CALIFORNIA STATE ALLOCATION BOARD
PUBLIC MEETING

STATE CAPITOL
ROOM 113
SACRAMENTO, CALIFORNIA 95814

DATE: TUESDAY, FEBRUARY 24, 2015
TIME: 4:03 P.M.

Reported By: Mary Clark Transcribing
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APPEARANCES

MEMBERS OF THE BOARD PRESENT:

ERAINA ORTEGA, Chief Deputy Director, Policy, Department of Finance, designated representative for Michael Cohen, Director, Department of Finance

ESTEBAN ALMANZA, Acting Director, Department of General Services

CESAR DIAZ, Appointee of Edmund G. Brown, Jr., Governor of the State of California

NICK SCHWEIZER, Deputy Superintendent of Public Instruction, Services for Administration, Finance, Technology & Infrastructure Branch, California Department of Education (CDE), designated representative for Tom Torlakson, Superintendent of Public Instruction

SENATOR LONI HANCOCK

SENATOR JEAN FULLER

ASSEMBLYMEMBER ADRIN NAZARIAN

ASSEMBLYMEMBER ROCKY CHAVEZ

REPRESENTATIVES OF THE STATE ALLOCATION BOARD PRESENT:

LISA SILVERMAN, Executive Officer
BILL SAVIDGE, Assistant Executive Officer

REPRESENTATIVES OF THE DEPARTMENT OF GENERAL SERVICES, OFFICE OF PUBLIC SCHOOL CONSTRUCTION (OPSC) PRESENT:

LISA SILVERMAN, Executive Officer
BARBARA KAMPMEINERT, Deputy Executive Officer

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

JONETTE BANZON, Staff Counsel
CHAIRPERSON ORTEGA: Good afternoon, everyone.
Since we have a quorum, I'm going to go ahead and call to
order the meeting of the State Allocation Board. If you
could please call the roll.

MS. JONES: Okay. Senator Hancock.
SENATOR HANCOCK: Here.
MS. JONES: Senator Liu.
Senator Fuller.
Assemblymember Nazarian.
Assemblymember Bonilla.
Assemblymember Chavez.
ASSEMBLYMEMBER CHAVEZ: Here.
MS. JONES: Esteban Almanza.
MR. ALMANZA: Here.
MS. JONES: Nick Schweizer.
MR. SCHWEIZER: Here.
MS. JONES: Cesar Diaz.
MR. DIAZ: Here.
MS. JONES: Eraina Ortega.
CHAIRPERSON ORTEGA: Here.
MS. JONES: We have a quorum.
CHAIRPERSON ORTEGA: Thank you. And welcome to
Assemblymember Chavez. Thank you for joining us on the
State Allocation Board.

ASSEMBLYMEMBER CHAVEZ: I'm honored to be here. I'm excited about it.

CHAIRPERSON ORTEGA: Great. Thank you. Before we get started, thank you to everyone for accommodating the schedule changes. I know this day worked out better for Senator Hancock. So we're happy that she could be here and everyone else could be here today. And thank you to your staff, Senator, for getting a room for us so we didn't all have to trek across the street and squeeze into a tiny little conference room.

SENATOR HANCOCK: I was told it was the basement of the Department of Finance.

CHAIRPERSON ORTEGA: That it is. That it is. Let's see. The first order of business will be the Minutes.

MS. SILVERMAN: The Minutes.

CHAIRPERSON ORTEGA: Yes. Are there any comments or questions on the Minutes? Any public comment on the Minutes? Seeing none, is there a motion?

SENATOR HANCOCK: Move the Minutes.

MR. DIAZ: Second.

CHAIRPERSON ORTEGA: Okay. We have a motion and a second. All in favor of the Minutes be approved.

(Ayes)
CHAIRPERSON ORTEGA: Any opposed or abstentions?

Okay. Seeing none, we will approve the Minutes.

And the next item is the Executive Officer's Statement.

MS. SILVERMAN: Yeah. We have a few items just to share with you tonight.

Just to give you an update on the status of the priority of funding apportionments that went out in August. There was $100 million that the Board approved, and there are some timelines associated with that since our last meeting. November 18th was the timeline.

We had two projects that didn't meet the 90-day certification. However, they did not lose their award, and so they were just reinstated to the bottom of the list with a new date. Again, so we just wanted to highlight to the Board those projects.

We also had a priority of funding filing round during that time period as well, and so that closed December 11th and we had over $127 million of projects that actually came in for the certification round.

So that certification is valid from January 1st through June 30th. And so on the cusp of having a bond sale, those projects, if we have the right money in the right order, will be able to receive their apportionment in the future.
We also want to give the Board a regulation update. General site grant regulations were extended through January 1st, 2016, and so they're effective April 1st this year.

And then the last item is just to give the Board an update about we're not going to have a March meeting, but instead we'll have an April 15th meeting and that will -- we're trying to coincide our workload also the bond sale coming up in March. So we're trying to line up all project workloads associated with the bond sale.

CHAIRPERSON ORTEGA: Great.

MS. SILVERMAN: So that's it.

CHAIRPERSON ORTEGA: Okay. Thank you. Were there any questions of the Executive Officer? Seeing none, we'll move onto the delegation of authority item.

MS. SILVERMAN: Yeah. We want to give the announcement we did select a Deputy Executive Officer, a replacement of Mr. Juan Mireles. That is Barbara Kampmeinert -- is our new Deputy Executive Officer. So we need to provide her the delegation of authority to submit items on behalf of the Board.

CHAIRPERSON ORTEGA: Great. Okay. Any questions.

SENATOR HANCOCK: So move.

CHAIRPERSON ORTEGA: Moved by Ms. Hancock.

MR. SCHWEIZER: Second.
CHAIRPERSON ORTEGA: Second by Mr. Schweizer.
Let's call the roll on this.

MS. JONES: Okay. Senator Hancock.
SENATOR HANCOCK: Aye.

MS. JONES: Assemblymember Chavez.
ASSEMBLYMEMBER CHAVEZ: Aye.

MS. JONES: Esteban Almanza.
MR. ALMANZA: Aye.

MS. JONES: Nick Schweizer.
MR. SCHWEIZER: Aye.

MS. JONES: Cesar Diaz.
MR. DIAZ: Aye.

MS. JONES: Eraina Ortega.
CHAIRPERSON ORTEGA: Aye.

MS. JONES: Thank you.
CHAIRPERSON ORTEGA: The motion is approved.

Congratulations.

MS. KAMPMEINERT: Thank you.

CHAIRPERSON ORTEGA: And let's see. Item No. 5 is the Consent Agenda.

A couple things I wanted to mention. First, there was an item withdrawn from the agenda related to the CCI change and we just want to let everyone know that item will come back at a future agenda. There were just some ongoing discussions between the staff and the company that provides
that information to us. So we will bring that back to you at a future meeting.

And then if there is no objection, I would propose that we move Tabs 8 and 9 to the Consent Agenda. So we would vote on the items under Tab 5, 8, and 9 in this action if there's no objection.

Seeing none, is there a motion?

MR. DIAZ: So move.

MR. ALMANZA: Second.

CHAIRPERSON ORTEGA: Moved by Mr. Diaz and second by Mr. Almanza. Is there any public comment on consents items under Tab 5 and the agenda items under Tab 8 or 9?

Okay. Seeing none, please call the roll.

MS. JONES: Senator Hancock.

SENATOR HANCOCK: Aye.

MS. JONES: Assemblymember Chavez.

ASSEMBLYMEMBER CHAVEZ: Aye.

MS. JONES: Esteban Almanza.

MR. ALMANZA: Aye.

MS. JONES: Nick Schweizer.

MR. SCHWEIZER: Aye.

MS. JONES: Cesar Diaz.

MR. DIAZ: Aye.

MS. JONES: Eraina Ortega.

CHAIRPERSON ORTEGA: Aye.
MS. JONES: Motion carries.

CHAIRPERSON ORTEGA: Thank you. And now we will move to Tab 10, and this is the **Seismic Mitigation report**.

MR. LaPASK: Good afternoon. Brian LaPask with the Office of Public School Construction.

Last year's Budget Act required the Board and OPSC to turn in a report by March 1st of this year on the efforts to streamline the Seismic Mitigation Program.

Additionally, last year the Board directed staff to go the Implementation Committee and collect information from stakeholders on the same topic.

Coming off our October report, this report expands some of the ideas brought up in those meetings and focuses on three main topics which are minimum work determination for Seismic Mitigation Program projects, reservation of bond authority for conceptual approval for these projects, and accelerated cash proceeds for the projects.

Within the minimum work determination, there are a few things that we are already doing. DSA has implemented a new procedure as part of their seismic reviews that separates -- requests two sets of plans to be turned in for each project and separates the minimum work from any other work that's in the project.

This will help us make the determination of funding only those things that are minimum to mitigate the
seismic threat.

Also we've been doing outreach out in the field with school districts and we're proposing to do predesign and pre-plan approval meetings for the same reason.

We heard that some of the expectations that stakeholders have when they receive their plan approvals from DSA might change when they come in and have the minimum work determined. There's two different things going on there.

The role of DSA is to review the plans for code compliance, whereas OPSC's role is to review and separate out the minimum work to be funded.

So we think that these two things, again which we're already doing administratively, will greatly increase in kind of heading off that expectation, giving them a clear perspective on what they can expect when they submit their funding applications.

Another topic the Board might want to consider is a holistic approach to SMP funding. As is discussed, there's oftentimes extra work in these plans that districts might elect to do during the course of the seismic project, and there could be an interpretation made to maybe broaden what the program funds, and that would be to fund some of these things that might be included in these projects.

It would take regulations and the Board might
consider that they could be funding work that's not seismic related if they choose to do that.

Also in the minimum work area was the idea of partial seismic upgrades, and what the idea of this is would be to focus on the most critical deficiencies in these buildings and prioritize the projects that way. The manifestation of that would be a smaller scoped project that might be within the district's budget. And we think that regulation and procedural changes could accommodate that.

Some of the other comments we heard related to this topic were -- by some of the stakeholders were that they would like to be maybe perhaps a method where they could avoid triggering code upgrades such as accessibility and fire, life, safety that go along with these projects. That would take a legislative fix for that.

Moving onto reservation of bond authority at the conceptual approval. Conceptual approvals are provided for any project that wishes to seek it, and what it is, is basically confirmation from the Board that their project is eligible for the program, and it outlines a tentative budget for them and what they can expect when they come in for full funding application.

The idea here would be to reserve bond authority at that phase. We have other programs that do that. However, those programs, such as Critically Overcrowded
Schools or Charter Program, have specific statutory authority in order to that.

This program does not. So absent that, we wouldn't be able to provide that for this -- for seismic projects.

And lastly, accelerated cash proceeds, this would be essentially letting health and safety projects to skip the priority funding period. So a certification window would be made open to them. Instead of just two periods per year, it would be open all the time for them.

They could come in under the same 90-day timeline for fund releases, and we would be able to provide cash to them perhaps as much as six or seven months ahead of when they might get funded otherwise through the priority funding program -- the priority funding procedures.

So that's the report. I'll answer any questions if you have one.

CHAIRPERSON ORTEGA: Okay. Great. Thanks.

Before we take questions, I'd like to suggest that we act on just the acceptance of the report so that that gives the staff the ability to submit the report to the Legislature and then we can get into the substance of the report.

SENATOR HANCOCK: I would move that we accept the report.

CHAIRPERSON ORTEGA: Okay. Thank you. So moved
and seconded. Please call the roll.

MS. JONES: Okay. Senator Hancock.

SENATOR HANCOCK: Aye.

MS. JONES: Assemblymember Nazarian.

ASSEMBLYMEMBER NAZARIAN: Yes.

MS. JONES: Assemblymember Chavez.

ASSEMBLYMEMBER CHAVEZ: Aye.

MS. JONES: Esteban Almanza.

MR. ALMANZA: Aye.

MS. JONES: Nick Schweizer.

MR. SCHWEIZER: Aye.

MS. JONES: Cesar Diaz.

MR. DIAZ: Aye.

MS. JONES: Eraina Ortega.

CHAIRPERSON ORTEGA: Aye.

MS. JONES: Motion carries to accept the report.

CHAIRPERSON ORTEGA: Okay. Great. And now, Senator Hancock, you have a question. Please.

SENATOR HANCOCK: Thank you. Thank you very much. Yeah. I think the report is really good. I want to thank the staff for all the work that went into it.

I am interested in some of the areas you mentioned that we might want to get future work in, and particularly, I really want to thank DSA for your part in the streamlining of this funding.
I do wonder, however, if we could streamline a little bit more so that we can only one agency doing the review because we all know it's the bucket time, if you will, that it takes to move something from one agency to another and then somebody else to look at it. You know, and that might be DSA and if there are specific things that OPSC looks at, maybe you could suggest it to them.

But it seems to me we would streamline things so much if we could follow up and have only one agency do the review.

And also I thought the points about the holistic funding in the report were very, very good and perhaps staff could bring us regulatory language so that we could broaden scope of available work to fully replace systems components, and some of the examples are things like if you have to tear a part of the roof off a school to put in bracing and you have an older school, you've got to actually replace the whole roof. You can't just put new shingles up over the patch. But that should be able to be included in the scope of work to actually complete seismic.

And also I thought that the reservation of bond authority for conceptual approval, that made a lot of sense. And if you could this back, I understand that that has to be legislation, but possibly we could do a committee bill. I mean again it's just moving forward with things we know we
have to do, getting the money out the door a little sooner, making jobs for people a little sooner, making schools safe for the kids and teachers a little sooner.

So if you could do that, I think we might be able to handle this with really very little problem moving through the Legislature.

So I would be -- I don't know if we need to move that we ask the staff to come back with that regulatory language and with a recommendation for how to streamline so that only one agency has to sign off on the minimum work determination.

CHAIRPERSON ORTEGA: Are there any other comments or questions from Board members?

Well, a couple things that I would like to say regarding the -- having one agency review the plans. I don't think that specific question was reviewed as part of this report; is that correct, the --

MS. SILVERMAN: No, we didn't address --

CHAIRPERSON ORTEGA: So that does sound like something that the staff could focus on that specific question, would there be a way, and if not, maybe explain where the either regulatory or statutory guidelines make clear that there are --

MS. SILVERMAN: Okay.

CHAIRPERSON ORTEGA: -- these separate roles. So
I think that would be one.

The reservation of bond authority issue, I mean -- from my perspective, since it does require legislative action, I think it might be appropriate for the staff to bring back the specific statutory scheme that controls that and explain the -- what would need to be changed and from the staff's perspective, how that could work.

But I think beyond that, I don't know what further role the Board could have because it would need to be done pursuant to legislation. But I think it would be fine for the staff to identify what the -- you know, what the technical barrier is there.

And then on the question of the holistic approach, I would say that at this point, without having gotten into the details too much on what it might -- what a proposal might mean, I don't think I would be supportive of looking at ways to expand the definition of what can be allowed under this program.

I think it's been clear from the proposals that we've had in our budget in the past that we support -- we've supported in the past a transfer of the funds from this program to the general New Construction and Modernization Programs, but I don't see the support for kind of re-engineering what this program has allowed for.

So I think if there is a determination that's been
made -- there's a policy priority to keep these funds as seismic safety funds, then I think from my perspective we ought to stay true to that, that it needs to be for seismic upgrades.

And so I'm very concerned about the extent to which you start allowing other things to be included in a project when those funds are no longer available for seismic safety, and at that point, why not allow those funds to be used for other projects that may have come in before a seismic project that may have other reasons why they should be a priority.

So I think on that particular question, the holistic approach, I would not be supportive of asking the staff to further develop that proposal.

SENATOR HANCOCK: Well, I could change my motion to only include the two items, but maybe we could ask staff if they could track some of this for us. I mean we're getting down to the last few million dollars; right?

CHAIRPERSON ORTEGA: Sure.

SENATOR HANCOCK: And I would be interested if there's somebody that has a real seismic hazard but just doesn't have the money to fix the other piece that's impacted by the seismic upgrade --

CHAIRPERSON ORTEGA: Um-hmm.

SENATOR HANCOCK: -- I don't know if that could
give them --

    CHAIRPERSON ORTEGA: Sure.

    SENATOR HANCOCK: -- a leg up in getting just some
of the general money too. But -- and, you know, it might
not be going to happen that much. It just --

    CHAIRPERSON ORTEGA: Yeah.

    SENATOR HANCOCK: -- would make sense for us to
track a little bit.

    CHAIRPERSON ORTEGA: Okay. I think we can ask the
staff to do that and perhaps staff could give us an update
on kind of where we are on the conceptual approvals that we
have and so potential for drawing down those funds at
future -- as a result of future actions.

    MS. SILVERMAN: Yeah. We can definitely give you
that on conceptual approvals. We have some timelines
associated with those.

    CHAIRPERSON ORTEGA: Okay. So I think then,
Senator Hancock, if -- I'm not sure we do need a motion, but
to the extent you want to make one, it would be to have the
staff bring back the discussion of the single agency review
and the specific language that creates the statutory rules
under --

    SENATOR HANCOCK: Um-hmm.

    CHAIRPERSON ORTEGA: -- the reservation of bond
funds. Right? Am I missing --
CHAIRPERSON ORTEGA: Okay. So there's a motion on the table.

MR. DIAZ: Second.

CHAIRPERSON ORTEGA: Seconded by Mr. Diaz. Okay.

Go ahead and call the roll and also I just want to note for the record that Assemblymember Nazarian and Senator Fuller have joined us.

MS. JONES: And I have noted that.

CHAIRPERSON ORTEGA: Great.

MS. JONES: Okay. Senator Hancock.

SENATOR HANCOCK: Aye.

MS. JONES: Senator Fuller.

Assemblymember Nazarian.

ASSEMBLYMEMBER NAZARIAN: Aye.

MS. JONES: Assemblymember Chavez.

ASSEMBLYMEMBER CHAVEZ: Aye.

MS. JONES: Esteban Almanza.

MR. ALMANZA: Aye.

MS. JONES: Nick Schweizer.

MR. SCHWEIZER: Aye.

MS. JONES: Cesar Diaz.

MR. DIAZ: Aye.
MS. JONES: Eraina Ortega.

CHAIRPERSON ORTEGA: Aye.

MS. JONES: Thank you. Motion carries.

CHAIRPERSON ORTEGA: And I think that is it for the action items. Do we have -- Tab 11, the workload. Am I missing anything.

MS. SILVERMAN: I'm not sure --

CHAIRPERSON ORTEGA: Pardon me.

MS. SILVERMAN: Making sure that I --

CHAIRPERSON ORTEGA: Oh, yes. Oh, Senator Fuller.

Did you have a question.

SENATOR FULLER: I was just -- if the roll's still open, I'll vote yes on that last motion.

CHAIRPERSON ORTEGA: Okay. Thank you.

SENATOR FULLER: And -- that's all.

CHAIRPERSON ORTEGA: Great. Thank you.

MS. JONES: So note.

CHAIRPERSON ORTEGA: Lisa.

MS. SILVERMAN: Okay. So the nonaction items we have is if we just go back over to the financials. Very quickly on the Status of Funds Releases.

I know since our last Board meeting, we just want to give the Board an update that we have released over $51.2 million and that was the result of the tail end of the priority of funding for the last -- for last year.
And also as far as the financials -- and that's all I have for the status of fund releases, really short and quick.

But we had a lot of activities in the financial report area as a result of the movement of the CTE money and also the High Performance Incentive Grant money as well. We actually have close to $35 million moved over.

As a result, we were able to also move -- there were some projects on the true unfunded list. So as a result, we actually moved about $17 million -- I apologize -- in that category and we also had a number of projects in the close-out activity for $4.2 million that also moved over as a result.

So collectively, there was $4.2 million that went back to the program as a result of the close-out and rescissions, and we also wanted to note that in the administrative cost area, as a result of the surplus fees that we were collecting, the Board took action to reserve some funds for $5.3 million in Proposition 1D and that was in March.

And we wanted to reflect a posting of that bond authority back to the program. So that is collectively in the administrative cost line item.

And as a result of the Budget Act, there was actually a reservation of funds that we took in March as
well, and the Budget Act was an amount slightly lower, 400,000, so we also wanted to post that back to Proposition 55 and the new construction area.

So $5.7 million are going back to the program as a result of our prior admin. reservation for '14-'15 budget year.

And collectively in the unfunded approvals, we have $5.8 million moving forward. We have a seismic project, new construction, modernization projects moving forward. We also reflect a charter rescission and also we had a charter project that had a slight haircut because we didn't have enough bond authority for them. As a result of that rescission, we were able to make them whole.

And so that's the activity, collectively, of the unfunded approvals moving forward and a seismic project as well, one of those projects also moving forward.

And the following page, we just want to summarize the Emergency Repair Program. There's $4.9 million that are actually being awarded to those projects.

We gave some projects a slight haircut because we didn't have enough funds, but we were doing some fund reconciliations and posting of interest back to the program, and so collectively, we were able to make those projects whole and also start moving forward on some other projects on the list and they too will have a partial haircut. So
$4.9 million in the Emergency Repair Program did go out. And that's it.

CHAIRPERSON ORTEGA: Okay. Thank you. And I realize that I neglected to ask if there was any public comment on Item 10, the Seismic Mitigation report, so I will ask now. Didn't see anybody jump up, but I thought I should ask anyway. Okay.

And any comment on any of the reports that we have just heard? Okay. Seeing none, Lisa, that's all you have.

MS. SILVERMAN: Tab 11 is just the workload for the next 30 days -- or 90 days.

CHAIRPERSON ORTEGA: Okay.

MS. SILVERMAN: Apologize.

CHAIRPERSON ORTEGA: Okay. Any other questions from members? Is there any general public comment? Okay. Seeing none, we'll be adjourned. Thank you.

(Whereupon, at 4:28 p.m. the proceedings were adjourned.)
REPORTER'S CERTIFICATE

STATE OF CALIFORNIA )
COUNTY OF SACRAMENTO ) ss.

I, Mary C. Clark, a Certified Electronic Court Reporter and Transcriber, Certified by the American Association of Electronic Reporters and Transcribers, Inc. (AAERT, Inc.), do hereby certify:

That the proceedings herein of the California State Allocation Board, Public Meeting, were duly reported and transcribed by me;

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That I am a disinterested person to said action.

IN WITNESS WHEREOF, I have subscribed my name on February 25, 2015.

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Mary C. Clark
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