on page 28.

6 ASSEMBLY MEMBER HAGMAN: So moved.

7 CHAIRPERSON REYES: Well, I will tell you what the  
8 amendment is and then I'll gladly take your --

9 ASSEMBLY MEMBER HAGMAN: It's on page 28. The  
10 amendment on page 28.

11 CHAIRPERSON REYES: On page 28 is to withdraw; is  
12 that correct?

13 ASSEMBLY MEMBER HAGMAN: Yeah.

14 MS. SILVERMAN: That's correct.

15 CHAIRPERSON REYES: We're going to withdraw the  
16 John Swett at the school district's request.

17 MS. SILVERMAN: That's correct.

18 CHAIRPERSON REYES: So we'll remove that item and  
19 with that amendment, Mr. Hagman makes a motion. Is there a  
20 second?

21 MS. GREENE: Second.

22 CHAIRPERSON REYES: It's been second. All in  
23 favor say aye.

24 (Ayes)

25 CHAIRPERSON REYES: All those present voting aye.

1 We still need somebody else to come in. Okay. Next item we  
2 can dispense with.

3 MS. SILVERMAN: We can actually go to Tab 5 --

4 CHAIRPERSON REYES: Okay.

5 MS. SILVERMAN: -- which it the **financial reports**.

6 CHAIRPERSON REYES: Thank you.

7 MS. SILVERMAN: So at Tab 5, stamped page 93, is  
8 the **Status of Fund Release Reports** and obviously we've been  
9 sharing this information with the Board since the fiscal  
10 crises has come about. There obviously is a new cash  
11 management system in which we can't fund projects until we  
12 actually have cash in our bank account.

13 So we've been sporadically providing funds -- or  
14 funding projects on the unfunded list as a result of various  
15 bond sales. So again the purpose of this report is to share  
16 those releases on a monthly basis.

17 So at the top of page 93, we have received  
18 \$528 million for the March 2009 bond sale and we've been  
19 updating the Board every month about how much funds we've  
20 been disbursing in each of the various bond sales.

21 So for this particular category in March 2009, we  
22 actually didn't liquidate any funds in that category. We  
23 still have \$7,000 left in this particular bond balance.

24 In the middle of your chart, you have April 2009.  
25 This program received over \$1.4 billion in bond proceeds and

1 last month we actually did release \$3.2 million, so making  
2 some progress.

3 In the October 2009-November 2009 bond sale, we  
4 received 509 million. We dispensed 32.7 million and if I  
5 can direct your attention to page 94, on the top of the  
6 page, in November 2009-December 2009, we received  
7 \$111 million. Likewise we didn't release any funds for the  
8 month of March.

9 In March 2010, the middle category, we received  
10 \$1.35 billion for the program. We released \$6.5 million and  
11 then lastly, general obligation bond for November 2010, this  
12 program received \$1.483 billion dollars and we disbursed  
13 \$336.3 million and again that's a result of the priorities  
14 in funding.

15 On stamped page 95, we disbursed \$378.7 million  
16 for the month and again a majority of those funds,  
17 89 percent of that funds that were released related to the  
18 priorities in funding.

19 And stamped page 96 is basically a chart. We've  
20 put together this nice chart to kind of show -- graphically  
21 illustrate how much money we still have in the bank as a  
22 result of all the bond sales. So collectively as of the end  
23 of March, we still have \$624 million in our bank account.  
24 But again as we move along with releasing the funds, even  
25 though we received 100 percent of those fund releases in the

1 January and December priorities, we're still processing  
2 those fund releases. So again we show large dips and  
3 actually that green bar should be reduced substantially as a  
4 result of this priorities in funding action.

5 And on stamped page 97, it was a chart that we  
6 introduced last month and it's basically -- I know there was  
7 questions as far as how much money is committed and on a  
8 monthly basis, how much is out there as far as timelines  
9 that we have set on our timeline on fund release.

10 So in April we do show that we had 25 projects  
11 and -- excuse me -- 12 projects for \$25 million. It was  
12 actually two projects related to priorities in funding and  
13 ten projects related to the 18-month requirement. So all  
14 those projects as I understand for priorities in funding  
15 have come in to date and we're still trying to clarify --  
16 the month has ended, whether or not the other projects have  
17 come in under the 18-month requirement.

18 But it's just showing incrementally how many  
19 projects are out there, how many projects are outstanding  
20 and what are the time limits associated with that and so  
21 this is a graphic illustration of that. So just wanted to  
22 share that with the Board.

23 So with that, do you have any questions?

24 CHAIRPERSON REYES: Thank you. Are there any  
25 questions? Any comments from the public? Okay. The Chair

1 notices a quorum now, so if I may open the roll call for the  
2 Consent, please, and we do have one amendment and that's the  
3 John Swett School on page 28. They've asked that that be  
4 pulled and with that, the Chair would like to open the  
5 roll. --

6 MS. GENERA: Senator Lowenthal.

7 SENATOR LOWENTHAL: Aye.

8 MS. GENERA: And Scott Harvey.

9 MR. HARVEY: Aye.

10 MS. GENERA: It carries.

11 CHAIRPERSON REYES: Thank you.

12 MS. SILVERMAN: Did you want to go back to the  
13 **Minutes?**

14 CHAIRPERSON REYES: Let's go back to the **Minutes**.  
15 Thank you.

16 MS. SILVERMAN: Tab 2.

17 MS. MOORE: I'll move approval.

18 CHAIRPERSON REYES: It's been moved.

19 ASSEMBLY MEMBER HAGMAN: Second.

20 MR. HARVEY: Second.

21 CHAIRPERSON REYES: Mr. Hagman beat you to it.  
22 It's been moved and second. All in favor say aye.

23 (Ayes)

24 CHAIRPERSON REYES: Opposed. Abstains. Ayes have  
25 it. Thank you.

1           SENATOR RUNNER: I didn't vote because I wasn't  
2 here.

3           CHAIRPERSON REYES: Abstention noted. Thank you,  
4 Ms. Runner. Okay. Take me back to where we need to be.

5           MS. SILVERMAN: Tab 6.

6           CHAIRPERSON REYES: Tab 6. Thank you.

7           MS. SILVERMAN: Tab 6 is the **Status of Funds**. And  
8 so this report obviously is just to highlight to some extent  
9 the bond authority that we have remaining and the projects  
10 that we've been presenting to the Board as far as unfunded  
11 approvals.

12                   And so direct your attention to the top of the  
13 page, is we've actually processed \$46 million in  
14 Proposition 1D and that represents 12 projects in  
15 modernization and we actually had four high performance  
16 projects and one charter school project.

17                   The balance seems kind of high and I want to  
18 explain that to you, is what we've -- we had some questions  
19 in the past when we created unfunded list, are we accounting  
20 for all our projects. And we obviously recognize that there  
21 was some charter project preliminary apportionments and  
22 there were also some charter -- excuse me -- critically  
23 overcrowded schools/environmental hardship projects that  
24 obviously weren't accounted for on the unfunded list.

25                   So what we're doing now is posting those charter

1 school projects with preliminary apportionments as well as  
2 the environmental hardship projects and so there's large  
3 balances that are showing being posted, but it's truly to  
4 reflect the need also in those other programs because we  
5 weren't accounting for that on one list. We had multiple  
6 lists.

7           So now when you got a visual, you have a visual of  
8 all the projects outstanding that requires funds to back  
9 those projects up in the future. So that's -- again the  
10 heavy activity going on there, but for the program in  
11 itself, I'll continue to walk you through the activity on  
12 the unfunded list that are part of the Consent Agenda.

13           So in the middle of your category was  
14 Proposition 55. We received \$10 billion. 16.9 million  
15 represented six projects that was posted on the unfunded  
16 list. Again we're also posting those critically overcrowded  
17 school projects and charter school projects. So that  
18 represents the middle category in Proposition 55.

19           And then your lower chart, Proposition 47, the  
20 voters approved \$11.4 billion. We approved one new  
21 construction project for .4 million. Although we show  
22 posting of \$818 million, the projects that are posted with  
23 true unfunded approvals represent \$64.6 million and that's  
24 25 projects.

25           If I could direct your attention to the following

1 page, in the middle category is the Emergency Repair Program  
2 and we actually processed 106 applications which represents  
3 \$54.7 million. So the cash need for the Emergency Repair  
4 Program is \$388.2 million and again that's not bond funded.  
5 We would need general fund in order to fund those projects.

6 So that's on page 99. Do you have any questions  
7 there? No.

8 Okay. Again we have pie charts on page 100 and --  
9 seeing that we have a new member here, I'll go through the  
10 pie charts.

11 CHAIRPERSON REYES: Thank you.

12 MS. SILVERMAN: So Proposition 1D, we try to  
13 illustrate this information graphically. So -- for  
14 obviously some of us have -- I have a hard time even  
15 following this other chart, but we put this in an  
16 illustration so we can make it easy to understand.

17 So what -- the voters authorized and approved  
18 \$7.3 billion for the program and the blue shaded area  
19 represents the projects that actually received cash or an  
20 apportionment. So 62 percent have received cash from  
21 Proposition 1D which represents over \$4.5 billion and the  
22 maroon category represents the unfunded approvals that sit  
23 on the unfunded list and that represents over 15 percent of  
24 Proposition 1D sitting on the unfunded list.

25 And then the yellow area is remaining bond

1 authority that's untapped bond authority of \$1.6 billion.  
2 So that's nearly 22 percent. So that's again an  
3 illustration of how much bond authority is still out there.

4 So on page 101, Proposition 55, again we see a  
5 larger blue shaded category since we received actually cash  
6 to appropriate to those unfunded projects. The voters  
7 approved \$10 billion. We've actually authorized and  
8 released cash to 87 percent of those projects.

9 The maroon shaded area represents projects on the  
10 unfunded lists which represents \$858 million. That's nearly  
11 9 percent and there's over 3 percent remaining in bond  
12 authority or \$363.6 million that hasn't been tapped.

13 On page 102, Proposition 47, \$11.4 billion  
14 provided by the voters and almost 98 percent of that -- over  
15 98 percent of that has been authorized and released and that  
16 represents over \$11.2 billion. We still have slightly over  
17 \$1 billion in projects -- excuse me -- \$117 million sitting  
18 on the unfunded list which represents 1 percent and we still  
19 have \$54.4 million remaining in bond authority and that's  
20 the little sliver of yellow you see there.

21 And then page 103 is the question of new  
22 construction bond authority. We categorize all the new  
23 construction bond categories, Proposition 1D, 55, and 47.  
24 The voters authorized over \$14.674 billion. We have  
25 expended and apportioned and provided cash to over

1 92.84 percent of new construction. There still remains  
2 \$542.9 million sitting on the unfunded list, which is nearly  
3 4 percent and we still have 507.6 million which also  
4 includes the Seismic Repair Program embedded in that. And  
5 that represents nearly 3 and a half percent of untapped bond  
6 authority.

7           And then the last illustration is on page 104  
8 which represents the emergency repair settlement authority.  
9 The authority was -- settlement authority was 800 million.  
10 We have apportioned 338 million which represents 42 percent  
11 and we still have a significant amount of unfunded approvals  
12 and remaining settlement authority, again the \$68.4 million  
13 that's left.

14           And the goal is to process those projects before  
15 the end of June and so with that I'll open up to any  
16 questions.

17           CHAIRPERSON REYES: Any questions? Comments? The  
18 Chair notices the upper house is fully represented and so is  
19 the administration, Mr. Hagman to your comment at the  
20 beginning.

21           ASSEMBLY MEMBER HAGMAN: I can still say the  
22 Republicans who were here on time.

23           CHAIRPERSON REYES: Thank you. To Tab 7.

24           MS. KAMPMIENERT: Good afternoon. Tab 7 is a  
25 close-out report for the **Charter School Facilities Program.**

1 Back in May of 2010, the Board authorized an additional  
2 filing round for remaining bond authority that came back  
3 into the program and at that time declared that the filing  
4 round would be held open for an additional eight months to  
5 make use of any additional bond authority that became  
6 available during that time.

7           This January was the end of that eight-month time  
8 period and we did have \$42 million that came back through a  
9 project preliminary apportionment rescission. So we were  
10 able to continue down the list of applicants that had  
11 applied for a preliminary apportionment on stamped page 107,  
12 you will find a preliminary apportionment funding shell for  
13 Ocean Charter School.

14           So in this item, we are -- that uses 19.9 million  
15 of the 42- we had remaining. We are working with the next  
16 applicants in line to have them go through the financial  
17 soundness process which is done by the California School  
18 Financial Authority.

19           Once that process is done, we will be able to  
20 prepare additional preliminary apportionment shells that we  
21 would like to present as part of the Consent Agenda in  
22 future meetings. And we are asking that the Board declare  
23 this round officially closed and approve staff's  
24 recommendation to bring the remaining preliminary  
25 apportionments back as part of the Consent Agenda in the

1 next couple of months.

2 With that, I'd be happy to answer any questions.

3 CHAIRPERSON REYES: Thank you. Mr. Hagman.

4 ASSEMBLY MEMBER HAGMAN: Thank you, Mr. Chair. I  
5 was looking at -- on the preliminary grant total for this --  
6 for example, for Ocean and there's that CSFA lease payment  
7 amount. So basically we front them their half and then they  
8 pay it back over a period of time; is that correct?

9 MS. KAMPMIENERT: Correct. They have up to  
10 30 years to pay it back.

11 ASSEMBLY MEMBER HAGMAN: And --

12 MS. KAMPMIENERT: They are putting a small  
13 contribution of 250,000 going towards the project -- the  
14 remainder of their share of the loan.

15 ASSEMBLY MEMBER HAGMAN: And I definitely don't  
16 want to chase down more reports from you, but how -- is this  
17 atypical of a lot of these new school finances? Is there a  
18 lot of lease programs out there and if so, what's that total  
19 and what's the income coming in from that each year and do  
20 we put that back out or what's the plan with that?

21 MS. KAMPMIENERT: Under our program, the Charter  
22 School Facilities Program, that has a loan component, and  
23 then the Career Tech Program has a small loan component as  
24 well. The -- we do receive some payments back, but it's  
25 after the schools have been built and occupied, so I believe

1 we've only received two maybe -- I think we have another  
2 payment due this year, but it's not enough authority or cash  
3 to --

4 ASSEMBLY MEMBER HAGMAN: Sure. But the plan is in  
5 the future years this goes back into the pot?

6 MS. KAMPMIENERT: Yes. It goes back -- the  
7 authority goes back to the program so that eventually we'll  
8 be able to come to the Board to request additional filing  
9 rounds.

10 ASSEMBLY MEMBER HAGMAN: And with the 22 remaining  
11 million, would you perceive any going out in the future for  
12 another brief round or --

13 MS. KAMPMIENERT: We can continue down the list.  
14 We believe we'll be able to fund one other project in it's  
15 entirety and one --

16 ASSEMBLY MEMBER HAGMAN: And then it will be done.

17 MS. KAMPMIENERT: -- in partial and then we'd be  
18 done. If the Board closes the round out today, we would be  
19 returning those applications that we're not able provide  
20 preliminary apportionments for. We would return in the  
21 future -- if we have additional bond authority returned, we  
22 would come back to the Board to seek direction on opening  
23 new rounds.

24 ASSEMBLY MEMBER HAGMAN: Thank you. I'd move,  
25 Mr. Chair, whenever you're ready.

1           CHAIRPERSON REYES: Okay. Thank you. So if we  
2 close the round, what happens to the 20 million? I'm sorry.

3           MS. KAMPMIENERT: We'd like to close the round  
4 with the exception of the 22 million that we have still  
5 available that we're --

6           CHAIRPERSON REYES: Got you. Okay. Thank you.  
7 That's what I thought. Okay. Is there any public comment?  
8 Mr. Hagman moves staff recommendation. Is there a second?

9           MR. HARVEY: Second.

10          CHAIRPERSON REYES: Second from Mr. Harvey. Do we  
11 need a roll call or all in favor say aye.

12          (Ayes)

13          CHAIRPERSON REYES: Nos, abstentions. Ayes have  
14 it. Thank you. Tab 8.

15          MS. KAMPMIENERT: Tab 8 is an item that is coming  
16 back from last month's Board meeting. This is the report  
17 back from the Subcommittee on Rules and Procedures. The  
18 Subcommittee met to define some procedures for the appeals  
19 process and there was some questions regarding part of the  
20 recommendations and staff was asked to report back with some  
21 options and some language clarifications on that.

22                 At the bottom of page 108, the Committee  
23 recommendations began and what the Committee recommended was  
24 that a process for filing an appeal was the district would  
25 submit the appeal request form at the point at which they

1 reached this agreement with OPSC and then continuing on  
2 page 109, the timeline for an appeal process would be 90 to  
3 120 days unless it was a health and safety issue and then  
4 the Committee recommended a shorter time period of 60 to 90  
5 days.

6           And there -- at the five working day point, once  
7 the appeal had been received, OPSC is to send an  
8 acknowledgement letter to the school district so that they  
9 knew that we have the appeal and providing a tentative date  
10 for when this would be placed on the workload.

11           The Committee also asked staff to develop a  
12 processing timeline that fit within the 90 to 120 days and  
13 you'll find that on both page 110 and then also as a visual  
14 in the attachment on page 111. This is the same timeline  
15 that was presented last month with a minor point of  
16 clarification that the five day mark where OPSC is sending  
17 the letter to the school district is five business days  
18 which is if it falls over the weekend.

19           And then we've also clarified that unless other  
20 items specified, all days on the timeline are calendar days  
21 to fit within that 90 to 120-day process.

22           So those were recommendations from the Committee  
23 and from staff. Now the issue that came up last month was  
24 related to postponing an item.

25           The current rules have a limit on the number of

1 times an item can be placed on the agenda. It's a three  
2 time limit with I believe there's eight exceptions.  
3 However, the time frame for which a district or the OPSC  
4 could request a postponement had not been addressed.

5 OPSC has provided a couple options for the Board's  
6 consideration as far as whether or not you would like to  
7 have a time limit on the last point at which a district or  
8 OPSC can ask that an item be postponed.

9 So on stamped page 109, we've included two  
10 options. The first option would be a time limit that would  
11 be two working days after the Board item is published. So  
12 it'd be when a district or OPSC would need to request that  
13 the item be postponed and the Chair and the Vice Chair would  
14 respond in writing to the district indicating whether or not  
15 their request had been granted.

16 We've also included Option 2 which would be no  
17 time limit on when a district or OPSC could request a  
18 postponement and that would basically mean that right up  
19 until the day of the Board or even on the day of the Board,  
20 someone could contact the Chair and the Vice Chair and  
21 request that the item be postponed.

22 And then we have tried to clarify the language  
23 because there seemed to be an issue with the time frame that  
24 the Chair and the Vice Chair have to respond to the request  
25 for postponement. So for the Chair and the Vice Chair

1 response, what we've included is that typically the Chair  
2 and Vice Chair would have five working days before the  
3 hearing to respond to the request to postponement.

4 Now if the request is received after that time  
5 point, obviously the Chair and the Vice Chair are not going  
6 to be able to meet this timeline so they would just need to  
7 respond before the hearing or if it's received on the day of  
8 the hearing that might be a point of discussion whether we  
9 want a timeline at all on that.

10 And then the other thing to highlight is that in  
11 the timeline, the appeals processing timeline, at about day  
12 70 -- or at day 70, OPSC staff would mail a letter to the  
13 district indicating the position of staff and the position  
14 of staff and the details of the appeal would not  
15 substantially change from the date of that letter to the  
16 date of the Board item posting. So there shouldn't be any  
17 changes or surprises for the actual published item. So that  
18 might help with the discussion on the time limit for  
19 postponement.

20 And so what we are seeking in this item, we are  
21 seeking direction from the full Board regarding the  
22 consideration -- recommendations of the Subcommittee for the  
23 entire appeals process. We're also seeking direction  
24 specifically on the postponement timeline and if there is  
25 going to be one and what the timeline shall be and we are

1 asking that the Board adopt the OPSC proposed appeals  
2 processing timeline.

3 CHAIRPERSON REYES: Okay. Any questions or  
4 comments from the members? Ms. Hancock and Mr. Lowenthal.

5 SENATOR HANCOCK: I need to try a motion. Oh,  
6 Mr. Lowenthal.

7 SENATOR LOWENTHAL: I think you are.

8 SENATOR HANCOCK: Well, I was just going to try a  
9 motion, but if you had a question.

10 SENATOR LOWENTHAL: Yeah.

11 CHAIRPERSON REYES: Do you have a question?

12 SENATOR LOWENTHAL: Yeah. The one about the Chair  
13 and -- you know, on the Chair and Vice Chair response you  
14 have, I believe that we would respond I think within five  
15 working days of the hearing. If it came later, we'd kind  
16 of -- and I'm wondering if we could modify that to say that  
17 instead of the specific days before the hearing if when --  
18 what we would do is that we would approve or disapprove the  
19 request for proposal within let's say two days of receipt of  
20 the request and then if the request for postponement is  
21 approved, then it would -- I mean I would agree a new notice  
22 of hearing shall be mailed to the school district no later  
23 than 15 days before the new hearing date.

24 So we would just say when we received it, we would  
25 have two days to respond to that.

1 MS. KAMPMIENERT: Would you want it to be before  
2 the Board meeting because if you -- depending on what option  
3 you pick if you receive it the day of the Board, do you want  
4 to respond before the Board meeting or do you still want the  
5 two days after that to provide the official response?

6 CHAIRPERSON REYES: I think it all depends --  
7 Senator Lowenthal --

8 SENATOR LOWENTHAL: Um-hmm.

9 CHAIRPERSON REYES: -- I think it depends that if  
10 we go with Option 1 you have --

11 SENATOR LOWENTHAL: Right.

12 CHAIRPERSON REYES: -- the timeline. If you go  
13 with Option 2, we can be finding --

14 SENATOR LOWENTHAL: There is no timeline.

15 CHAIRPERSON REYES: -- right now, so it'd be hard  
16 to respond within two days.

17 SENATOR LOWENTHAL: So Option 2 has no timeline;  
18 right?

19 CHAIRPERSON REYES: Right.

20 ASSEMBLY MEMBER HAGMAN: Mr. Chair.

21 SENATOR LOWENTHAL: At any time prior to -- this  
22 is at any time, this just -- if we went with Option 2 I  
23 think and then said within two days we would respond back,  
24 that we just notify them we respond --

25 MS. MOORE: Could you say within two days or by

1 the date of the Board because if the request for  
2 postponement comes in the day of the Board, you don't have  
3 two days.

4 CHAIRPERSON REYES: Correct. Okay. That will be  
5 the option. Mr. Hagman.

6 ASSEMBLY MEMBER HAGMAN: Thank you, Mr. Chair. I  
7 was looking at the time on here as well. It looks like OPSC  
8 basically mails out a letter day -- directly by day 70 or  
9 earlier. So that would be the latest day and then by the  
10 time you agendize this, the earliest we could have a Board  
11 meeting is day 90.

12 MS. KAMPMIENERT: Correct.

13 ASSEMBLY MEMBER HAGMAN: It could be after that,  
14 but that would be the earliest process.

15 CHAIRPERSON REYES: Um-hmm.

16 ASSEMBLY MEMBER HAGMAN: So that window between 70  
17 and 90 is kind of what we're trying to seek direction for,  
18 what do you do after you set up your letter but before the  
19 Board hearing up to the last time.

20 Well, if the school district gets it, they're on  
21 it, they send you a letter and request -- I was thinking,  
22 you know, up to day 85, they send a written request in.  
23 That gives you enough time, a week or so, to process it  
24 through the Chair or Vice Chair and actually look at it.  
25 But after that five-day window, it gets to be logistically

1 hard, especially with everyone else doing different jobs  
2 around here for the Chair and Vice Chair. I was thinking,  
3 you know, have the ability to -- they'll do a written  
4 postponement to our staff up through day 85. Anything after  
5 85, they would have to come here in person and say why they  
6 wait to the last minute and ask for appeal and then you give  
7 them the response at that time when you hear it to postpone  
8 it or not.

9           But that seems logistically -- you start putting  
10 these two days here and there, you put handcuffs -- you  
11 know, they get it mailed on Friday, you get it on a Friday,  
12 it's the weekend, this and that, it's almost like too many  
13 regulations where you just want something that you can work  
14 with and some direction and not necessarily a black and  
15 white rule, just kind of what's practical, what timeline you  
16 get it --

17           CHAIRPERSON REYES: Um-hmm.

18           ASSEMBLY MEMBER HAGMAN: -- and based on when we  
19 have the hearing.

20           I've only been on here a short period of time, two  
21 months. I haven't seen a lot of appeals so far and I  
22 hopefully don't expect to get a lot of them. This is kind  
23 of like one of those exception things. So for me, if  
24 someone took the time to fly up to attend one of our Board  
25 meetings, even the day of, that means they're pretty

1 impassioned about why they want an appeal.

2           If they had the time to look at it beforehand,  
3 before the 85th day or whatever, and had the chance to write  
4 and study the reasons, staff has a chance to review it,  
5 bring it up to the Chair or Vice Chair, have you review it,  
6 have time to get back to them before they have to fly up, I  
7 think that's the ideal situation.

8           But if for some reason they can't, that may give  
9 you this Option A or Option B, you know, but not that  
10 somewhere in between which makes it -- you know, hand ties  
11 for the staff as far as the two days' response, track you  
12 down, that type of thing. Just my two cents' worth.

13           CHAIRPERSON REYES: Okay.

14           SENATOR HANCOCK: Why don't you make a motion.

15           ASSEMBLY MEMBER HAGMAN: I don't know how to put  
16 that in writing, but --

17           MR. HARVEY: Just restate it.

18           MS. MOORE: If I could speak before a motion.

19           CHAIRPERSON REYES: Okay. Hold on. Ms. Hancock,  
20 you had put your microphone up. Do you want to hold off on  
21 that for now?

22           SENATOR HANCOCK: Yeah.

23           CHAIRPERSON REYES: Okay. I just want to make  
24 sure of that. Okay. Go ahead, Ms. Moore.

25           MS. MOORE: I just -- I take a little opposite of

1 that point of the same -- of a different point of view in  
2 that I've seen a lot of appeals come before the Board that I  
3 know that the timeline is here, but oftentimes the  
4 information is late breaking.

5 CHAIRPERSON REYES: Um-hmm.

6 MS. MOORE: And I would rather grant flexibility  
7 and it does indicate in here that the school district has to  
8 provide the reasons why and that the Chair and the Vice  
9 Chair have the authority to indicate whether that is  
10 reasonable or not and I would rather have flexibility but  
11 know there's accountability through our Chair and our Vice  
12 Chair towards the school district. If it's really not a  
13 legitimate reason for postponement, it lies within our Board  
14 to determine that rather than putting a strict timeline on  
15 it when we know oftentimes information and things happen  
16 late.

17 So I would rather support that we approve Option 1  
18 and we leave it to the discretion of the Chair and the Vice  
19 Chair whether an approval of a late-breaking request for  
20 postponement is granted.

21 CHAIRPERSON REYES: Okay.

22 ASSEMBLY MEMBER HAGMAN: And just to follow up.  
23 Two days after the Board item is published, what part of the  
24 timeline would that be published?

25 MS. KAMPMIENERT: Typically we publish our Board

1 books the Wednesday before the Board meeting which is the  
2 five working days before the Board meeting, but in the off  
3 circumstance that a Board item was released late, the way  
4 that's worded two working days after the item is published,  
5 if the item is published on Thursday, there would be no harm  
6 to the district requesting postponement. They would have  
7 the two days after that day, but typically it is Wednesdays  
8 before the meeting.

9 ASSEMBLY MEMBER HAGMAN: So it gives a few days,  
10 but that's -- the school districts are bureaucracies too and  
11 I want to make sure it gets to the right person. You have  
12 the right -- wrong person opening mail on vacation one week  
13 or something like that and they don't get it, then all of a  
14 sudden they miss their opportunity to appeal. That's why I  
15 wanted to give as much as we could too to the school  
16 districts but not tying the hands of anyone.

17 MS. MOORE: Well, I don't think we're changing the  
18 timeline. It is the Board -- the staff's intent to have  
19 given a draft item on day 70; right? Is that what --

20 MR. MIRELES: It's actually a letter. It's not  
21 going to be the actual item, but the letter will be  
22 substantially similar to the item. It will include staff's  
23 position and all of our background information.

24 MS. MOORE: And that's what I'm saying and I think  
25 that's great. I think it's great to get that early, but the

1 actual item sometimes is not to a district. When we get our  
2 Board books that Wednesday, sometimes there's items that are  
3 late breaking. As they said, they try not to do that, but  
4 it does happen and I would prefer to grant greater  
5 flexibility because the districts have a very short period  
6 of time to see the item --

7 SENATOR LOWENTHAL: Right.

8 MS. MOORE: -- and know what they want to do  
9 concerning it. If they agree with the staff  
10 recommendations, they typically bring it forward. If they  
11 disagree, they have the time and knowledge to put together  
12 what they want to say to the Board concerning that.

13 CHAIRPERSON REYES: Okay. Mr. Harvey.

14 MR. HARVEY: One of the things that I had hoped  
15 you were doing on day 70 when you were saying it's going to  
16 be OPSC's position is that that really becomes the report  
17 and it eliminates this allegation that there are, quote,  
18 last minute changes that a district has to respond to.

19 If we can say that that is your position, then I  
20 don't know what new information might be relevant because  
21 you're not going to be changing it in our books. Is there  
22 any way of making that which you do on day 70 serve as the  
23 Board report because that then relieves a lot of angst about  
24 last minute changes, perhaps needs for appeals, uncertainty,  
25 and it makes a difference on which option they fit if that

1 becomes your recommendation.

2 MR. MIRELES: We can certainly try to get the item  
3 prepared at that point. I think if we do we would also  
4 probably recommend that we release it to the Board as well.  
5 We typically like to release the item to the Board members  
6 first at the same time that we release the item to the  
7 school districts.

8 MR. HARVEY: That's fine. I mean there's been a  
9 complaint here that we sometimes get our Board stuff late.  
10 If you could do it on day 70, wouldn't that be wonderful. I  
11 mean I'm just trying to help us limit the angst on days and  
12 notice because if that -- that creates certainty for all  
13 parties if you can do it. I'm just asking can you do it.

14 CHAIRPERSON REYES: Let's take a minute to hear  
15 from the affected parties and see if they can sway us one  
16 way or the other. Is there any public comment on this  
17 issue?

18 MS. MOORE: And also while they're coming up, I  
19 mean have -- my colleagues here have indicated -- I think I  
20 was indicating Option 1 when I said Option 2 -- I mean I was  
21 indicating Option 2 when I said Option 1. I'm supporting  
22 Option 2 that has no time limit.

23 CHAIRPERSON REYES: Which I think is what  
24 Mr. Hagman was also supporting.

25 SENATOR LOWENTHAL: But I was just talking --

1 which I support Option 2. I could --

2 CHAIRPERSON REYES: Okay.

3 SENATOR LOWENTHAL: But I was talking about the  
4 response of the Chair and Vice Chair after the appeal has  
5 been requested and I would like just to say that -- you  
6 know, that after the request for postponement comes in,  
7 let's say we do Option 2, you know --

8 CHAIRPERSON REYES: Um-hmm.

9 SENATOR LOWENTHAL: -- that we give a response  
10 back within two days of receipt, the Chair and the Vice  
11 Chair, of that so we have -- that we would respond after  
12 that and then the same part that you already have is the new  
13 notice of hearing shall be mailed to the school district no  
14 later than 15 days before the new hearing date. That's  
15 fine. That part is fine.

16 It's just all response back and I think I'd like  
17 to say we will respond back in a timely manner.

18 CHAIRPERSON REYES: Within two days.

19 SENATOR LOWENTHAL: Within two days.

20 CHAIRPERSON REYES: Within two days. That way if  
21 it's -- if the appeal came in this morning, we would have  
22 responded by now.

23 ASSEMBLY MEMBER HAGMAN: Or by Friday.

24 SENATOR LOWENTHAL: We could. We have within  
25 two -- we don't -- we're not saying we have to respond. You

1 know, we have within -- remember if it came in -- if we did  
2 Option 2, if it came in today, what would we do today?

3 CHAIRPERSON REYES: That's why I raised the issue.  
4 I mean --

5 SENATOR LOWENTHAL: Right.

6 ASSEMBLY MEMBER HAGMAN: That's what I thought  
7 that it had to be in person on -- that's why I say the  
8 Friday before, you could probably get it out Thursday or  
9 Friday before, get it out in writing, but after that time  
10 period, after the weekend, you're not going to be around.  
11 The Chair and the Vice Chair probably aren't going to be  
12 around. Staff's not going to be around to receive anything.  
13 To make them actually be here on our day. Otherwise you  
14 won't have time for writing back and forth. They probably  
15 want to be here anyway at least to say something.

16 They're asking for postponement, but they can't  
17 get a postponement. They're going to have to be here to  
18 argue something anyway. So that's why I figured up to the  
19 85th day, you could do it in writing. Everything's fine on  
20 paper, but after the 85th day, you kind of have to be here.  
21 Otherwise you can't get response letters back and forth.  
22 They won't know that anyway.

23 This kind of gives them pressure to try to get  
24 that out to you in time by the 85th day, by at least the  
25 90th day or, you know, five days afterwards, if they came in

1 person, we could say yeah. You're not ready to come back in  
2 30 days, go back next month, there's reasonable, just cause.  
3 The Chair and Vice Chair can make that decision in person.

4 CHAIRPERSON REYES: Ms. Buchanan.

5 ASSEMBLY MEMBER BUCHANAN: If they show up and  
6 they're not ready and we know we're going to grant it, so  
7 why make them show up. I guess -- when I looked at this, my  
8 initial thought was I support Option 2.

9 CHAIRPERSON REYES: Um-hmm.

10 ASSEMBLY MEMBER BUCHANAN: I think in terms of  
11 your getting back to them, there's got to be some reasonable  
12 time frame and I would suggest that maybe five days is more  
13 reasonable than two days. I mean whatever expectation you  
14 set there, you've got to be able to live up to it and if  
15 someone requests at the last minute that an item be delayed  
16 and you need to get back to them, you know, it seems to me  
17 that -- I think they ought to be able to request it.

18 If they're not ready to present it, there's no  
19 point in their being here because that wastes their time and  
20 money and it wastes our time. So I --

21 ASSEMBLY MEMBER HAGMAN: Okay.

22 ASSEMBLY MEMBER BUCHANAN: So I think up to the  
23 last -- you know, let them go ahead and request it. I think  
24 there should be a reasonable time frame. I'm not sure two  
25 days is reasonable for a written response. I think may five

1 days might make more sense.

2           And my only concern with this is that how many  
3 times would you allow a district to ask for a postponement  
4 of an appeal. So -- you know, and I did ask and I think --  
5 somewhere in here -- I know I just got here, so I  
6 apologize -- we have guidelines for how many times something  
7 can be put on the agenda; right?

8           Well, then there's extenuating circumstances after  
9 that. But I think then there should be something that says  
10 okay, you can ask for two delays or three delays --

11           CHAIRPERSON REYES: Um-hmm.

12           ASSEMBLY MEMBER BUCHANAN: -- but you just -- you  
13 can't go on indefinitely. There needs to be some resolution  
14 there. So those are the guidelines that when I looked at it  
15 that I would want to see included.

16           CHAIRPERSON REYES: To follow up on your comment  
17 though, when you talk about five days to respond, how do you  
18 answer Senator Lowenthal's case scenario where we just got  
19 it yesterday.

20           SENATOR LOWENTHAL: Right.

21           CHAIRPERSON REYES: Five days doesn't do us any  
22 good because I got to hunt him down so we're on the same  
23 page on whether or not to find the appeal.

24           ASSEMBLY MEMBER BUCHANAN: Well, I guess what I  
25 would say since the agenda doesn't always get out --

1           CHAIRPERSON REYES:   Um-hmm.

2           ASSEMBLY MEMBER BUCHANAN:  -- I mean if someone  
3 notifies us that they can't make the hearing, I think it  
4 probably should be, you know, automatic, but I would that  
5 getting -- you know, you need to get back to them to  
6 acknowledge the fact that you have -- that you did receive  
7 it, that it is being delayed, that it's going to be put on  
8 the next month's agenda unless they get back to you,  
9 whatever, but there's got to be some kind of communication  
10 back.

11           MS. MOORE:  You could solve that by saying within  
12 two days there would be a response -- a written response or  
13 by the day of the Board meeting.  So in the case of an  
14 appeal that someone knows on day 70 when they got the letter  
15 that they didn't want to go forward to the Board that month,  
16 the two days would be -- you know, you'd be well within  
17 that.

18           But on the day of the Board meeting if they --  
19 something happens, someone was sick, they couldn't get up  
20 here, and they request a delay, you could also respond that  
21 day verbally to them through the Chair and the Vice Chair so  
22 it gives a deadline, but it also understands the  
23 circumstance that might happen --

24           ASSEMBLY MEMBER BUCHANAN:  Right.

25           MS. MOORE:  -- of a late-breaking item and/or some

1 extenuating circumstance of a school district.

2 ASSEMBLY MEMBER BUCHANAN: And I'm okay with that  
3 just so long as, you know, the Chair and the Vice Chair  
4 are -- concur that they -- I mean they can respond within  
5 that deadline. If not, I think we ought to make sure that  
6 whatever you set up, you have a level of confidence that  
7 it's reasonable and you can get it out.

8 CHAIRPERSON REYES: I think a two day for written  
9 response prior to the Board meeting works, but if it's  
10 something less than two days before the Board meeting, it's  
11 got to be verbal.

12 SENATOR LOWENTHAL: Right.

13 CHAIRPERSON REYES: Because there's just no way, I  
14 mean --

15 SENATOR LOWENTHAL: I agree with you.

16 CHAIRPERSON REYES: I mean today was a  
17 back-to-back meeting time for me, so anything that -- my  
18 voice mail, email, and correspondence I have not looked at.  
19 And it's just a fact of life.

20 So anything that I would have received today for  
21 an appeal I would not have looked at.

22 SENATOR LOWENTHAL: This is my first human contact  
23 outside of hearing all day today, so I agree.

24 CHAIRPERSON REYES: And you're still in a hearing.  
25 Okay. So do I hear a motion? Somebody want to articulate

1 the motion now that --

2 SENATOR LOWENTHAL: So what we're saying is -- let  
3 me just understand. We're saying Option No. 2 and that the  
4 Chair and the Vice Chair shall approve or disapprove a  
5 request for postponement let's say -- what we're trying to  
6 say is within two days of the receipt of the request as long  
7 as it came within a written -- which will be done in a  
8 written form as long as it came --

9 CHAIRPERSON REYES: No less than two days from the  
10 hearing.

11 SENATOR LOWENTHAL: Before. If not, it would be  
12 done verbally before -- we would make -- because if somebody  
13 comes up, what we're saying is on the last day or two, we're  
14 just going to be able to respond to them --

15 CHAIRPERSON REYES: Yeah. Right.

16 SENATOR LOWENTHAL: -- should respond to them --  
17 so however you frame that or phrase it, that's fine with me.  
18 I think that meets fine with our needs.

19 CHAIRPERSON REYES: Mr. Mireles, Barbara, does  
20 that make sense?

21 MR. MIRELES: Yeah.

22 CHAIRPERSON REYES: So read back to us what it is  
23 we just agree to.

24 SENATOR HANCOCK: Read back the motion.

25 MR. MIRELES: From what I understand it, if it's

1 days after the release of the item, it could be written. If  
2 it's less than -- if it's two days -- if it's beyond two  
3 days, a verbal would be acceptable to the Chair and Vice  
4 Chair.

5 MS. MOORE: And we're also -- and also the rest of  
6 that sentence, if the request is approved, a new notice will  
7 go out and I think that the Board also wants to adopt your  
8 timeline that you provided.

9 SENATOR LOWENTHAL: Right. The 15 days, in that  
10 time. We're just talking about those situations where it's  
11 so close, how we're going to deal with that.

12 CHAIRPERSON REYES: Um-hmm.

13 ASSEMBLY MEMBER BUCHANAN: Can I ask a clarifying  
14 question then. So I'm expecting a response from my attorney  
15 or consultant or whatever and I don't get it and it's the  
16 day before or the day of the Board meeting, so I send out  
17 the request asking for a delay -- a postponement.

18 SENATOR LOWENTHAL: It's a day before the hearing  
19 now?

20 ASSEMBLY MEMBER BUCHANAN: Day before, maybe it's  
21 the day of or whatever.

22 SENATOR LOWENTHAL: Right. So we certainly can't  
23 respond in a written respect because --

24 ASSEMBLY MEMBER BUCHANAN: So are we writing this  
25 policy so that it's -- basically it's automatic like you

1 automatically get at least one -- I mean --

2 MS. MOORE: Well, it says -- the policy says the  
3 Chair and the Vice Chair shall respond.

4 CHAIRPERSON REYES: So --

5 ASSEMBLY MEMBER BUCHANAN: So where does that  
6 leave me as a superintendent or someone --

7 CHAIRPERSON REYES: Your point is well taken.  
8 You're playing Russian roulette at that point.

9 ASSEMBLY MEMBER BUCHANAN: At some -- yeah. Where  
10 does that leave me as a superintendent if you can't get to  
11 your emails and you're not -- I mean you've got a busy  
12 day --

13 SENATOR LOWENTHAL: The day of the hearing or the  
14 day before, let's say Tuesday or Wednesday --

15 ASSEMBLY MEMBER BUCHANAN: Right. How do I -- you  
16 know, am I now incurring expenses. I mean that's why I  
17 brought up --

18 SENATOR LOWENTHAL: And you've only made that  
19 request for --

20 CHAIRPERSON REYES: The request came in yesterday.

21 SENATOR LOWENTHAL: -- in the last day or two.

22 ASSEMBLY MEMBER BUCHANAN: Right.

23 SENATOR LOWENTHAL: So you're real late also in  
24 making it.

25 ASSEMBLY MEMBER BUCHANAN: I agree. I'm late in

1 making it, but I -- based on our past practice, it seems to  
2 me we're likely to say okay, let's continue it to the next  
3 hearing. So how do I know whether I should cancel flights  
4 or whatever. That's why I'm asking should it be automatic  
5 for the first extension you're asking or how are we going to  
6 deal with this logistically.

7 CHAIRPERSON REYES: Ms. Silverman, do you have  
8 input on this?

9 MS. SILVERMAN: Well, I was just sharing with Juan  
10 was obviously there's time constraints and if Pedro and the  
11 Senator agree, yes, we're going to postpone it considering  
12 the time constraints and they can't communicate that  
13 directly, they can direct me to communicate that to the  
14 district as another option. I'm just throwing that out  
15 there.

16 ASSEMBLY MEMBER BUCHANAN: So who's getting it  
17 though? They're getting it and they don't have time to look  
18 at their emails or anything.

19 MS. SILVERMAN: Well, what if they cc also the  
20 Executive Officer.

21 SENATOR LOWENTHAL: Yeah. I think we would --  
22 within two days -- just talk about --

23 CHAIRPERSON REYES: The last minute stuff.

24 SENATOR LOWENTHAL: -- the last minute and we're  
25 here during that week, you know -- well, maybe in the fall

1 maybe we might, you know -- when we're not in -- you see,  
2 when we're in session, we're able to be grabbed or -- if  
3 it's at that last minute. I think it's -- you're only  
4 really concerned about when no one's around or we have --

5 CHAIRPERSON REYES: Well, I think it's even more  
6 than that because what if they -- we just received it  
7 yesterday and you and I agree that this is a bogus response  
8 and we're going to say no, appeal denied or request for  
9 postponement denied, that group is not going to know until  
10 now.

11 SENATOR LOWENTHAL: That we denied it.

12 CHAIRPERSON REYES: That we denied it and they  
13 lose the appeal. That's your concern; right? If there's no  
14 notification to them that --

15 MS. MOORE: I would offer that an appeal before  
16 the State Allocation Board is a pretty heightened issue in a  
17 district. So a superintendent or their designee is really  
18 going to be on top of an appeal that they've asked of the  
19 State Allocation Board and if they, you know, ask for a very  
20 last minute delay and they're not getting an answer, they're  
21 going to be in my time here, they're going to be up here  
22 before the Board because it is their one time that they're  
23 going to be able to address an appeal.

24 Appeals are taken very strongly in school  
25 districts and --

1 CHAIRPERSON REYES: Um-hmm.

2 MS. MOORE: -- they are not -- you know, look at  
3 the amount of appeals that we get in comparison to the  
4 amount of money that goes out. They're not that common and  
5 when they happen, people at the district level are paying  
6 attention.

7 So it may be -- if they didn't get a response  
8 here, I would think that they would get here and if they did  
9 get a response --

10 CHAIRPERSON REYES: Back to your point.

11 ASSEMBLY MEMBER BUCHANAN: It seems to me then  
12 you're arguing for having a time limit if it's that --

13 CHAIRPERSON REYES: Yeah. At that point, you're  
14 saying --

15 ASSEMBLY MEMBER BUCHANAN: It seems to me that if  
16 it's that serious and they know about it that far ahead of  
17 time, then they should have -- then they should know to let  
18 us know they want an appeal farther ahead of time.

19 MS. MOORE: I didn't mean to argue that. I do --  
20 I'm just saying how serious it is, but I will tell you that  
21 school districts get information sometimes not on purpose,  
22 but things break late and I think that we should give the  
23 maximum amount of flexibility to school districts around  
24 appeals because they are so important to school districts  
25 and it is their one time that they get to speak before the

1 Board and really present their case together with the staff  
2 presenting the case of the State.

3 So I would still argue for maximum flexibility for  
4 school districts. I know it's problematic for staff because  
5 things break back late to them, but I would argue for  
6 maximum flexibility for school districts around an appeal.

7 And in the cases that they have to utilize that  
8 late and we're not able to respond to them, they're going to  
9 have to act anyway and they'll make their own decisions  
10 whether they'll come up here or not.

11 So I didn't mean to argue the other side of it.

12 CHAIRPERSON REYES: Senator Hancock.

13 SENATOR HANCOCK: I'm going to try to make a  
14 motion.

15 CHAIRPERSON REYES: Okay.

16 SENATOR HANCOCK: Okay? And the motion would be  
17 that we adopt the appeals processing timeline, that we adopt  
18 Option 2 but we clarify that the first appeal would be  
19 automatic and that is to give --

20 MS. MOORE: The first postponement.

21 SENATOR LOWENTHAL: First --

22 SENATOR HANCOCK: The first postponement -- excuse  
23 me -- would be automatic and if there's a second, I'll speak  
24 to the motion.

25 SENATOR LOWENTHAL: Then we can do within two days

1 of receipt if there's a second.

2           SENATOR HANCOCK: That's right. And if something  
3 comes up like Assembly Member Buchanan was saying where  
4 somebody gets sick and they really can't come, okay, let us  
5 know at the last minute, it's automatic.

6           SENATOR LOWENTHAL: Right.

7           SENATOR HANCOCK: But the second time around, you  
8 better make sure that everybody's healthy or that you've  
9 planned in advance for what you're going to do -- you know,  
10 and --

11           ASSEMBLY MEMBER BUCHANAN: I think that's a great  
12 suggestion. So the second time then would you require that  
13 notice to be five days ahead or whatever then?

14           SENATOR LOWENTHAL: Well, I don't care. I just  
15 said -- I said within two days of receipt --

16           SENATOR HANCOCK: The second time it would be  
17 Option 2.

18           SENATOR LOWENTHAL: -- we'll get right back to  
19 them.

20           SENATOR HANCOCK: Would be Option 2. But it could  
21 be denied.

22           SENATOR LOWENTHAL: Yeah. We have --

23           SENATOR HANCOCK: The second -- if you try to  
24 postpone a third time --

25           SENATOR LOWENTHAL: A second time.

1           SENATOR HANCOCK: -- a second time, the Chair and  
2 the Vice Chair can say no, this is frivolous, we need to  
3 spend the money or whatever they want to say.

4           ASSEMBLY MEMBER BUCHANAN: Right. I think that's  
5 a great compromise.

6           SENATOR HANCOCK: Okay. So that would be the  
7 motion. Is that clear?

8           SENATOR LOWENTHAL: No, but it's a motion.

9           CHAIRPERSON REYES: Staff, is it clear to you?

10          MR. MIRELES: Yes.

11          CHAIRPERSON REYES: Okay. So at this point, we do  
12 not have a motion. We just had staff reading back to us  
13 what we had agreed -- prior to your motion. Prior to your  
14 motion. I want to make sure that I don't have a substitute  
15 motion on the table. So no, I don't. I have a motion from  
16 Ms. Hancock.

17          MS. MOORE: Second.

18          CHAIRPERSON REYES: It's been seconded by  
19 Ms. Moore. Any additional comments or questions? Lyle, you  
20 had a chance to get up here before. Come on, man.

21          MR. SMOOT: I just can't, you know, hold myself  
22 back for some reason. Actually this is not related directly  
23 to what you're voting on.

24          CHAIRPERSON REYES: All right. Thanks for telling  
25 me. Go ahead.

1           MR. SMOOT: But it's a very closely related issue  
2 that I think is important not necessarily for you to have a  
3 vote on today, but for you to consider and lest you think  
4 I'm a Johnny-come-lately on this issue, I think it's always  
5 been an issue, but it's getting to be a worse issue as money  
6 runs out and here's the thing.

7           We file an application and there's a question  
8 about the dollar value, for instance, or maybe the number of  
9 classrooms or whatever in the project and so we can't come  
10 to agreement with staff. We want to talk to you, the Board,  
11 on an appeal.

12           The choice we're given right now is that you  
13 either hold that project up until the appeal is settled or  
14 you go forth with the project without whatever it is, the  
15 money typically, and forget an appeal period.

16           So I would like you to have a discussion about the  
17 option of letting the project go forward when there's a  
18 disagreement pending the outcome -- I mean let it go forward  
19 at the lower amount of dollars or whatever and then pending  
20 the outcome of the appeal, leaving the project open for a  
21 subsequent adjustment to the apportionment if the appeal is  
22 successful.

23           CHAIRPERSON REYES: Yeah. That has to be a whole  
24 different conversation.

25           MR. SMOOT: Well, I agree it's not --

1           CHAIRPERSON REYES: Yeah.

2           MR. SMOOT: That's why I said -- I prefaced this  
3 with it's not directly related to the appeal process because  
4 the appeal process is going to go on.

5           SENATOR LOWENTHAL: Right.

6           MR. SMOOT: But in the meantime, there's a project  
7 that could -- you know, like right now, it's sitting on the  
8 workload list and so money is running out. So then it comes  
9 up and we're told, well, there's a disagreement about a  
10 hundred thousand dollars. Well, if you're talking about a  
11 10- or 12- or \$15 million project, \$100,000 isn't worth  
12 waiting 120 days and missing a funding cycle. Sometimes  
13 quite frankly for Los Angeles especially during the period  
14 of inflationary costs, our costs were going up so fast that  
15 \$100,000 -- it would cost us \$100,000 to postpone a project  
16 for 120 days, maybe even more, regardless of the outcome.

17           So if we could forward with the project with the  
18 lower amount of money, let the appeal go through, and then  
19 based on the outcome of the appeal, if you think it's a  
20 reasonable appeal, adjust the cost of the project. I think  
21 that would be a really good consideration.

22           CHAIRPERSON REYES: Okay. So here's what I think  
23 we ought to do and this is just the Chair which has one vote  
24 and one vote only. I think we ought to move on this item  
25 and have Lyle go back and work with staff and see what can

1 be worked out to resolve this particular issue and not try  
2 to incorporate this issue into this.

3 MR. SMOOT: Mr. Chair, that's exactly what I was  
4 hoping you'd say. So thank you very much.

5 CHAIRPERSON REYES: And, staff, if there's  
6 something that can be worked out -- I know that there's  
7 going to be a thousand and one instances where this is just  
8 going to be tweaked this way and that way, so if you can  
9 come up with some generic that works and we still need to  
10 have Board approval on that, so you just bring it back at  
11 some other time, we can put that on the agenda.

12 MR. SMOOT: Thank you.

13 CHAIRPERSON REYES: Okay. So the motion's been  
14 moved and seconded without Lyle's Johnny-come-lately  
15 amendments. Any additional comments? Aye -- all in favor  
16 say aye.

17 (Ayes)

18 CHAIRPERSON REYES: Opposed. Abstentions. Ayes  
19 carry. Thank you. Thank you, Lyle. You raise a good issue  
20 though.

21 MR. SMOOT: Thank you.

22 CHAIRPERSON REYES: Tab 9, Mr. Harvey.

23 MR. HARVEY: Thank you, Mr. Chair. This is going  
24 to be an update on our promise to try to get to you by our  
25 May Board meeting an action item which will change and alter

1 the way in which we move the money more briskly for the  
2 **Seismic Mitigation Program.**

3 I think there is consensus among many members that  
4 the dollars should retain their character. What I mean by  
5 that is dedicated to seismic. We are at the point of asking  
6 staff to flush out options more fully.

7 We discussed two options at our second meeting  
8 yesterday. One option was a step-down of the shake zone  
9 current criteria that we have but in a three or a six or  
10 some undetermined, undiscussed, unvoted on time period,  
11 lower the shake zone by .03.

12 Doing that, the theory was would move the money in  
13 some great rapidity than we currently are. The problem with  
14 that option is that it puts validity in the shake zone and  
15 there has been questions raised about whether that should be  
16 the overriding criteria, knowing that when the voters set  
17 the dollars aside they said most vulnerable, so we're  
18 wrestling with standards. We don't want it to be  
19 subjective. We want it to be standards that recognize how  
20 to get the money more quickly and that led us to a second  
21 option which is one that would potentially allow a  
22 structural engineer to make a finding that a building was at  
23 risk.

24 We haven't figured out how to define risk yet, but  
25 it shouldn't have students or faculty in it. That finding

1 would be made on a more localized case. It would not result  
2 in the shake zone as the only criteria. DSA would have to  
3 concur in that recommendation and finding and then the  
4 school would be eligible to draw the dollars down.

5 We've asked staff to take a look at an incremental  
6 approach that was suggested as a third option. That was a  
7 suggestion that came from the Seismic Safety Commission and  
8 our OPSC staff. We've asked for some legal opinions on  
9 whether we can or cannot adjust the 50 percent match by  
10 action rather than by legislation.

11 We're asking for some additional guidance on the  
12 question of interim housing. And I have my full Committee  
13 here. Is there anything else you'd like to add? We're  
14 meeting a third time in May on the 16th or 17th I believe --  
15 the 18th. I knew it was out there at some point -- on the  
16 18th and our goal is to bring a recommendation to you all  
17 knowing that this is where that ultimate decision resides.

18 We have not voted on anything. We have had active  
19 and robust discussions. We continue to seek input and we  
20 continue to seek staff guidance on some areas and it's been  
21 an interesting process.

22 CHAIRPERSON REYES: Ms. Moore.

23 MS. MOORE: There was just one other item that we  
24 considered and that was -- that we've asked staff to bring  
25 back for our consideration and that is a conceptual approval

1 and reservation of funds at the beginning of the process  
2 like some of our other programs have. And we didn't make  
3 any decisions on that, but we did ask staff to look at that  
4 as well.

5 MR. HARVEY: Thank you for adding that. We I  
6 think have that as a fourth direction. Thank you.

7 CHAIRPERSON REYES: Any comments from Board  
8 members? Ms. Hancock.

9 SENATOR HANCOCK: Yeah. I have a question. I  
10 certainly would -- I'll look forward to seeing your  
11 recommendations at the next meeting or whenever. I think  
12 lowering the shaking is a good way to go and is a relatively  
13 straightforward and easy way to go right now.

14 Are you looking at -- when you say a structural  
15 engineering report, that would be a licensed structural  
16 engineer comes up with a report. Would that replace the  
17 previous requirements around specific building type?

18 MR. HARVEY: It could. I'll let Ms. Buchanan --

19 SENATOR HANCOCK: Because some of the problems  
20 have been the shaking is bad, a structural engineer says  
21 it's in danger of collapse, and then the Office of the State  
22 Architect --

23 CHAIRPERSON REYES: But it's wood frame.

24 SENATOR HANCOCK: -- has said but it doesn't meet  
25 the criteria for building type.

1 MR. HARVEY: My -- I said I'd let you talk.

2 ASSEMBLY MEMBER BUCHANAN: There were a number of  
3 issues that concerned me and I obviously I was the one that  
4 wanted to explore another option. One was the Morongo where  
5 we -- it was clear that they had to evacuate the school. It  
6 wasn't safe for students to be in that school. But -- and  
7 they talked about the seismic faults. We saw the picture of  
8 all the lines going through, but the reality is setting just  
9 a straight numerical shaking number with building type  
10 didn't allow that school to qualify for seismic funds.

11 And we did make the exception in the facilities  
12 hardship for the first time and we allowed that school to  
13 qualify for funding under that, but if you set just the  
14 number and the building type and you go by those two, there  
15 are buildings that don't qualify.

16 We heard testimony --

17 SENATOR HANCOCK: I'm happy to take out building  
18 type. I was just clarifying.

19 ASSEMBLY MEMBER BUCHANAN: Right. Well, but it's  
20 not just building type. We heard testimony from a  
21 consultant for Piedmont Unified and their -- they had a  
22 building that exceeded the shaking requirement, but --

23 SENATOR HANCOCK: It was in my district. I know  
24 all about it.

25 ASSEMBLY MEMBER BUCHANAN: That's right.

1           SENATOR HANCOCK: That's why --

2           ASSEMBLY MEMBER BUCHANAN: That's right. And  
3 if -- even lowering the building -- the shaking number  
4 doesn't matter because that was their -- of the three  
5 buildings they identified that needed to be repaired, the  
6 one that had the highest shaking number and exceeded it  
7 didn't qualify.

8           And so -- and we heard other testimony. So the  
9 thought behind taking a look at another factor would be if  
10 an engineer says that a building is not safe to be occupied  
11 by students or faculty and the district -- because of  
12 seismic -- pending seismic conditions, liquefaction, and  
13 others, that that engineer would submit that report in  
14 writing along with the district to DSA.

15           DSA then would use a combination of factors which  
16 would include the number, building type, and others based on  
17 the national GSA requirements because they set the shaking  
18 factor at 1.68. So they can't -- I mean in their mind  
19 that's what the standard should be. It shouldn't be lower.

20           So we would like them to take a look at a  
21 combination of factors and not just one sole factor and if  
22 they're in agreement based on taking a look at whatever  
23 their combination of factors are, instead of having one with  
24 the engineer that this building is not safe to be occupied  
25 by students and faculty, then that then would qualify the

1 building for seismic funds.

2           So what we want to do is sort of broaden it to the  
3 extent that, you know, you're not -- it's not one bar and if  
4 you're over -- or under, you qualify or over, you don't.

5           SENATOR HANCOCK: Thank you. See, I think that  
6 sounds good to me. Shaking, an engineering report. I  
7 really like the idea that Ms. Moore put out of maybe having  
8 a list that would come to us of conceptual approvals.

9           ASSEMBLY MEMBER BUCHANAN: Right.

10          SENATOR HANCOCK: The main thing here is we need  
11 to get this money out.

12          ASSEMBLY MEMBER BUCHANAN: That's right.

13          SENATOR HANCOCK: And so whatever we do, we have  
14 to make sure the DSA acts quickly and is not --

15          ASSEMBLY MEMBER BUCHANAN: Right.

16          SENATOR HANCOCK: -- tie bound in some way --

17          ASSEMBLY MEMBER BUCHANAN: Right.

18          SENATOR HANCOCK: -- because there's a great deal  
19 of attention.

20          ASSEMBLY MEMBER BUCHANAN: And I might add that if  
21 you remember, the third complicating factor of Morongo is it  
22 was built to the standards way back when, you know, and just  
23 because a building's built to standards of 1950 and was  
24 approved doesn't mean it's meeting current --

25          SENATOR LOWENTHAL: Right.

1           ASSEMBLY MEMBER BUCHANAN: -- engineering  
2 standards, so -- so there were just a number -- so we were  
3 just trying to see if there was something we could come up  
4 with that really allowed for buildings that aren't safe to  
5 be occupied because of seismic conditions to get the money  
6 to those buildings in a more efficient manner.

7           SENATOR HANCOCK: Now is there any -- did you guys  
8 think about -- and I don't particularly -- I don't have a  
9 horse to ride one way or the other. But the DSA had said it  
10 needed \$200,000 to come up with a definition of imminent  
11 threat of collapse. Are we considering doing anything like  
12 that or are we just going to keep it looser and say an  
13 engineering report?

14           ASSEMBLY MEMBER BUCHANAN: Well, we're talking  
15 about an engineering report and concurrence so that you  
16 don't have any -- it's -- if based on the report and all the  
17 evidence that they're looking at, they agree that students  
18 shouldn't be in this building, you know, we're not setting  
19 up any one definition that if you're on side of the line,  
20 you meet it and the other side, you don't.

21           If they concur with the engineers and the  
22 building's not safe, then we believe it should qualify for  
23 funds.

24           SENATOR HANCOCK: Okay. Good.

25           CHAIRPERSON REYES: And you would have it first

1 come, first served?

2 ASSEMBLY MEMBER BUCHANAN: Well, that's the way  
3 we -- you know --

4 CHAIRPERSON REYES: Okay. That's fine.

5 ASSEMBLY MEMBER BUCHANAN: -- I mean if a  
6 building's not safe to be occupied -- the other hang-up we  
7 got and we could talk about this for a long time which we  
8 have at two meetings now is the idea of getting it out to  
9 the most vulnerable and the reality is you could spend years  
10 trying to create that list, but clearly if -- a building has  
11 to fall into the most vulnerable category, it can't be --  
12 it's not safe to be occupied.

13 CHAIRPERSON REYES: Okay. Thank you.

14 SENATOR HANCOCK: Okay. Great. Look forward to  
15 your recommendations.

16 CHAIRPERSON REYES: Any additional comments or  
17 questions from Board members? We look forward to the  
18 report. Any comments from the public?

19 Do I need a motion to accept the report or --

20 ASSEMBLY MEMBER BUCHANAN: No. We just gave you  
21 an update.

22 CHAIRPERSON REYES: All right. Thank you. All  
23 right. 10.

24 MS. SILVERMAN: Tab 10. Yes. I direct your  
25 attention to page 113. We wanted -- we've been providing

1 quarterly updates as far as **joint use fund release**. This  
2 Board actually did take action over the summer as far as we  
3 had some residual cash and we were going to realign that  
4 cash to certain programs.

5           So the Board did adopt an action to realign the  
6 cash to the Joint Use Program and with that, the Board did  
7 take action in October to provide nearly \$6.8 million to  
8 five joint-use projects, knowing that the projects were  
9 going to be awarded based on the 18-month timeline and so  
10 the concern was to get the cash out fast and just again  
11 bring updates as far as monitoring how fast those funds are  
12 being accessed.

13           So we did provide a report back in January to  
14 report actually that three projects did access the funds and  
15 there were still two outstanding and to date there still  
16 remains two outstanding projects.

17           And the communication of the school district has  
18 been to staff is they will likely access the funds within  
19 the next 60 days. So we look at the next report likely by  
20 July that we'll have --all those projects would have  
21 accessed the cash, but to this point, there are two projects  
22 that still remain outstanding.

23           With that, I'll open it up to questions.

24           CHAIRPERSON REYES: Questions. Comments from the  
25 public. Thank you. Tab 11.

1 MS. SILVERMAN: Tab 11 is the **90-day workload**.

2 CHAIRPERSON REYES: Folks can take a look at that  
3 at your leisure, what's coming up. Senator Hancock.

4 SENATOR HANCOCK: Yeah. I'd just like to add to  
5 the 90-day workload if I could, could we have a report on  
6 what's happening with the solar and alternative energy  
7 account, oh, in -- say in our July meeting or --

8 MS. SILVERMAN: With the energy funds.

9 SENATOR HANCOCK: Yeah, with the energy funds  
10 because we were -- that was another area where we were  
11 trying to encourage their use.

12 MS. SILVERMAN: Yes --

13 MR. MIRELES: Just to clarify, we have -- the old  
14 energy efficiency and then we have the new high  
15 performance --

16 MS. SILVERMAN: Right.

17 MR. MIRELES: -- incentive grants.

18 SENATOR HANCOCK: Yeah. Yeah. That's what I  
19 mean.

20 MR. MIRELES: Is it the high performance incentive  
21 grants? Okay.

22 SENATOR HANCOCK: Um-hmm. Um-hmm.

23 MS. SILVERMAN: Yes.

24 MR. MIRELES: Thank you.

25 CHAIRPERSON REYES: Thank you. Okay. Tab 12.

1 MS. SILVERMAN: Tab 12 is just the **calendar** for  
2 the next Board meeting May 25th.

3 CHAIRPERSON REYES: Okay. Any public comment on  
4 any of the items that we went through.

5 We're going to go to closed session to discuss a  
6 personnel matter, a duty statement for the Assistant to the  
7 Executive Officer.

8 Ms. Buchanan.

9 SENATOR HANCOCK: I don't know if I should add now  
10 or later, but are there any votes I missed where I need to  
11 add on?

12 CHAIRPERSON REYES: Oh, please. Yes. And the  
13 same thing with Senator Hancock. What is the Consent I  
14 believe and the Minutes.

15 MS. GENERA: This will be the Consent Calendar  
16 minus page 28. John Swett was withdrawn. Senator Hancock.

17 SENATOR HANCOCK: Aye.

18 MS. GENERA: And --

19 ASSEMBLY MEMBER BUCHANAN: Aye.

20 MS. GENERA: Thank you. And also the Minutes.

21 SENATOR HANCOCK: Aye.

22 ASSEMBLY MEMBER BUCHANAN: Aye.

23 MS. GENERA: Thank you.

24 CHAIRPERSON REYES: Okay. Thank you. I'd also  
25 like to point out that Ms. Buchanan has agreed to be -- not

1 Ms. Buchanan -- Ms. Moore has agreed to be the Chair of the  
2 Personnel Subcommittee. Thank you. And I'm glad that she  
3 had whatever she had for lunch too. Thank you.

4 (Whereupon at 5:16 p.m., the open meeting was recessed  
5 for the closed session and resumed as follows at 5:37 p.m.)

6 CHAIRPERSON REYES: Back in session. I want to  
7 report out that the Board looked at personnel matters and  
8 we're getting closer to going out. We need to find out a  
9 couple pieces of information and we'll be working with staff  
10 to make an announcement or go out to fill the vacancy soon.

11 Meeting adjourned. Thank you.

12 (Whereupon, at 5:38 p.m. the proceedings were recessed.)

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REPORTER'S CERTIFICATE

STATE OF CALIFORNIA            )  
  )  ss.  
COUNTY OF SACRAMENTO        )

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That the foregoing transcript is a true record of the proceedings as recorded;

That I am a disinterested person to said action.

IN WITNESS WHEREOF, I have subscribed my name on May 29, 2011.

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Mary C. Clark  
AAERT CERT\*D-214  
Certified Electronic Court  
Reporter and Transcriber