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CALIFORNIA STATE ALLOCATION BOARD

PUBLIC MEETING

(TELECONFERENCE)

ZIGGURAT BUILDING
707 3RD STREET
CONFERENCE ROOM 4-221
WEST SACRAMENTO, CALIFORNIA 95605

DATE: WEDNESDAY, OCTOBER 26, 2022

TIME: 4:04 PM

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APPEARANCES:

MEMBERS OF THE BOARD PRESENT:

GAYLE MILLER, Chief Deputy Director, Policy, Department of Finance, designated representative for Joe Stephenshaw, Director, Department of Finance

ANA LASSO, Director, Department of General Services

JEREMY SMITH, Appointee of Gavin Newsom, Governor of the State of California

JUAN MIRELES, Director, School Facilities and Transportation Services Division, California Department of Education, designated representative for Tony Thurmond, Superintendent for Public Instruction

SENATOR SCOTT WILK

SENATOR CONNIE M. LEYVA

SENATOR JOHN LAIRD

ASSEMBLY MEMBER PATRICK O'DONNELL

ASSEMBLY MEMBER MIA BONTA

REPRESENTATIVES OF THE STATE ALLOCATION BOARD/OFFICE OF PUBLIC SCHOOL CONSTRUCTION PRESENT:

LISA SILVERMAN, Executive Officer

BARBARA KAMPMEINERT, Deputy Executive Officer

Transcribed by: Ruth Millican,
eScribers, LLC
Phoenix, Arizona

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1 **MS. JONES:** Gayle Miller?

2 **MS. MILLER:** Here. Thank you, everyone. We have a
3 quorum. And pursuant to SB189 Chapter 48 Statutes of
4 '22, the meeting is being conducted by Zoom. It's also
5 being broadcast in Room 4221 at 707 3rd Street in West
6 Sac for anyone that wants to provide public comment in
7 person. In order for the meeting to run efficiently, all
8 attendees will be muted during the meeting.

9 If any member of the public would like to make a
10 comment, please use the raise-hand feature in the Zoom
11 interface and I'll call on you at the appropriate time.
12 If you are calling into the meeting and not using the
13 Zoom app on a mobile device or a computer, you will
14 unfortunately be unable to comment. There will not be a
15 closed session at this meeting.

16 And with that we will move to our first order of
17 business, which are the minutes from September 21st,
18 2022. I think those are ready. Are there any questions
19 or comments? Any public comment? I will move approval
20 of the minutes. May we have a second?

21 **SENATOR LEYVA:** Second.

22 **MS. MILLER:** Great. Second from

23 **SENATOR LAIRD:** Second.

24 **MS. MILLER:** -- Senator Leyva. I think we still
25 have to call the roll still of the minutes, right, Ms.

1 Jones?

2 **MS. JONES:** Yes, we do.

3 **MS. MILLER:** Great.

4 **MS. JONES:** Senator Wilk?

5 **SENATOR WILK:** Aye.

6 **MS. JONES:** Senator Leyva?

7 **SENATOR LEYVA:** Aye.

8 **MS. LASSO:** Senator Laird?

9 **SENATOR LAIRD:** Aye.

10 **MS. JONES:** Assemblymember O'Donnell?

11 **ASSEMBLY MEMBER O'DONNELL:** Aye.

12 **MS. JONES:** Juan Mireles?

13 **MR. MIRELES:** Aye.

14 **MS. JONES:** Jeremy Smith?

15 **MR. SMITH:** Aye.

16 **MS. JONES:** Ana Lasso?

17 **MS. LASSO:** Aye.

18 **MS. JONES:** Gayle Miller?

19 **MS. MILLER:** Aye. The minutes are adopted. Next,

20 we'll move to the executive officer statement, Ms.

21 Silverman.

22 **MS. SILVERMAN:** Yes. Hi, everyone. We're excited
23 to be here. We actually have a -- a lot of money to give
24 out today, so what's not to be excited about? We want to
25 just highlight a few things before we get to the action

1 items.

2 We actually had a certification round that closed on
3 June 9th, and that certification round provides districts
4 an opportunity to access our program cash. Great news
5 because these projects will be moving forward in our
6 agenda today as it relates to we have full-bond-sale
7 proceeds to allocate as well. And just to remind
8 districts, if you do receive an apportionment tonight,
9 that you have until January 24th of 2023 to access your
10 program cash. Again, great news.

11 We also wanted to highlight to the Board that we
12 also are activating an expedited party funding
13 apportionment process, and this is great news. So
14 districts that didn't certify during the last
15 certification round, they do have the ability to -- they
16 actually did have the ability to provide us a
17 certification to participate and activate to be part of
18 the general fund process. And so if you had an unfunded
19 approval June through October and also those folks that
20 didn't miss out the opportunity to provide a
21 certification prior to that June cutoff, really also
22 activating those projects, so we have 139 projects that
23 we'll be presenting today that has a general fund
24 allocation, so that's great news. Lots of money going
25 out. We'll hit those highlights later.

1 And then short and quick, our next meeting is going
2 to be November 28th at 4:00.

3 **MS. MILLER:** Great. Thank you. It is very exciting
4 indeed. Any questions, comments? Seeing none. We will
5 now move on to the consent agenda, please, Ms. Silverman
6 again.

7 **MS. SILVERMAN:** Consent agenda is ready for your
8 approval.

9 **MS. MILLER:** Great. Thank you.

10 **SENATOR LEYVA:** So moved. So moved.

11 **ASSEMBLY MEMBER O'DONNELL:** Moved, by O'Donnell.

12 **MS. MILLER:** Great. Thank you. Moved by Senator
13 Leyva, seconded by Mr. O'Donnell. Any comments, any
14 public comments on the consent agenda? A reminder to
15 raise your Zoom hand. Seeing none.

16 Ms. Jones, will you call the roll, please?

17 **MS. JONES:** Yes, I will. Senator Wilk?

18 **SENATOR WILK:** Aye.

19 **MS. JONES:** Senator Leyva?

20 **SENATOR LEYVA:** Aye.

21 **MS. JONES:** Senator Laird?

22 **SENATOR LAIRD:** Aye.

23 **MS. JONES:** Assemblymember O'Donnell?

24 **ASSEMBLY MEMBER O'DONNELL:** Aye.

25 **MS. JONES:** Juan Mireles?

1 **MR. MIRELES:** Aye.

2 **MS. JONES:** Jeremy Smith?

3 **MR. SMITH:** Aye.

4 **MS. JONES:** Ana Lasso?

5 **MS. LASSO:** Aye.

6 **MS. JONES:** Gayle Miller?

7 **MS. MILLER:** Aye. The consent agenda is adopted.

8 Thank you very much.

9 Next, we will move to the financial reports, please,
10 Ms. Silverman.

11 **MS. SILVERMAN:** Yes, on stamped page 107, we just
12 wanted to highlight the cash that's been released, and
13 that activity happened. In September, we had 16.4
14 million dollars released, so that's great news. But we
15 have lots of dollars to award tonight. And so we'll be
16 tracking additional dollars in the future. And we also
17 wanted to highlight on -- on status of the funds on page
18 110 as far as -- it's just a summary of the items that
19 the Board approved in the consent agenda. So there's
20 actually 103.2 million dollars. That's forty-five
21 projects that also will receive an hun -- an unfunded
22 approval tonight, so that's great news. I'll open up to
23 any questions.

24 **MS. MILLER:** Any questions or just a moment to
25 express deep gratitude to OPSC and really to all the

1 legislators, because this is your budget that got us to
2 this point. So it's a really, really big deal for lots
3 of facilities around the State. Just as we see
4 California coming back up in terms of performance and our
5 students doing better and hopefully will continue to do
6 so and really improving the facilities will make a huge
7 difference. So this is like lightning fast for how
8 quickly this team got these dollars out. So I like --
9 it's really, truly phenomenal. So thank you very, very
10 much.

11 Any other questions or in the course of praise for
12 the OPSC team? Yes, Ms. Lasso.

13 **MS. LASSO:** I just want to congratulate Ms.
14 Silverman, Ms. Kampmeinert, and Mr. Watanabe. They are a
15 stellar team. It's very special to have them as part of
16 our team at DGS and I'm just impressed by all their hard
17 work and knowledge, so thank you very much.

18 **MS. MILLER:** Thank you, Ms. Lasso. And thank you
19 for leading this amazing team.

20 Anyone else? Nope. Well, congratulations again.

21 With that, the Inglewood appeal has been withdrawn
22 for Inglewood USD, and we now will move to the appeal of
23 the Round Valley Unified School District. And Ms.
24 Kampmeinert will introduce that. Ms. Kampmeinert.

25 **MS. KAMPMEINERT:** Yeah. Thank you. So on stamped

1 page 168 of the agenda, we have the staff report related
2 to the appeal for Round Valley Unified. And this is
3 related to an application that was submitted for new
4 construction funding in 2018. And this was submitted as
5 a request to do a use of grants, which enables districts
6 to use new construction pupil grants to construct minimum
7 essential facilities if they do not have the facility or
8 if the facility that they have is inadequate for the
9 site's enrollment.

10 The District had submitted a request for a gymnasium
11 building for the high school. And when we were reviewing
12 this application, it was returned because we did not
13 believe that it met the Regulations in order to be
14 eligible for funding. And I'll go into some of the
15 details here. But the basic -- the basic reason is that
16 all documentation that we have on this site or that was
17 submitted with this application indicates that the site
18 already had an existing gymnasium. And when looking at
19 the enrollment of the school site, which was -- it's
20 around 121 students for the 2021/2022 school year. But
21 based on that enrollment, there is a minimum size of
22 gymnasium facility that is required or allowed for the
23 site. And the District had about -- about a thousand
24 square feet more in the existing building that was
25 identified as a gymnasium.

1 So the -- as we were getting into the appeal -- so
2 the application was returned and then the District did
3 submit an appeal request to have this application
4 reinstated. And I believe we have a number of
5 representatives from the District here today that will
6 provide some additional detail on that. But as we
7 evaluated the appeal documentation, some of the things we
8 had looked at were a comparison of the two facilities to
9 see if there was a distinction between what the District
10 already had at the school site compared to the facility
11 that was recently constructed. So the building was
12 actually constructed -- the district's been working on
13 this, the concept, and the project itself for a number of
14 years. It has a great deal of meaning for the community
15 to have this gymnasium building and it did open in 2020.
16 So the facility has been constructed.

17 And in comparing the -- the -- the layouts of both
18 of the buildings, we did not see -- we did not see too
19 many differences. Now, the school district does in the
20 original gymnasium -- gymnasium building, the school
21 district does provide the lunch service to the students
22 through the prior snack bar concession area. So they
23 have -- the food is prepared off site and then it's
24 warmed and served to the students through that piece of
25 the old gymnasium building. The students are -- it's our

1 understanding the students are not allowed to eat in the
2 new gymnasium building and -- but there is no -- no
3 ability to cook in the original gymnasium facility. So
4 it's not -- not a full kitchen, but an opportunity to
5 provide the lunches to the students. And if the weather
6 is not -- if the weather is not -- if the kids are not
7 able to eat outside because of the weather, then the
8 students are able to eat inside the original gymnasium
9 facility as well.

10 However, the building itself -- the old building
11 itself, again, it's been identified in all plans sets and
12 documentation as of gymnasium, it -- it looks like a
13 gymnasium. It's got a PE classroom. It's got shower-
14 locker, space for a basketball court, et cetera. So
15 it's -- it looks like a gym. The new space also does --
16 we've included a chart in the item to kind of do some
17 comparisons. It's on page 172, and it kind of shows the
18 differences. The new building is bigger. The new
19 building is able to accommodate -- accommodate a
20 Regulation-sized basketball court, which enables the
21 school district to host some of their home games, so that
22 is a benefit of a new building. However, we are not
23 seeing a lot of differences between these two facilities.

24 And it's our understanding that the District would
25 like the Board to consider the original gymnasium

1 building to be a multipurpose room, because if they --
2 they do not have another multipurpose room. And if that
3 original structure is considered a multipurpose room,
4 then the District would be eligible for a gymnasium
5 because the District would have been eligible for one
6 gymnasium and one multipurpose room on the campus.
7 However, they had a gymnasium and built a gymnasium, so
8 they now have two gyms.

9 So our issue from the staff perspective is that this
10 is not allowed in Regulation. So we have specific
11 Regulations about how a use of grants request can come in
12 and specific sizes of buildings that count, what types of
13 buildings you can construct. And unfortunately, this
14 situation, we do not believe complies with the
15 Regulations. And we have a concern with setting aside
16 the Regulations because we're not seeing -- we're just
17 really not seeing a gray area or an opportunity on how to
18 do that, unfortunately.

19 And we would be concerned with the precedent that it
20 could set if the appeal were to be approved, because
21 there are -- there are a lot of districts out there that
22 have existing core facilities that are not -- not ideal
23 or maybe not designed or built to today's standards. So
24 we could see additional applications come in that might
25 be in similar circumstances.

1 So to -- to sum it up, we -- we don't believe that
2 this complies with the Regulations because the existing
3 facility is sufficient as a gymnasium, and there are no
4 provisions in the Regulations that would allow us to
5 approve an application for the District to then construct
6 another gymnasium that is slightly bigger. With that, I
7 will open it up to questions or I believe we have some
8 members from the District here that would like to speak
9 as well.

10 **MS. MILLER:** Great. Thank you. Are there any
11 que -- Senator Leyva has a question. We'll do Board
12 questions. And then I know there's perhaps four folks
13 that are hoping to speak on this appeal. So if you can
14 raise your Zoom hand so that we can promote you and
15 you're able to testify before the Board this afternoon.
16 So Senator Leyva and thank you.

17 And if you don't mind, just muting yourselves from
18 Round Valley while we're waiting for the Board to speak,
19 I would appreciate it. Thank you.

20 So Senator Leyva, please.

21 **SENATOR LEYVA:** Thank you, Gayle. So the new gym is
22 built already, correct? So they have the old gym, which
23 is going to be converted to a multipurpose room. If they
24 had done the multi -- made it a multipurpose room first
25 and then constructed the gym, they would have been

1 eligible for the money for the gym?

2 **MS. KAMPMEINERT:** No, because everything we had
3 would still show that building as a gymnasium. So there
4 isn't a provision in the program that would allow you to
5 first convert and then say you didn't have that facility.
6 If they had built a multipurpose room, which they did not
7 have, we would have been able to fund the multipurpose
8 room. But because --

9 **SENATOR LEYVA:** So (audio interference) old gym and
10 build a multipurpose room?

11 **MS. KAMPMEINERT:** That would have been an eligible
12 project.

13 **SENATOR LEYVA:** I see. Okay. Thank you.

14 **MS. KAMPMEINERT:** They potentially could have done a
15 hybrid facility as well, but it would have had to be
16 identified as a true hybrid facility. And my
17 understanding on this one is that it is a hundred percent
18 dedicated to athletics and gymnasium purposes.

19 **SENATOR LEYVA:** Okay. Thank you.

20 **MS. KAMPMEINERT:** Uh-huh.

21 **MS. MILLER:** Thanks, Senator. Any other Board
22 member questions? Seeing none.

23 Mr. Gorman, do you want to go first? And if you
24 could just state your name and position for the record?

25 **MR. GORMAN:** Yeah.

1 **MS. MILLER:** And if it's okay with you, I'll call
2 you in the order you raised your hands unless you have a
3 preference. I have Mr. Gorman, Mr. Whitman (sic), and
4 then Ms. Wallits? I hope I'm --

5 **MR. GORMAN:** Yeah. Willits --

6 **MS. MILLER:** Willits, I'm sorry.

7 **MR. GORMAN:** -- so I won't be able to cancel it.
8 Yeah. I -- so I'm Superintendent Mike Gorman of Round
9 Valley Unified School District up here, rural Mendocino
10 County. I have Board Member Lew Chichester sitting next
11 to me, so I'll just -- he wants to speak to it, too. So
12 when it's his turn, I'll just turn the camera to him,
13 then he'll have a chance. And then we have Kat Willits,
14 who's my assistant. She's a former tribal council member
15 for the Round Valley Indian Tribes. And then we have
16 Brian Whitmore, who's our architect. And you know, if he
17 has something to say at the end, he'll wrap it up.

18 But so -- yeah, so in 2018, you know, we applied for
19 new-construction money to build a new gymnasium. And it
20 was denied on the fact that, as already been said, that
21 we already have an adequate gymnasium on our site for the
22 site enrollment. And that's kind of where we kind of
23 want to -- you know, debate a little bit, kind of get
24 into a little bit of -- you know, more communication on
25 because the facility we have is over 80 years old and it

1 is, for all intents and purposes, a community center for
2 this community. You know, we have a tribal community,
3 very small rural community, and we've hosted everything,
4 concerts, funerals.

5 And it just does -- it's on a high school campus,
6 but it just doesn't serve the high school kids. It's
7 also for the elementary school, middle school, which is
8 across the street. That's their facility because they
9 have no indoor facility.

10 We use it for our food. We bring the food over. We
11 have no cafeteria, so we bring the food over from the
12 elementary school, serve our kids. Rainy days, they have
13 to eat inside. So for all intents and purposes, that is
14 a community center for our small community. And yes, it
15 is a gym. We've played you know, basketball and
16 volleyball in there, but it's so small that you know,
17 I've been here ten years. And before I got here, they
18 had to play games at Willits and Laytonville because
19 schools would come up here and play on the court.

20 So we'd decided -- you know, we just needed a bigger
21 facility. We're bursting at the seams. We're growing in
22 enrollment up here. And we use it for so many different
23 areas that we just felt we needed to go ahead and get a
24 new facility built, so we did that. We passed two bonds
25 and we've also taken out a 2 million-dollar loan that we

1 have to pay back in order -- you know, we're paying that
2 back. So you know, we feel this -- this money is
3 critical to payoff -- you know, construction -- existing
4 construction cost and to further the facility
5 improvements that we might need. I mean, I'm sitting in
6 a building right now that's built in the 70s and we have
7 other portables. So we -- we've got old facilities up
8 here. And so this money would be very, very helpful to
9 help us you know, with future endeavors.

10 But we believe it's a multipurpose room. I know
11 it -- it -- it's a fa -- you know, based on their data
12 and their formula, they say, you know, it's a gym and
13 it's adequate, but we kind of disagree, so. But I
14 appreciate you listen to our appeal and I'm going to pass
15 this on to Lew Chichester, one of our board members. And
16 I want him to say a few words on this, so thank you.

17 **MS. MILLER:** Mr. Chichester, can you just state your
18 name for the record, please?

19 **MR. CHICHESTER:** Yes. This -- my name is Lew
20 Chichester. I'm one of the district school board
21 trustees. And I've -- background, I've lived in this
22 community for fifty years. I've been on the school board
23 for ten. We have had consistently the same school board
24 members for over ten years. We've had the same
25 superintendent and our high school principal served for

1 ten years. And that gave us the opportunity to, instead
2 of always trying to figure out how to keep the wheels on
3 the machine, we were able to actually pass a bond issue
4 with the support of the community for absolutely,
5 essentially, needed facility.

6 What was missed in the staff report and the denial
7 of our application was that our elementary and middle
8 school have no indoor athletic facilities at all. All
9 they have is lunch room and we're a very tight district.
10 There's only about 450 students. The middle school and
11 elementary school is right across the street from the
12 high school. And they come over to the high school every
13 single day for sports, for programs, for cultural events
14 and to characterize this eight-two year old gymnasium on
15 our campus as only a gymnasium which serves the high
16 school was -- was seriously flawed.

17 That facility actually serves 450 students almost
18 every single day, functions as a multipurpose room and
19 really should have been considered the existing building
20 as a hybrid multipurpose gymnasium. And just looking at
21 the Regulations in here, that supposed to be over 10,000
22 square feet and the building that we've been using for
23 eighty years is too small. We have growing enrollment
24 and we went really -- you know, took a risk with the
25 support of the community to say, yes, we deserve to have

1 a new gym. And I think we also deserve a review of the
2 staff's analysis that says this is existing gym only
3 serves 121 students and it's not a multi -- multipurpose
4 room. That's my point.

5 I think that that's the issue, in fact, which can
6 easily be reconsidered, and I think we qualify. So I'll
7 turn this over to Kat Willits probably at this point.

8 **MR. GORMAN:** Yep.

9 **MS. MILLER:** Great.

10 **MR. GORMAN:** Will do.

11 **MS. MILLER:** So I'm going to -- I'm just going to
12 ask that -- so obviously, the only analysis the staff can
13 do is based on existing Regulations. So I do want to
14 make sure that that's clear. The Board cannot rewrite
15 Regulations for this --

16 **MR. CHICHESTER:** Yeah.

17 **MS. MILLER:** -- appeal. So I appreciate that. So
18 if Kat Willits wants to testify, and then, Brian Whitmore
19 (, if you could state your name for the record and if you
20 could please not repeat anything that's been said. I
21 think that's really important. So please, Kat Willits,
22 it's if you want to go first?

23 **MS. WILLITS:** Hi, I'm Kat Willits. I am a tribal
24 member here in Round Valley. I have recently come to
25 work for the school. I still do a lot of tribal work

1 within the community and within the county. And I have
2 just I'm -- I'm here for the Tribe for more than
3 anything. But I wanted to state that this small, multi-
4 purpose gym has been the hub of our culture here. We
5 have no other buildings that can use for that.

6 During the pandemic, it served as a testing site and
7 as a site where people could come and get vaccines, and
8 this was used over and over again. It's a place for our
9 tribal community to come when we need a place to have
10 ceremonies, drumming, dancing, stickings. We have very,
11 very few resources here.

12 And to say that this gym -- this is just a gym, we
13 don't see it that way. And we really hope that somehow
14 we can keep this going and keep our school going because
15 we don't have any other choice. And so as a tribal
16 member and as an employee for the school, I understand
17 your guidelines, and I -- and I totally understand that
18 you have to stick with precedence, but at this point, I
19 think we -- I would like you to look at the number of
20 children that we are actually serving and the -- the size
21 of the buildings.

22 And -- and I hate to re -- restate what we've said,
23 but we have a -- a eating facility for our elementary and
24 for our middle school that only has a capacity of 200, so
25 we have over 300 children taking shift lunches because we

1 can't -- we can't afford to have them in there. So when
2 the pandemic break -- broke out, you know, we can't
3 have -- we don't have the luxury of six feet apart. So
4 I -- I wanted that to be in consideration and also the
5 consideration of -- you know, the promises that we will
6 have health and safety and education here in this small
7 community because we are all we have. We can't commute
8 out. There's no other schools to transfer to. And this
9 is truly a -- the school is a very large, integral part
10 of this community. And for the tribal people here.

11 **MS. MILLER:** Great. Thank you very much. Mr.
12 Whitmore, do you want to go ahead?

13 **MR. WHITMORE:** Yeah. Thank you. I'm Brian
14 Whitmore. I'm with Studio W Architects, President and
15 CEO. We were the architects of record for the project
16 and work with the District since 2014.

17 We first got involved with Round Valley Unified
18 School District to assist them in passing their bond. We
19 put together a master plan and really the focus of the
20 master plan was this gymnasium. You know, when we first
21 engaged with the school district, it was really a focus
22 on adequacy of that original, quote-unquote gymnasium,
23 mid-size and what it could produce. As -- as you're
24 probably well aware of when we design gymnasium
25 facilities, the real basis of that is a regulation court,

1 an eighty-four by fifty basketball court with the ability
2 to have cross courts for basketball, but also cross
3 courts for volleyball. The gymnasium itself now and
4 at -- as Mike Gorman has mentioned, to be exact, to the
5 1930s, you can see, I believe, in the packet, the long
6 dimension on that building, it's just eighty feet wide.
7 So we don't even have a regulation basketball court
8 within that space.

9 There's very little room for any sort of
10 participants of the -- very little bleachers to
11 accommodate any sort of spectating of -- of sports in
12 that original gymnasium. And so the focus was to create
13 something that truly could function as a gymnasium and
14 then have the ability then to focus the whole building
15 on -- on multipurpose uses, have food service in that
16 space, have rallies, have other sorts of community events
17 that happen there so that the gymnasium could really be
18 focused on competition.

19 As was pointed out, the new gymnasium also focuses
20 on the community. And because this is a tribal
21 community, a very rural area in California, this is very
22 much used for all sorts of -- you know, different events,
23 so not just -- just the events themselves that are
24 focused on the school, but -- but events community-wide.

25 And I do want to reinstate that you know, while

1 the -- the staff report does indicate the use of the
2 gymnasium for just the high school, this is indeed a
3 facility that's used by all three. We -- we spent a lot
4 of time trying to figure out how the District could
5 afford this type of facility. Their bonding capacity
6 originally was right around 3 million dollars. And of
7 course, as I think you know -- you know, 3 million
8 dollars doesn't go very far when it comes to the
9 construction of these kinds of facilities.

10 We ult -- we ultimately came up with the -- with the
11 game plan to build this gymnasium out of CMU block,
12 because it's really the only type of material that we
13 could bring into Round Valley. There's one road in and
14 one road out. It's really a land lost in time. So
15 building materials were scarce; labor was scarce. This
16 was a challenge from day 1 to get this done.

17 We're very proud of the facility. Obviously, we're
18 very proud of the fact that we could get this completed.
19 But of course, you know, we're really looking for an
20 opportunity to -- to maximize the funding for this
21 district, allow them to become financially solvent again,
22 pay off the debt and take what remaining funds that they
23 would have through this process, put that back into other
24 facility improvements, possible modernization, even more
25 so with the -- the original gym, and focusing on

1 multipurpose, of course, but other sorts of things like
2 their kindergarten programs, administration facilities
3 there. Thank you.

4 **MS. MILLER:** Thank you very much for your comments.
5 So I'm going to have Ms. Kampmeinert respond. I think
6 there's some additional information here that I want to
7 make sure the Board is aware of. I also have obviously a
8 huge amount of empathy. And I think it's incredible that
9 the school is a community center and obviously we all
10 support that. That's actually not what's at issue here.
11 Unfortunately, what's at issue is whether or not we can
12 do what you're asking us to do within our Regulation, so.

13 And the issue when we do it for one school district,
14 obviously, is many districts throughout the State have
15 similar challenges. And then what happens when we set a
16 precedent like that. So with that, I'm going to turn it
17 to Ms. Ms. Kampmeinert to respond and then open it up to
18 the Board for any other questions. Ms. Kampmeinert?

19 **MS. KAMPMEINERT:** Yeah. Thank you. I just wanted
20 to clarify a couple of points that were raised, the first
21 being used -- usage versus the facility. And the -- the
22 usage of the building doesn't really come into the
23 conversation in the Regulations. So I -- I will take an
24 extreme example here. And if it's being used as an
25 English classroom, we wouldn't count it as a classroom

1 because it was built as a gymnasium facility. So because
2 it's built as a gym, that's how we count the facilities.
3 Otherwise it could get complex when trying to administer
4 the program.

5 I think the second piece, probably more critical
6 piece here is the adequacy based on enrollment. The
7 Regulations are site specific. So we cannot per the
8 Regulations, combine the enrollment of the elementary
9 school site with the high school site, even though they
10 are near to each other, across from each other. Those
11 are two separate school sites. And so we have to look at
12 the facilities that are specific to the site where the
13 building is being placed. And that does lead us to the
14 enrollment of the 9/12 students. And that is the square
15 footage calculation that we looked at to determine if the
16 size of the existing gymnasium was adequate.

17 So those are two pieces that we used, and that's why
18 it is laid out that way in the analysis, that it's
19 adequate for that high school because the facility was
20 constructed at the high school. It's at -- as with many
21 of the things in the program, a lot of what we do is very
22 site-specific.

23 And then as for the age of the facility, it's a
24 challenge across the State because there are a lot of
25 aging buildings and districts have to make tough choices

1 about the classrooms versus the core facilities. And so
2 there are -- the District didn't use the modernization
3 eligibility for the classrooms, so there was that option
4 there to put some of that towards the gymnasium that was
5 needed for the classrooms. And that -- that's obviously
6 a local choice and a difficult choice because you want to
7 make sure you modernize all the facilities. But there
8 are any number of districts that have had to -- had to
9 make that choice and use their modernization eligibility
10 across the campus rather than just focusing on the one
11 building, so I just wanted to address those points.

12 **MS. MILLER:** Great. Thank you, Ms. Kampmeiner. So
13 I'm going to open it up to the Board now and see if
14 there's any questions. Senator Leyva.

15 **SENATOR LEYVA:** Sorry. Me again.

16 **MS. MILLER:** Yeah, please.

17 **SENATOR LEYVA:** Ms. Kampmeiner, thank you very much
18 for your very astute analysis. So Chairwoman Miller, are
19 we allowed as a Board to override Regulation if we see
20 fit? I do understand precedent, and I do worry a lot
21 about that. But I also, after everything that's been
22 described, I understand it doesn't fit in the nice, tidy
23 little box of Regulations that we have. But I do think
24 this would be a place where we could make an exception.
25 This is a time when we have more money for facilities for

1 our schools than we've ever had before. I would, if it
2 is possible, if we were allowed to do it. And if other
3 Board members agree with me, I would make a motion that
4 we grant them the money.

5 **MS. MILLER:** Okay. Yep. Absolutely. You can.
6 This is an appeal, and the Board needs to vote on the
7 appeal, so a motion is definitely in order.

8 **SENATOR LEYVA:** Okay.

9 **MS. MILLER:** Are there any other questions, Senator
10 Laird?

11 **SENATOR LAIRD:** Yeah. I have a question and a
12 comment.

13 **MS. MILLER:** Please.

14 **SENATOR LAIRD:** The question is, is it was said, I
15 think the first piece of the staff report --

16 **MS. MILLER:** Um-hum.

17 **SENATOR LAIRD:** -- something to the effect of if
18 they had done it this way, it would have been okay,
19 implying that the way they did it wasn't okay. But they
20 could have done in a way that was okay. Could you expand
21 on that?

22 **MS. MILLER:** Ms. Kampmeinert, do you want to about
23 how it would have fit within the Regulation?

24 **MS. KAMPMEINERT:** Yeah. Absolutely. So the high
25 school site can -- per our Regulations can have one gym

1 and one multipurpose room. The facility at the site was
2 identified as a gymnasium. So if they had opted to build
3 a multipurpose facility for the new structure, we could
4 have funded this administratively. It would have been in
5 compliance with the Regulations because they did not have
6 a separate multipurpose room that would have been an
7 eligible project.

8 **SENATOR LAIRD:** But didn't they just say in their
9 presentation that this has multipurpose uses?

10 **MS. MILLER:** They did, but that Ms. Kampmeiner's
11 point. The only way, because we're not there on every
12 campus, the only way this works within the Regulation is
13 when you get the bond funding, you specifically state
14 what the use is and they specifically stated it's a
15 gymnasium. When we went back and said it wasn't an
16 eligible use of these funds, they're saying it's a
17 multipurpose room and I'm sure it is, but it's not -- the
18 only way we can be consistent with the funds is that you
19 say what you're going to build and then you build that.
20 It's almost impossible to then --

21 **SENATOR LAIRD:** But this --

22 **MS. MILLER:** -- and obviously this is an appeal --

23 **SENATOR LAIRD:** -- this is an appeal. And it is --
24 if it is a multipurpose room, it fits our Regulations.
25 If they stated at one point that it wasn't, okay. But I

1 mean, I worry that we're wrapped around the axle in how
2 this happens, because this is, in fact, a multipurpose
3 room that --

4 **MS. MILLER:** Well --

5 **SENATOR LAIRD:** -- Regulations or --

6 **MS. MILLER:** -- it's --

7 **SENATOR LAIRD:** -- has multipurpose uses, even if
8 they didn't say that at the beginning.

9 **MS. MILLER:** Right. I mean, you can absolutely,
10 Senator, vote to grant the appeal. To say it fits the
11 Regulations is what's inaccurate, so --

12 **SENATOR LAIRD:** Well, no, I think that -- I'm sorry.
13 I think I'm trying to help you. And what I'm trying to
14 help you is on the concern that this is a precedent.

15 **MS. MILLER:** Um-hum.

16 **SENATOR LAIRD:** It's like a stated reason for this
17 is we believe it fits the Regulations, they just didn't
18 fill out the application right and then you have the
19 precedent that the Regulations hold in the future because
20 that's the way it's done. And it seems to me we're sort
21 of wrapped around the axle in that they didn't say it
22 right the first time. It is what it is. It does fit the
23 Regulations. They just didn't say it at the right time.
24 If we uphold the appeal, then I think there could be a
25 statement about that that allows you defend the precedent

1 about that.

2 And the comment I was going to make, and I just
3 spoke to the Small Schools' Boards Association just in
4 the last week. I mean, I'm trying to visit my district
5 and three weeks ago, I went to a K through six district
6 that has seven students. And I spoke to all seven
7 students for an hour. And when they talked to me about
8 how they try to fit the State processes at that size, and
9 the other one, I visited them last year -- I have, I
10 think, the smallest enrollment district for K through 12,
11 there's seventeen students, there's five in high school.
12 And the State Regulations wouldn't allow them to continue
13 to have a standalone high school. And we figured out a
14 way that they get an exemption because it's three-and-a-
15 half hours roundtrip to the nearest northern high school
16 and two hours round trip to the nearest southern high
17 school.

18 Why are we making them end an academic experience
19 that works because of that, and I think we have a similar
20 situation here. And so I would be of the position that
21 we agree with their appeal but declare that it's not a
22 precedent because it's just that they didn't check the
23 right box in the application. It is in fact a -- a
24 multipurpose, but other people want to speak. Thank you
25 for the opportunity to make a comment.

1 **MS. MILLER:** Thank you, Senator. I just want to
2 clarify, and believe me, I actually have -- I understand
3 what you're saying about State Regulations. And I think
4 we have a lot of work to do. I do think OPSC is one of
5 the more flexible organizations. So I think what's
6 happening here is -- and the reason, sadly -- I'd like
7 to -- I appreciate the -- that you would potentially
8 amend the motion not to be precedential, but the issue is
9 that they're saying that both are used for both purposes
10 and that is a part of the Regulation that is it is hard
11 to find a way through because it seems as though the new
12 building should be used for all of that, too. So they're
13 saying kind of bold things about a gym and a multipurpose
14 room in both places. So again, sincerely appreciate that
15 it's not precedential, but it is complicated to have to
16 two facilities being used for the same purposes when that
17 wasn't in the original application.

18 Ms. Lasso.

19 **MS. LASSO:** Yes. Just wanted to first say to the
20 district that I really understand schools that are used
21 by community for community and become community centers.
22 And so the fact that you use your existing or the
23 original gymnasium as also the cafeteria and the
24 community center for the elementary school, for concerts,
25 for meetings, et cetera, makes me wonder if you have

1 considered the uses of these two facilities as singular.
2 And so I wanted to ask, how are you using the new
3 gymnasium or the new building and what are the plans for
4 the existing building? And then I wanted to continue
5 with my second question.

6 **MS. MILLER:** Great. Thanks, Ms. Lasso. So if we
7 could just give a brief answer, I think I'm going to turn
8 it over to Mr. Gorman. Is that appropriate? If you want
9 to just answer just that one question, please.

10 **MR. GORMAN:** So the new gym is primarily used
11 currently for our PE -- high school PE classes and for
12 our basketball, volleyball, and our sport teams right now
13 currently. So that's what it's currently being used for.

14 It could be used for other things, like we have a
15 big event, a tribal event. We can open it up for that.
16 If we have funerals, we can open it up for that.

17 And we're going to keep the -- the existing gym open
18 and that's going to stay status full. So it's used for
19 the elementary school primarily, so they've got their own
20 space. We don't need to share with the high school
21 because that's what was happening on rainy days or
22 whatever. We'd have to share it. And now they got their
23 own -- you know, facility, athletic facility, and high
24 school's got their own athletic facility, and that's what
25 we using it for, so we're using it --

1 **MS. MILLER:** So they're both gyms -- they're both
2 gyms and they're both multipurpose rooms, right?

3 **MR. GORMAN:** Well, we're -- the new gym is
4 specifically, we could -- we could use it for a
5 multipurpose room. We could use it for anything --

6 **MS. MILLER:** Yeah.

7 **MR. GORMAN:** -- we want to use it for. I mean, to
8 be honest about it, yeah, we could.

9 **MS. MILLER:** The --

10 **MR. GORMAN:** But we're --

11 **MS. MILLER:** -- so --

12 **MR. GORMAN:** -- what we've just -- but we built it
13 specifically for our athletic program because we didn't
14 feel it --

15 **MS. MILLER:** Right.

16 **MR. GORMAN:** -- was sufficient enough to -- for --

17 **MS. MILLER:** Well, that's --

18 **MR. GORMAN:** -- our current --

19 **MS. MILLER:** -- the problem within the --

20 **MS. LASSO:** Right.

21 **MS. MILLER:** -- Regulation is exactly what you just
22 said, Ms. Lasso, so --

23 **MR. GORMAN:** Well, what if -- what if we -- my
24 question, because we were going to build this offsite --

25 **MS. MILLER:** You know what, Mr. Gorman, I'm going to

1 let Ms. Lasso --

2 **MR. GORMAN:** Okay.

3 **MS. MILLER:** -- finish her answer --

4 **MR. GORMAN:** Okay. Sure.

5 **MS. MILLER:** -- and then turn it --

6 **MR. GORMAN:** Sure.

7 **MS. MILLER:** -- back to you.

8 **MS. LASSO:** Right.

9 **MR. GORMAN:** Sure.

10 **MS. MILLER:** Thank you, sir.

11 **MS. LASSO:** So Mr. Gorman, a superintendent, having
12 led -- I used to lead a joint-use program for L.A.
13 Unified and just thinking about your issue that your old
14 gymnasium is really the center of community where a lot
15 of folks have meetings and it's used and shared by the
16 other schools, would you consider -- and maybe this is
17 something for our Board to entertain, would you consider
18 really with your planning team looking at these two
19 wonderful facilities for singular uses, really converting
20 one as a community center and having the other be a
21 gymnasium? I mean, that might get us around and I don't
22 know, I'm not the expert, but that could potentially help
23 us with some of these Regulations. And I don't know
24 if this is -- this would then require a postponement of
25 an appeal, but I'm just trying to get creative. I see

1 the need in this community and definitely want to be
2 helpful. But because this -- how the application was put
3 together and how these spaces were identified, it does
4 make it difficult, I think, for staff to really evaluate
5 this.

6 **MS. MILLER:** Superintendent, do you want to unmute
7 and --

8 **MR. GORMAN:** So yeah, we could do that, because I
9 said that -- that is the only facility. I mean, now we
10 got a new gym, but that old one, we use it for
11 everything. The tribe uses it; the health center uses
12 it. You know, we have military come in, National Guard
13 come in and use it. We have CAL FIRE use it. It's an
14 evacuation center. So everybody in this community that
15 you know, has an event comes to us for use of facility
16 form to use that old gym.

17 So we could certainly, you know, just -- you know,
18 use that as a standalone, you know, community center and
19 multipurpose room. And then we could use the other one
20 as a standalone gym. And the middle school could
21 definitely use that for athletic events -- you know, we
22 could share the space there, so that's doable, yeah.

23 **MS. MILLER:** Thank you for that. Assemblymember
24 Bonta.

25 **ASSEMBLYMEMBER BONTA:** Yeah, I would just caution

1 kind of the practicality of that over time. I think the
2 last thing we want to do is we have to create spaces that
3 are not able to be fully maximized in use, particularly
4 in communities where large community spaces are needed.

5 One thing I did want to just query about is
6 whether -- my understanding is that the first space that
7 you built was actually not built to be a regulation size
8 court for basketball. So I'm curious about whether it
9 can actually be considered for the single use of being a
10 gymnasium as opposed to being what it actually turned out
11 to be, which is a multipurpose space, given the fact that
12 it wasn't actually built for the purpose of being kind
13 of, a regulation-sized court for the exclusive use of
14 being a gymnasium to allow sports? And whether that
15 gives us any opportunity to, as Senator Laird indicated,
16 kind of just note that perhaps the wrong box was checked
17 in the establishment of that first space, which would
18 then allow for the second space, which is a gymnasium to
19 be considered as such?

20 **MS. MILLER:** Thank you, Assemblymember Bonta. I
21 think I'm hearing from our team that that unfortunately,
22 Ms. Kampmeiner, I don't know if you want to speak to
23 this, but unfortunately, I think the administrative way
24 that these Regulations are written and the way the
25 district referred to it as a gymnasium and all of the

1 documents is what's made it difficult in terms of
2 Regulation. But I appreciate -- I hope you'll take a
3 friendly amendment, Senator Leyva, on the supporting the
4 appeal as amended by Senator Laird to not be precedential
5 so that this is an exception we're making given the
6 circumstances of Round Pond. Sincerely appreciate
7 everyone being here today. Is that okay, Ms. Bonta?

8 **ASSEMBLYMEMBER BONTA:** I would happily accept that
9 amendment.

10 **MS. MILLER:** Thank you.

11 **ASSEMBLYMEMBER BONTA:** I would offer a second.

12 **MS. MILLER:** Great. Thank you. It's been moved and
13 seconded. Any other public comment? Anyone wishing to
14 comment? Seeing none.

15 Ms. Jones, will you take the roll, please?

16 **MS. JONES:** Yes, I will. Senator Wilk?

17 **SENATOR WILK:** Aye.

18 **MS. JONES:** Senator Leyva?

19 **SENATOR LEYVA:** Aye.

20 **MS. JONES:** Senator Laird?

21 **SENATOR LAIRD:** Aye.

22 **MS. JONES:** Assemblymember O'Donnell?

23 **ASSEMBLYMEMBER O'DONNELL:** Aye.

24 **MS. JONES:** Juan Mireles?

25 **MR. MIRELES:** I'm sorry. Assemblymember Bonta. I'm

1 sorry.

2 **ASSEMBLYMEMBER BONTA:** Aye.

3 **MS. JONES:** Jeremy Smith?

4 **MR. SMITH:** No.

5 **MS. JONES:** Ana Lasso?

6 **MS. LASSO:** Aye.

7 **MS. JONES:** And Gayle Miller?

8 **MS. MILLER:** No. The appeal is granted. Thank you
9 again to Round Pond (sic) for being here. Please send us
10 pictures of the community center and enjoy the facility.
11 We sincerely appreciate it. Thank you very much.

12 **MR. GORMAN:** Okay. Thank you very much. Bye-bye.

13 **MS. MILLER:** Yeah. And all our best to all of you.

14 Next, we will move to --

15 **UNIDENTIFIED SPEAKER:** Okay. They did really
16 pretty --

17 **MS. MILLER:** Oh, thank you. I think that was just
18 someone maybe had forgotten to unmute. And
19 Assemblymember Bonta, you don't have another comment,
20 right, you just left your hand up? Perfect. Okay. I
21 just wanted to make sure I hadn't missed you.

22 Next, we will move to the California Transitional
23 Kindergarten and Full-day Kindergarten Grant Facilities
24 Program Apportionments. Ms. Silverman, please.

25 **MS. SILVERMAN:** Yeah. We are excited to present to

1 the Board tonight eighteen projects that represents over
2 59.4 million dollars for the Board take action on. And
3 again, just to remind the Board that we had an open
4 filing round that closed on April 30th, and we had over
5 418 applications with 1.5 billion dollars in funding
6 request. As we presented last month, we presented 33.6
7 million and were prepared to submit to the Board in
8 November 131.9 million for the Board to take action on in
9 November.

10 But just to kind of summarize that, in order for
11 districts to qualify and obviously reach the highest
12 point potential, hardship districts have the ability to
13 qualify for forty points. And the other criteria is a
14 district may receive up to forty points if their
15 percentage of pupils that have a high free and reduced
16 lunch meal program. Again, they also can get up to forty
17 points. And why is this critical? Because in order for
18 you to qualify, we want to honor the highest priority
19 points.

20 And just summarizing the projects that we have been
21 processing since May, there were thirty-three districts
22 that actually checked the box and wanted to seek hardship
23 assistance or qualification for the program. But
24 unfortunately, a number of them didn't qualify because
25 they had enough funds to cover their match. So again,

1 just wanted to highlight that if a district is quali --
2 or submitting an application for the program and if they
3 have enough facility funds for the match, they'll be
4 eligible for a hardship -- they won't be eligible for
5 hardship because they have the match.

6 And just a reminder, we have districts that are
7 receiving apportionment tonight have the ability to ask
8 for an advance-fund release and those projects have
9 twelve months to submit their apportionment request. And
10 then other districts that are not pursuing an advance-
11 fund release, they actually have 180 days to come in for
12 their apportionment. And to that extent, we wanted the
13 Board to just recognize that there's a grant agreement
14 associated with these projects, just a reminder of that.

15 And the Board did also recognize that moving up the
16 next filing round. So the next time around begins
17 February 1st, 2023 and closes March 2nd of 2023. So at
18 this time, we're asking the Board to approve the program
19 projects on Attachment B for \$59,443,393.29 million and
20 for the apportionment request for an advanced
21 apportionment and design pursuant to Regulation Section
22 1860.16(f), the school district must submit a valid fund
23 release request within twelve months of the
24 apportionment, and we're asking the Board to approve
25 action.

1 **MS. MILLER:** All right. Thank you very much. Any
2 questions?

3 **SENATOR LEYVA:** Move --

4 **MS. MILLER:** Moved by Senator Leyva.

5 **SENATOR LAIRD:** Second.

6 **MS. MILLER:** Second by Senator Laird. Any questions
7 or public comments? Seeing none.

8 Ms. Jones, will you take the roll, please?

9 **MS. JONES:** Yes, I will. Senator Wilk?

10 **SENATOR WILK:** Aye.

11 **MS. JONES:** Senator Leyva?

12 **SENATOR LEYVA:** Aye.

13 **MS. JONES:** Senator Laird?

14 **SENATOR LAIRD:** Aye.

15 **MS. JONES:** Assemblymember O'Donnell?

16 **ASSEMBLYMEMBER O'DONNELL:** Aye.

17 **MS. JONES:** Assemblymember Bonta?

18 **ASSEMBLYMEMBER BONTA:** Aye.

19 **MS. JONES:** Juan Mireles?

20 **MR. MIRELES:** Aye.

21 **MS. JONES:** Jeremy Smith?

22 **MR. SMITH:** Aye.

23 **MS. JONES:** Ana Lasso?

24 **MS. MILLER:** Ms. Lasso had to step away.

25 **MS. JONES:** Okay. Thank you. Gayle Miller.

1 **MS. MILLER:** Aye. The apportionment for the
2 Transitional Kindergarten Full-Day is approved along with
3 the advance-fund release.

4 We will now move onto our next item, the Charter
5 Schools Facilities Preliminary Apportionment. Ms.
6 Kampmeinert?

7 **MS. KAMPMEINERT:** We have an exciting opportunity
8 tonight. We don't get this ability to award these funds
9 very often. But back in January of this year, the Board
10 had established a new filing round for some residual
11 funding that had come back into the charter school
12 facilities program due to either loan payments from past
13 projects or earlier preliminary charter school
14 apportionments that did not need all of their reservation
15 of funds or from projects that didn't move forward.

16 And at that time, we had around ninety-five million
17 that was going to be able to go towards this round. And
18 at this point, we have about 160.8 million available.
19 For this item tonight, we are recommending approval of 13
20 preliminary charter school apportionments that total 142
21 million. We don't have quite enough funds to get the
22 next project in line, so we're holding off on that one.

23 Typically, with this type of funding, we leave the
24 filing round open for twelve months in the event that
25 additional funds come back into the program so we can

1 keep going down the list. We were oversubscribed for
2 this filing round. We had about 450 million worth of
3 requests, so we did not make it all the way down through
4 the priorities.

5 But we do have the -- the list of projects that
6 we're presenting for the Board's approval on page 242 of
7 the Agenda. And you'll see that they have been
8 distributed throughout the various categories, including
9 regions of the State, types of locales, size of charter
10 school, and grade level of charter school and that's in
11 compliance with the Statute and Regulations. And they've
12 also been assigned preference points based on statutory
13 and regulatory categories.

14 And so this 142 million is ready for your approval.
15 If approved, the charter school applicants will have four
16 years with a possible one-year extension to convert these
17 preliminary apportionments to a final charter-school
18 apportionment. And that means they'll need to get their
19 necessary approvals in place from CDE, DSA, et cetera,
20 and submit the funding application to our office. And
21 they will then be able to get a final charter school
22 apportionment. And then also this approval will place
23 the projects on our unfunded list for their design
24 apportionment. They're able to draw down a little bit of
25 design funding. Because these are charter school

1 projects, they are subject to the priority funding
2 process. They are not able to access the general fund.
3 It's a different program. So they will still be
4 participating in priority funding processes moving
5 forward so that they can access their bond-fund proceeds.

6 **MS. MILLER:** Thank you. Ms. Kampmeiner. I'm
7 actually going to see -- I don't mean to cut you off, but
8 I think we're at risk of losing a quorum at five. So I'm
9 going to see if we can go quickly anything else that you
10 need to add just to this item? Nope?

11 **MS. KAMPMEINERT:** Nope. That was it.

12 **MS. MILLER:** Great. Thank you.

13 **MS. KAMPMEINERT:** This one's really.

14 **MS. MILLER:** Great. I'll go through --

15 **SENATOR LEYVA:** Move --

16 **SENATOR LAIRD:** (Indiscernible, simultaneous
17 speech) --

18 **MS. MILLER:** Great. Moved by Senator Leyva,
19 seconded by Senator Laird. Any public comments? Seeing
20 none.

21 Ms. Jones, will you take the roll, please?

22 **MS. JONES:** I sure will. Senator Wilk? Okay.
23 Senator Leyva?

24 **SENATOR WILK:** Aye. I said Aye.

25 **SENATOR LEYVA:** Aye.

1 **MS. JONES:** Okay. Thank you. All right.

2 Senator -- Senator Laird?

3 **SENATOR LAIRD:** Aye.

4 **MS. JONES:** Assemblymember O'Donnell?

5 **ASSEMBLYMEMBER O'DONNELL:** Aye.

6 **MS. JONES:** Assemblymember Bonta.

7 **ASSEMBLYMEMBER BONTA:** Aye.

8 **MS. JONES:** Juan Mireles.

9 **MR. MIRELES:** Aye.

10 **MS. JONES:** Jeremy Smith?

11 **MR. SMITH:** Aye.

12 **MS. JONES:** Ana Lasso. She still away?

13 **MS. MILLER:** Yeah. She's not coming back.

14 **MS. JONES:** Okay. Very good. Thank you. Gayle
15 Miller.

16 **MS. MILLER:** Aye. The Charter School Facilities
17 Preliminary Apportionments are approved. Next, we'll
18 move to the Priority Funding School Construction
19 Apportionments.

20 Ms. Silverman, if we could just review it quickly,
21 please.

22 **MS. SILVERMAN:** Yes. So we're asking the Board to
23 approve 802.5 million dollars in projects, and that is
24 activating the bond sales and also activating general
25 fund cash as well. So 344.6 million in general fund and

1 457.9 million in bond-sale proceeds, a total of 802.6
2 million dollars. So we're asking the Board to approve
3 the apportionments on attachment B, representing
4 802,588,413.90 and also declare that all applications
5 received in apportionment are subject to the new-
6 construction grant adjustments pursuant to Education Code
7 17072.11(b) and are not considered full and final until
8 the Board has made the adjustment. And with that, we got
9 \$1,000,000,000 out tonight.

10 **SENATOR LEYVA:** Woohoo.

11 **MS. MILLER:** Great job. Thank you, Ms. Silverman.

12 **SENATOR LEYVA:** So moved.

13 **MS. MILLER:** Thank you. May we have a second?

14 **SENATOR WILK:** Second.

15 **SENATOR LAIRD:** Second.

16 **MS. MILLER:** Great. Thank you. I'll take Senator
17 Wilk as the second. Thank you and congratulations. Any
18 public comment? Seeing none.

19 Ms. Jones, will you take the roll, please?

20 **MS. JONES:** Yes, I will. Senator Wilk?

21 **SENATOR WILK:** Aye.

22 **MS. JONES:** Senator Leyva?

23 **SENATOR LEYVA:** Aye.

24 **MS. JONES:** Senator Laird?

25 **SENATOR LAIRD:** Aye.

1 **MS. JONES:** Assemblymember O'Donnell?

2 **ASSEMBLYMEMBER O'DONNELL:** Aye.

3 **MS. JONES:** Assemblymember Bonta?

4 **ASSEMBLYMEMBER BONTA:** Aye.

5 **MS. JONES:** Juan Mireles?

6 **MR. MIRELES:** Aye.

7 **MS. JONES:** Jeremy Smith?

8 **MR. SMITH:** Aye.

9 **MS. JONES:** Gayle Miller?

10 **MS. MILLER:** Aye. The apportionments are approved.

11 Congratulations, everyone. And now, we will move to Ms.
12 Kampmeinert for the Proposed Regulatory Amendments to the
13 School Facility Program. Ms. Kampmeinert.

14 **MS. KAMPMEINERT:** Yep. I will try to be brief.
15 Page 554 is the item for Regulation Amendments,
16 Amendments to the Master Grant Agreement template as well
17 as one form, the SAB Form 50-06, which is our expenditure
18 report form. The changes are as a result of the decision
19 in the litigation regarding San Bernardino City Unified
20 and Financial Hardship Savings. And last month the Board
21 asked us to come back with an item related to Regulations
22 because the courts had determined that we cannot collect
23 financial hardship savings back, they can keep it. So
24 these Regulations are removing any references to
25 requiring districts to repay financial hardship savings.

1 And we did strike through quite a few sections. There is
2 some language remaining that reminds districts and
3 requires districts to use the any project savings on high
4 priority capital outlay projects to declare the savings
5 and writing to OPSC as well as to provide annual reports
6 until the savings are exhausted. So we are seeking the
7 Board's approval to file these Regulations with the
8 Office of Administrative Law. And then also in
9 recommendation number two, we would ask that the Board
10 direct us to notify school districts of what we just
11 talked about here, so seeking Board's approval.

12 **MS. MILLER:** Great. Thank you, Ms. Kampmeiner.
13 Any questions on this item? We spoke about it last
14 month. Any public comment? Anyone wishing to comment
15 for any reason?

16 **SENATOR LAIRD:** I move this item.

17 **MS. MILLER:** Great. Thank you, Senator Laird. I
18 will second.

19 **ASSEMBLYMEMBER O'DONNELL:** O'Donnell, second.

20 **MS. MILLER:** Oh, great. Thank you, Mr. O'Donnell.
21 Mr. Egan, did you want to make a comment -- or it's been
22 moved and seconded. Nope. Great. Thank you, Ms. Jones.
23 Just ensuring that there's no public comment. Again,
24 please use the Zoom raise hand feature. Seeing none.
25 Ms. Jones, will you take the role, please?

1 **MS. JONES:** Yes, I will. Senator Wilk?

2 **SENATOR WILK:** Aye.

3 **MS. JONES:** Senator Leyva?

4 **SENATOR LEYVA:** Aye.

5 **MS. JONES:** Senator Laird?

6 **SENATOR LAIRD:** Aye.

7 **MS. JONES:** Assemblymember O'Donnell?

8 Assemblymember Bonta?

9 **ASSEMBLYMEMBER BONTA:** Aye.

10 **ASSEMBLYMEMBER O'DONNELL:** O'Donnell's an aye.

11 **MS. JONES:** Okay. Thank you. Juan Mireles?

12 **MR. MIRELES:** Aye.

13 **MS. JONES:** Jeremy Smith?

14 **MR. SMITH:** Aye.

15 **MS. JONES:** Gayle Miller?

16 **MS. MILLER:** Aye. The regulatory changes are
17 approved. And next, we will move to the corollary to
18 this item, the return of Financial Hardship Savings. Ms.
19 Silverman, do you want to cover that, or do you want me
20 to turn it over to Mr. Egan?

21 **MS. SILVERMAN:** Yeah. We'll turn it over to Mr.
22 Egan.

23 **MS. MILLER:** Great. Thank you so much. It looks
24 like we're going to lose Senator Laird. So we do have to
25 go super-fast because Senator Leyva may have to leave too

1 shortly.

2 **MR. EGAN:** Okay. I'll make this as quick as
3 possible. So again, this is a corollary to the last item
4 because of the -- the case ruling. The Regulation was
5 found invalid or portions of it was found invalid. So
6 there is a possibility for school districts to have a
7 valid claim to have a Financial Hardship Savings returned
8 to them.

9 So part of the analysis is looking at which statute
10 of limitation applies. And then the second part is when
11 the statute of limitation accrues. For the first part,
12 we found that there could be potentially two statute of
13 limitation periods that apply, either a three-year
14 statute of limitations or a four-year statute of
15 limitations. In consultation with staff, we're
16 recommending four years because that -- we believe that
17 will minimize litigation and it will be more favorable to
18 districts.

19 For the second portion in -- in regards to when the
20 statute of -- of limitations accrues, that could be based
21 on either the date OPSC informed the school districts
22 that the hardship savings had to be returned, or the date
23 when the actual hardship savings were returned. Again,
24 we're choosing a -- a date that is more favorable to
25 school districts, and that would be the date that the

1 actual financial hardship savings were returned to the
2 State.

3 So we presented two options to the Board. Option 1
4 is utilizing the four-year statute of limitations -- and
5 again, this is a preemptive measure where we're
6 preemptively returning the statute -- the hardship
7 savings, the amount is a little over 29.3 million without
8 interest that has been calculated for each project.

9 The second option would be a three-year statute of
10 limitations would be applied. And in that, it would be
11 about 17.6 million. Again, interest would have to be
12 calculated for each project. So I'll leave it up to the
13 Board, if they have any questions or for a motion if --
14 if it so pleases them.

15 **MS. MILLER:** Great. Any questions from the Board?
16 Any public comment? Seeing none. What is the pleasure
17 of the Board? Mr. Egan laid out two options in terms of
18 returning the financial hardship savings within the
19 statute of limitations.

20 **MR. MIRELES:** Move to approve Option 1.

21 **MS. MILLER:** Thank you very much, Mr. Mireles. May
22 we please have a second? I will second. Any other
23 questions? Any public comment on the item? Seeing none.

24 Mr. Smith, can you just confirm you're still on just
25 in order to ensure we have a quorum? Great. Thank you

1 very much. Okay.

2 Ms. Jones, will you take the role?

3 **MS. JONES:** Yes. Senator Wilk?

4 **SENATOR WILK:** Aye.

5 **MS. JONES:** Senator Leyva? Senator Laird?

6 Assemblymember O'Donnell?

7 **ASSEMBLYMEMBER O'DONNELL:** Aye.

8 **MS. JONES:** Assemblymember Bonta?

9 **ASSEMBLYMEMBER BONTA:** Aye.

10 **MS. JONES:** Juan Mireles?

11 **MR. MIRELES:** Aye.

12 **MS. JONES:** Jeremy Smith?

13 **MR. SMITH:** Sorry about that, I had to pick up my
14 son from after-school care. I'm an aye.

15 **MS. JONES:** Okay. Thank you.

16 **MR. SMITH:** I'm still here.

17 **MS. JONES:** Gayle Miller?

18 **MS. MILLER:** Aye. Option 1 to return hardship
19 savings within the four-year statute of limitations
20 applies and that is adopted. So now we will move to our
21 final item, which is the ninety-day workload. Ms.
22 Silverman.

23 **MS. SILVERMAN:** Any questions for the members on
24 ninety-day workload?

25 **MS. MILLER:** Great. Thank you so much. We'll

1 appreciate the billion dollars being returned. We will,
2 if you'd like, Assemblymember Bonta, we could go back to
3 the -- anything you missed or maybe you didn't miss
4 anything. Anything --

5 **ASSEMBLYMEMBER BONTA:** I think it's in the consent
6 calendar?

7 **MS. MILLER:** Just the consent calendar?

8 **ASSEMBLYMEMBER BONTA:** And the minutes.

9 **MS. MILLER:** The minutes.

10 **MS. JONES:** Assemblymember Bonta, how do you vote on
11 the minutes?

12 **ASSEMBLYMEMBER BONTA:** Aye.

13 **MS. JONES:** And on the consent calendar?

14 **ASSEMBLYMEMBER BONTA:** Aye.

15 **MS. JONES:** All right. Thank you so much.

16 **MS. MILLER:** Great. Thank you, everybody. We will
17 see you next month. And this meeting is adjourned. And
18 again, congratulations to Ms. Silverman and Mr. Watanabe
19 and Ms. Kampmeindert for the amazing work this month.
20 Take care, everyone. Have a great day. Bye-bye.

21 **UNIDENTIFIED SPEAKER:** Bye.

22 **MS. JONES:** Happy Thanksgiving.

23 (End of recording)

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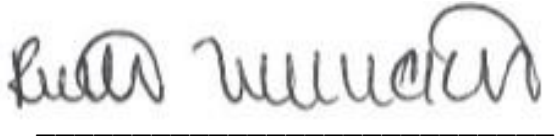
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