VOTING MODERNIZATION BOARD

BOARD MEETING

WEDNESDAY, OCTOBER 25, 2006

Community Redevelopment Agency of Los Angeles

Board Room

354 South Spring Street

Los Angeles, California

Reported by: Shelly Sutton, CSR No. 7488

Job No.: 06-29692

ATTENDEES:

CHAIRMAN:	John A. Perez
PANEL MEMBERS:	Stephen S. Kaufman
	Michael Kanotz
	Jana Lean
	Katherine Montgomery
	Michael Bustamonte (telephonically)
	Carl Guardino (telephonically)
PARTICIPANTS:	Kathleen Smith (Nevada County)

1 THE CHAIRMAN: I would like to call to order the
2 October 2006 meeting of the California Voting
3 Modernization Board. If you would please call the roll.
4 MS. MONTGOMERY: John Perez?
5 THE CHAIRMAN: Here.
6 MS. MONTGOMERY: Stephen Kaufman?
7 MR. KAUFMAN: Here.
8 MS. MONTGOMERY: Michael Bustamante?
9 MR. BUSTAMANTE: Here.
10 MS. MONTGOMERY: Carl Guardino?
11 MR. GUARDINO: Present.
12 THE CHAIRMAN: We have now established that we have a
13 quorum. The first item is item three, Public Comment for
14 items not on our agenda, I see no cards. We then move to
15 item four, Adoption of September 20th, 2006 Actions and
16 Meeting minutes. Is there a motion, or is there something
17 for consideration first?
18 MR. KAUFMAN: I'm prepared to move adoption of the
19 Actions and Meeting Minutes.
20 THE CHAIRMAN: Mr. Kaufman moves, is there a second?
21 MR. GUARDINO: Second.
22 THE CHAIRMAN: That was Mr. Guardino seconding. All
23 in favor, signify by saying aye. Aye.
24 MR. KAUFMAN: Aye.
25 MR. GUARDINO: Aye.

MR. BUSTAMANTE: Bustamante abstains because I wasn't there.

THE CHAIRMAN: Very good. We have approval of that. Next, we have item five, Change to Approve Project Documentation Plan, and the first item before us Five (A), is a discussion of Napa County. Jana, would you like to walk us through that?

MS. LEAN: Napa County is submitting a change of their Approved Project Documentation Plan regarding their VVPAT retrofit. The Voting Modernization Board approved a funding board and Napa received $881,111.44.

They are proposing to refund an original amount awarded of $352,942.40. They are purchasing the Sequoia AVC EDGE upgrades, the Verivote printers, 375 units.

At the July 16th, 2003 meeting of the Voting Modernization Board, the Board approved Napa County's Project Documentation Plan and awarded funding for the reimbursement of the County's purchase of 350 Sequoia AVC EDGE DRE units. Napa County purchased an additional 100 AVC EDGE units using HAVA 102 punch card replacement funds, and the County used the new equipment for first time at the March 2nd, 2004 Presidental primary elections.

Napa was one of the first to apply for the Proposition 41 funding and began organizing their equipment before the State's requirement for a VVPAT, the

Voter Verified Paper Audit Trail law was enacted.

The County was required to retrofit all of its Sequoia AVC EDGE DRE machines to include a printer. These newly equipped machines were successfully implemented countywide during the June 2006 primary election. Napa County is requesting that the Board allow the County to return funds from the VMB in order to qualify for retroactive reimburse the from HAVA for their purchase of a HAVA Section 301 complaint voting system, and concurrently requests funding the VMB to fund their VVPAT retrofit costs.

Napa County would be required to refund the retrofit costs of $352,942.40 to the Voting Modernization Firm from the County's general fund before the County would be eligible for any VMB funding for VVPAT retrofit, or any retroactive reimbursement from HAVA.

Once the refund for the retrofit's cost has been received and deposited back into the Voting Modernization fund and confirmation of the deposit has been received by the State Controller's Office, the VMB would notify Napa County and the Secretary of State's HAVA coordinator that the deposit has been completed.

The VMB could then amend the original funding award letter issued to Napa County to explicitly state that the VMB will allocate the $352,942.40 in funding

1 returned by the County to the Voting Modernization Fund
2 for the purpose of the reimbursement for the VVPAT
3 retrofit costs.
4 Napa County would then be required to submit to
5 the VMB an acknowledgement letter certifying that the new
6 funds will be used in accordance with the Voting
7 Modernization Bond Act of 2002. Napa County could
8 concurrently submit a hand request form which would
9 require documentation to receive reimbursement for the
10 VVPAT retrofit costs.
11 It is our staff recommendation that Napa
12 County's changed their Approved Project Documentation Plan
13 be improved contingent upon receipt of the funds as
14 outlined above. Once confirmation of the deposited funds
15 is obtained, the VMB staff notify the sharer of the award.
16 An amendment to the original July 16, 2003 award letter
17 may be issued in the amount of $352,942.40 to fund the
18 VVPAT retrofit costs.
19 As you recall, this is very similar, almost
20 identical to what was already voted on by the Board for
21 Orange County. So, this is just asking for the retrofit
22 costs for the printers. Do you have any other questions?
23 THE CHAIRMAN: Good. Mr. Kaufman, any questions?
24 MR. KAUFMAN: No.
25 THE CHAIRMAN: Mr. Bustamante, any questions?

1 MR. BUSTAMANTE: No, sir.

2 THE CHAIRMAN: Mr. Guardino?

3 MR. GUARDINO: No, no questions.

4 THE CHAIRMAN: Very good. Is there a motion?

5 MR. BUSTAMANTE: So move.

6 MR. KAUFMAN: Second.

7 THE CHAIRMAN: Mr. Kaufman seconds. Seeing no

8 further discussion, would you please call roll?

9 MS. MONTGOMERY: John Perez?

10 THE CHAIRMAN: Aye.

11 MS. MONTGOMERY: Stephen Kaufman?

12 MR. KAUFMAN: Aye.

13 MS. MONTGOMERY: Michael Bustamante?

14 MR. BUSTAMANTE: Aye.

15 MS. MONTGOMERY: Carl Guardino?

16 MR. GUARDINO: Aye.

17 THE CHAIRMAN: Very good. We have four ayes, no

18 objections, the item is approved.

19 Next is item six, Project Documentation

20 Submittal Deadline. Consider a possible change of the

21 January 1st, 2007 deadline for counties to submit their

22 Project Documentation Plans. Jana?

23 MS. LEAN: The requirement for counties to submit

24 Project Documentation Plans was established by the Voting

25 Modernization Board in adoption of their funding

1 application procedural guide.

2 Proposition 41 does not have a deadline by which
3 the funds need to be approved or distributed to the
4 counties. The Board has approved the following dates for
5 counties to submit their plan. This will be the fifth
6 time that this deadline will be changed if we decide to
7 change it today. At the December 17th, 2003 meeting of
8 the Voting Modernization Board, the Board adopted the
9 first deadline of January 1, 2005 for counties to receive
10 approval from the Board on the Project Documentation
11 Plan.

12 Under this adoption, counties that did not
13 receive the approval by the deadline would have forfeited
14 their approved application. At the July 22, 2004 meeting
15 of the VMB, the Board changed the deadline to July 1st,
16 2005. At the February 17th, 2005 meeting, the Board again
17 changed the deadline to January 12, 2006.

18 At the September 23rd, 2005 meeting of the
19 Voting Modernization Board, the Board set the current
20 deadline for counties to submit their Approved Project
21 Documentation Plan to January 1, 2007. The required
22 counties who have not submitted a Project Documentation
23 Plan by December 31st, 2006, to submit quarterly status
24 reports to the Board.

25 At the September 20th, 2006 meeting of the

1 Voting Modernization Board, the Board received a final
2 quarterly status report which reflected the county's
3 modernization status through December 2006. This report
4 indicated that six counties; Humbolt, Merced, Modoc,
5 Nevada, Trinity and Yolo have not submitted their Project
6 Documentation Plans to the Board.
7 Given that it is less than a month away from the
8 November 7, 2006 general election, it appears that these
9 counties will not be able to meet the current deadline,
10 and have all requested final extensions of the deadline to
11 June 2007.
12 There's six letters attached in your packets.
13 Board has been to asked to assist in accelerating the
14 voting system modernization progress in California. It
15 should be noted that all the remaining counties will have
16 state accessible and HAVA compliant voting systems
17 November 7th, 2006 general election.
18 Therefore, these counties have begun their
19 modernization of their voting equipment, but may not have
20 finalized vendor contracts in place at this time. In
21 addition, if the deadline were changed, it would postpone
22 the reallocation by the VMB of additional monies forfeited
23 by counties that did not meet the deadline.
24 I thought we didn't want to discuss this at
25 length, I assumed, so we'll wait for staff recommendation

1 and tell you.

2 THE CHAIRMAN: Sure. I'm looking at the letters, and

3 I see Trinty's in spring. Yolo, Nevada, Modoc and Humbolt

4 is in June. I don't see where Merced even gives a

5 suggestion of a time.

6 MS. LEAN: They did not submit a specific deadline.

7 With conversations with them, they have asked -- actually,

8 they were okay with the June 2007 deadline.

9 THE CHAIRMAN: Okay. I see that we have Kathleen

10 Smith, the County Clerk Registrar of Voters for Nevada

11 County with us. Would like to address us?

12 MS. SMITH: I'm sort of noncommittal. Would you like

13 me to let you know where we're at?

14 THE CHAIRMAN: Come up and take a seat here so the

15 other two on the phone can hear you better as well.

16 MS. SMITH: Okay. Good morning, and thank you. I am

17 Kathleen Smith, County Clerk Registrar of Voters in Nevada

18 County. And I did appear before you in your June 2004

19 meeting to be part of the that request to extend that

20 deadline, and I want to share a short little story.

21 I had been the County Clerk for 22 days at that

22 point, and I don't know if Mr. Kaufman remembers, but as I

23 introduced myself and said that I just been appointed,

24 your comments were, "What were you thinking?" I wanted

25 you to know that Janice Atkinson took me aside and gave me

her business card after that meeting, and I have been relying on her pretty heavily ever since.

But since that time, and in conjunction with Nevada County having an approved Prop 41 allocation and since June 1st of 2004, what we have accomplished is, we issued RFP in October of 2004 that resulted in one proposal from ES&S and we did a pilot project for the March 2005 election, we had a small one, and we gave ES&S the opportunity to negotiate a long-term contract.

November of 2004, of course we had a major election. We conducted the March election with ES&S. And then in August, ES&S's other mark was certificated. So, in October 2005, almost a whole year later, we decided to we reissue another one in anticipation of other systems being certified rather than precluded for purchasing the one product.

So, in January of 2006, again, ES&S was the only responder. But by April of 2006, we had failed to negotiate an agreement, and there was some very particular sticking points, and I recommended against proceeding with that vendor. June election was held. September 2006, we entered into an agreement Diebold Election Systems to rent equipment so we would be HAVA Complaint for November 2006. We also entered into an agreement with Shamrock Associates for electronic system implementation support, and we have

1 been using their consulting services.

2 Our third RFP just hit the street October 16,

3 2006. I realize now we have issued one every October for

4 the last three years. That RNP is due December 4th, and

5 the documentation includes to the vendor that our project,

6 or the system would be optional by June 30th, 2007, so the

7 November election is proceeding, we're HAVA compliant, and

8 we're on a parallel path, and we have every indication

9 that there would be if not all four certified vendors

10 being able to respond, we expect at least three responses.

11 THE CHAIRMAN: Okay. Mr. Kaufman, do you have any

12 questions?

13 MR. KAUFMAN: I don't have any questions of Ms.

14 Smith. I have some thoughts on the issue, but I will hold

15 those.

16 THE CHAIRMAN: Mr. Bustamante, do you have any

17 questions?

18 MR. BUSTAMANTE: Not at this time, no.

19 THE CHAIRMAN: Mr. Guardino?

20 MR. GUARDINO: No.

21 THE CHAIRMAN: Thank you, Ms. Smith. I guess it's

22 now more appropriate to have a general conversation on the

23 topic of extending the deadline again. Do you want to

24 lead us off?

25 MR. KAUFMAN: Sure. In reading the letters and

1 hearing what we have heard over the last 12, 18 months,
2 I'm certainly moved by some of the counties, for example,
3 Nevada County as Ms. Smith has just related, seems to be
4 undertaking efforts over the course of the last few years
5 to get the system place.
6 There are others, from our distant viewpoint, my
7 impression is they really, every deadline comes and goes
8 without any activity. So, I'm less moved by others.
9 I recognize that from the beginning, from the
10 outset, it's been the goal of this board to try and help
11 counties get to where they need to go, but I'm concerned
12 about those counties that don't seem to be helping
13 themselves, and I'm also concerned there are 52 other
14 counties out there awaiting a second round of funding, and
15 the more we keep putting the second round of funding off,
16 who knows when we're going to be able to do that, and if
17 we're going to wait until June to actually get to that
18 point, we might be prejudicing other counties, so I guess
19 my initial thought in going through this was, I don't want
20 to penalize counties. But having said that, I'm wondering
21 if we can come up with a solution where certain counties
22 get an extension but that doesn't prevent us from going
23 through our second round of funding, and those particular
24 six counties may be cut off from a potential second round
25 of funding.

1 But rather than holding up everybody over the
2 counties, I'm wondering if we can come up with some kind
3 off hybrid solution that would do that.
4 THE CHAIRMAN: I tend to agree with you, and was
5 going through a similar thought process as I'm sitting
6 here. Could I ask, in laymen's terms, we've set aside a
7 potential pot of money that these six counties can draw
8 down. How much, do we know off the top of our head the
9 total of the money we have set aside for those counties?
10 MS. LEAN: We can do it quickly, but it's
11 approximately three-million dollars.
12 THE CHAIRMAN: So, that's approximately about
13 three-million. And how much other money is there that's
14 potentially usable for second round funding above that
15 three-mill?
16 MS. LEAN: Well, that was going to have to wait until
17 we were all said and done, because there's some of the
18 counties who are not going to use their full allocation,
19 but it's still available to them until there's a second
20 funding round.
21 So, what was going to happen is staff was going
22 contact those counties and say, we know that you had not
23 initially requested this amount of money, this is the
24 remaining of your allocation. So that money could
25 potentially could go back to the fund, and then be

1 reallocated, but I don't have a set number at this time.
2 I know that it's approximately --
3 MR. BUSTAMANTE: How about if you just add what the
4 total allocation requests to date are, rather than what
5 they're going to actually spend? At least we'd know the
6 outside number, we'd know the high number, and we may
7 actually have even more money available, but at least we'd
8 know the outside perimeters.
9 MS. LEAN: I don't have the exact numbers right now,
10 but I think we have approximately about three point
11 two-million that can be reallocated today, not including
12 these six counties.
13 THE CHAIRMAN: Well, my sense in -- and Mr.
14 Bustamante, I think you're coming from a similar point of
15 view as Mr. Kaufman and I are --
16 MR. BUSTAMANTE: Yes, absolutely. For the counties
17 that are working within the perimeters that we have set,
18 and for one reason or another have not been able to pull
19 the trigger on the machine decision, that's one thing, and
20 for those counties that just have ignored the process or
21 for whatever reason, have chosen not to participate, I
22 think that's another, and I think maybe these other
23 counties that have kind of not been a part of the process,
24 when we say here are the deadlines, this is what's going
25 to happen, I suspect we'll probably hear from some of

1 them, and if we don't, we don't. But that may also help
2 force trigger a response or some activity on their part as
3 well.
4 MS. LEAN: I have a suggestion, that we could --
5 MR. BUSTAMANTE: I just don't see the need to extend
6 the deadline out again for everyone. I think some
7 counties it's justified, others, I just don't see the
8 point.
9 THE CHAIRMAN: I tend to agree with you. I think
10 though that because we have been so willing to be
11 accommodating to the counties' requests up to this point,
12 that there is probably an unspoken expectation that we're
13 going to keep extending, and we probably only got a
14 response from the six counties that haven't yet done
15 anything with respect to their money, because they
16 probably are the only ones that felt that they are
17 impacted by our decision, and I think we should be mindful
18 of making sure that whatever we do, we structure and
19 situate to not catch by surprise the other 52 counties.
20 MR. KAUFMAN: I'm confused by your comment, Jana,
21 that other counties with respect to this deadline, do you
22 think it's the expectation of the other counties that they
23 can continue on forever and submit phase two or submit
24 other plans in eternity unless we come to them and say
25 this deadline isn't a real deadline? I kind of figured

1 that the year-end deadline was the deadline.

2 MR. BUSTAMANTE: Right.

3 MR. KAUFMAN: Even for those who have already gotten

4 some funding, but have some money left under their

5 allocation.

6 THE CHAIRMAN: I know for at least one county that I

7 have heard from, the county of my residence, I think

8 there's an expectation that they have basically reserved

9 the money, they can do as many phases as they want to do,

10 and basically there's not a clock running on them the same

11 way that these six counties feel that there is a clock

12 running on them.

13 And I think there was a question, for example,

14 when we did approve some of Los Angeles's money, that went

15 along those lines. We have reserved our application,

16 essentially reserved our money, we're doing phase one now,

17 and we'll let you know when we get around to phases two

18 and three. And I think at that time, we left it open to

19 infer that that was okay. And so, if we want to rein

20 people in, which I think is an appropriate discussion to

21 have, I think we need to be clear with all the counties

22 that are in multi-phased approaches so that we understand

23 what we're looking at doing, and so that they can

24 communicate with us what real or perceived impediments

25 exist.

1 MR. KAUFMAN: And that would definitely affect my
2 perspective on the issue, because it's those kinds of
3 counties like Los Angeles that I'm thinking of being the
4 beneficiaries of a policy that would create a second
5 allocation, and yet you're telling me that they could
6 actually be harmed by it if they think that they still
7 have money on the table under the phase one part.
8 THE CHAIRMAN: Right, so, perhaps what we need to do
9 is put this off to our next meeting and fully communicate
10 with all 58 counties, and I understand our next meeting is
11 potentially in December and our deadline is in January,
12 and a little bit of urgency is not necessarily a bad
13 thing.
14 MR. BUSTAMANTE: You might want to consider a
15 professional meeting just for the issue in November.
16 THE CHAIRMAN: That's an interesting point, Mr.
17 Bustamante.
18 MR. KAUFMAN: We have a meeting scheduled for
19 November.
20 THE CHAIRMAN: Yes, we have a November meeting
21 scheduled, we just don't anticipate any counties
22 submitting Project Documentation Plans in November, which
23 may, in fact, you may be right, Mr. Bustamante, that may
24 make it the perfect meeting which to discuss this deadline
25 and how it applies both to counties that haven't submitted

1 Project Documentation Plans and how it applies to counties
2 who have multi-phase plans where they have only submitted
3 one phase and interpret that to be a reservation of all
4 their round-one funding.
5 MR. BUSTAMANTE: Right. I mean, inherent to the
6 whole discussion of voter modernization, the idea or the
7 concept was that counties would move quickly to modernize
8 their voting equipment. I don't know that we necessarily
9 consider a ten-year plan quickly. I know when I was
10 college under the ten-year plan, my parents didn't think
11 it was a quick thing.
12 THE CHAIRMAN: I know that those of us who are the
13 original appointees never imagined that we'd still be on
14 this commission at this point, because we thought that we
15 would have been done.
16 MR. BUSTAMANTE: We're about to go through two
17 gubernatorial terms and starting our third.
18 THE CHAIRMAN: And we're already on our third
19 Secretary of State.
20 MR. BUSTAMANTE: Right.
21 THE CHAIRMAN: Ms. Smith, did you want to come
22 forward?
23 MS. SMITH: I feel like I really need to respond to
24 that. I just wanted to point out, that for those
25 counties, like mine, that were already in optical-phase

1 situations, we weren't phasing out punch cards, we only
2 had choices March of this year. We had system certified
3 March of this year to choose from. And so, that has been
4 part of our strategy, to make sure that our voters have
5 the opportunity to review more than one product and make
6 the best choice for the long term for them. So, I
7 appreciate being able to point that out.
8 THE CHAIRMAN: I don't think any of us want to
9 foreclose opportunities with counties. I think all of us
10 want to maximize the opportunities, and that's really
11 what's motivated us, I think, to extend the deadlines
12 multiple times.
13 I think that the competing pressure that we're
14 feeling is early on, there were some counties that were
15 completely nonresponsive, and there were other counties
16 that were being deliberative. And the counties that were
17 nonresponsive were benefitting from consideration that we
18 were given the counties that were being deliberative.
19 At the same time, we have counties who moved
20 forward rather quickly, have been aggressive in trying to
21 update the systems, and have potentially other things that
22 they'd like to do that some of the unallocated money could
23 be used to assist them with.
24 So, at least for myself, while I don't want to
25 pull the rug out from the six counties who haven't done a

1 Project Documentation Plan, whatever unspent money there
2 is in the balance, I would like to be sure that we have
3 the opportunity to create an allocation system by which
4 the remaining 52 counties could compete for that money.
5 And quite frankly, with respect to the counties that are
6 doing phased approaches, I think you have the same kind of
7 mix.
8 You have counties that have been doing phased
9 approaches in a very deliberative manner, and you have
10 other counties that have essentially been trying to figure
11 out what the minimum steps would be to reserve money and
12 maximize future potentials as opposed to really moving to
13 modernizing quickly, and I think --
14 MR. KAUFMAN: And meeting HAVA Requirements.
15 THE CHAIRMAN: Right, and I think we're also very
16 understanding of the pressures on the counties to both
17 modernize and make sure that they're doing the work in a
18 way that not only allows for efficient voting systems, but
19 for voting systems to give their voters the greatest level
20 of confidence.
21 And so, I think we are all very aware of the
22 pressures that the counties are under. So, I think Mr.
23 Bustamante, yours is a good idea, if we could schedule
24 this for November discussion, invite all 58 counties.
25 MS. LEAN: This discussion, as it was agendized, is

1 just for those six counties, and that's why we do have a
2 county here that is affected by this.
3 THE CHAIRMAN: Right.
4 MS. LEAN: What we could potentially do is, you can
5 make a motion to do it on a case by case basis on the
6 extending of the deadline. It doesn't have to be a
7 blanket for all six of these. We do have Nevada County
8 here, she does have a good case. If you guys wanted to do
9 that, you could potentially do that, or you could wait
10 until November and do a case by case basis on that. I
11 think that opening it up for the phase two or the second
12 phase or third phase counties, you're going to get a much
13 bigger discussion.
14 THE CHAIRMAN: I think we would benefit from that
15 discussion.
16 MS. LEAN: I think so. I wouldn't want to see these
17 six penalized for that though. I think it's a little bit
18 separate, and the policy of the Board has been until this
19 funding round is done, or until this deadline is met, you
20 have put off talking at all about phase two, and so that's
21 always been the policy of the Board.
22 THE CHAIRMAN: I think that's exactly the pressure
23 we're under. One is not wanting to penalize these six
24 counties if they truly are moving forward in a
25 deliberative manner, but really opening up the possibility

1 for round two -- as opposed to phase two -- round two
2 allocations. And the distinction I'm drawing is some
3 counties have had round one funding allocations on
4 multiple-phased implementation, so what we're talking
5 about is round one versus round two. Then, within the
6 counties that have submitted requests in round one, making
7 sure that they're moving forward in their multi-phased
8 approaches as well.
9 MS. LEAN: We have been asking them to submit the
10 quarterly status reports, and all the counties did respond
11 to the last request, and it did appear that they were
12 moving forward. A lot of them were waiting until after
13 this election to submit a phase two plan, and
14 understandably, because they're trying to fulfill all the
15 requirements for HAVA, so they're totally compliant and
16 ready to go, so I understand why they haven't moved
17 forward. I think there's like eight counties in that
18 boat. But a couple of those eight counties, there's big
19 pots of money still left out for them.
20 THE CHAIRMAN: Let me ask this, because I'm drawn to
21 Mr. Bustamante's suggestion of scheduling this for
22 discussion in November, but I also want to make sure that
23 we don't do that in such a way that makes it difficult for
24 counties as they are certifying the November 7th election.
25 MS. LEAN: Correct.

1 THE CHAIRMAN: So, if we do a November discussion,
2 does that create opportunity for difficulty and are we
3 better off maybe rolling from January to February and
4 having a December or January discussion so that counties
5 can finish the certification of the November 7th
6 election.
7 I think it's in the same spirit as Mr.
8 Bustamante's but just informed by the difficulty of the
9 work that has to be done to certify the election.
10 MS. LEAN: I think that's totally legitimate, but I
11 think that these six counties are very nervous and they're
12 going to want to know what you want to do with these six
13 counties. But I think the bigger discussion definitely
14 has to happen.
15 MR. KAUFMAN: I think I will repeat what the Chair
16 has said. I do think that that discussion with the other
17 counties is going to inform our ability to make a decision
18 on these six, because part of the premises for us being
19 elected to extend the deadlines is the fact that it's
20 holding up possible reallocation to other counties, and if
21 the other counties come and say no, we would rather you
22 extend the deadline so we can finish playing out our
23 phases under the first round of allocation, then they're
24 all going to be pretty much in sync, and it seems to be a
25 moot issue on that point, other than the fact that we keep

1 going on in perpetuity, and Lord knows when we'll be done
2 dishing out the money.
3 But putting that aside, I do think it's
4 important to inform the decision making, and we needed to
5 do a 30 day extension just to keep everybody in the same
6 place by the time of the next meeting, then that might be
7 a wise choice.
8 THE CHAIRMAN: How do you feel about that, Mr.
9 Bustamante?
10 MR. BUSTAMANTE: I didn't hear the last part.
11 THE CHAIRMAN: The whole idea is to potentially roll
12 in the January 1st to February so that we can schedule
13 this broader discussion without it conflicting with the
14 ability of counties focused on the more pressing work of
15 certifying the November 7th election. Here's the concern,
16 if we have this discussion --
17 MR. BUSTAMANTE: I understand that. In fact, I would
18 suggest that, especially in light of the holidays and all
19 that, we might want to consider March 1st.
20 THE CHAIRMAN: I'm fine with that.
21 MR. BUSTAMANTE: Even more generous. Extra time.
22 MR. KAUFMAN: Which may give some of these counties
23 the ability to comply by the time the issued is dealt
24 with.
25 MR. BUSTAMANTE: Indeed.

1 THE CHAIRMAN: Why don't you put that in the form of
2 a motion. Mr. Bustamante moves to extend the January 1st
3 deadline to March 1st, 2007.
4 MR. BUSTAMANTE: There you go.
5 MR. KAUFMAN: Why don't we add, with the expectation
6 that -- if you'll take a friendly amendment, with the
7 expectation that a comprehensive meeting will be conducted
8 by this Board to explore the possibility of extending it
9 further or limiting the extension to the March 1st
10 deadline.
11 MR. BUSTAMANTE: Whether or not to extend it
12 further.
13 THE CHAIRMAN: So, let's try to rephrase that again.
14 So, Mr. Bustamante moves to extend the January 1st, 2007
15 deadline to March 1st, 2007, understanding that implicit
16 in his motion is a call for the Board to have a third
17 discussion about the possibility or not to further extend
18 and at what point to discuss future rounds of
19 allocations.
20 MR. BUSTAMANTE: You did it right. That was perfect.
21 THE CHAIRMAN: So, motion to extend the January 1st,
22 2007 deadline to March 1st, 2007, with am implicit
23 expectation that the Board have a thorough discussion
24 prior to that deadline about whether or not to consider
25 further extensions and a discussion about future rounds of

allocations.

MR. KAUFMAN: I will second.

THE CHAIRMAN: Mr. Bustamante moves, Mr. Kaufman seconds. Mr. Guardino, anything on the question? Hearing none, Katherine, if you will call the roll.

MS. MONTGOMERY: John Perez?

THE CHAIRMAN: Aye.

MS. MONTGOMERY: Stephen Kaufman?

MR. KAUFMAN: Aye.

MS. MONTGOMERY: Michael Bustamante?

MR. BUSTAMANTE: Aye.

MS. MONTGOMERY: Carl Guardino?

MR. GUARDINO: (No audible response).

THE CHAIRMAN: Let's record Mr. Guardino as an extension if you would, please. That's three aye's, motion carries.

MR. KAUFMAN: We should possibly talk about that meeting then.

MR. GUARDINO: Could you hear me, Mr. Chairman?

THE CHAIRMAN: Now we can. How would you like to be recorded on that last vote?

MR. GUARDINO: I tried to make the motion and then second the motion, but for some reason, my phone is cutting in and out. So, the it was not an extension, it was a yes vote.

1 THE CHAIRMAN: Very good. Let the record reflect,
2 Mr. Guardino is also an aye on that last motion, making it
3 unanimous, four ayes.
4 MR. KAUFMAN: We had talked briefly to bring the
5 other two into the loop prior to the meeting about
6 scheduling a date for December, and I guess given what
7 we're talking about here and given the holidays, perhaps
8 we should look at the January meeting then as the date for
9 this comprehensive meeting, regardless of what else
10 happens before.
11 THE CHAIRMAN: Just to bring everybody up to speed,
12 we don't anticipate that any counties will submit Project
13 Documentation Plans for our consideration in November. If
14 that's the case, and since we're putting off this deadline
15 until March 1st, in all likelihood, we will not have a
16 November meeting.
17 Our December meeting is currently set for
18 December 20th. It's unclear whether or not we'll have any
19 Project Documentation Plans for consideration at that
20 point. So, shall we schedule this discussion for our
21 January meeting which is scheduled for --
22 MS. LEAN: We have not scheduled any meetings into
23 2007 yet.
24 THE CHAIRMAN: If we did the same scheduling pattern
25 which is the third Wednesday?

1 MS. LEAN: Correct.

2 THE CHAIRMAN: What's the third Wednesday of January

3 2007?

4 MR. KAUFMAN: Looks like 17th. Looks okay on my

5 calender.

6 THE CHAIRMAN: Okay, are we allowed to schedule the

7 January meeting?

8 MS. LEAN: Sure. Actually, at the next meeting, I

9 would have proposed some dates for you to look at for next

10 year, so we can.

11 THE CHAIRMAN: Can we set that?

12 MR. KANOTZ: Yes, I think we can schedule it now.

13 THE CHAIRMAN: Let's schedule a meeting for January

14 17th, 2007, and let's agendize this item for that meeting.

15 MS. LEAN: I will work with you on exactly how you

16 want it presented.

17 MR. KAUFMAN: And I think we should proactively then

18 communicate with all 58 counties well in advance of that.

19 THE CHAIRMAN: Yes.

20 MR. KAUFMAN: I guess I would urge any counties that

21 haven't submitted plans not to wait around for us to move

22 the date or wait around for March 1st, but urge as many as

23 possible to submit their Project Documentation Plans

24 either for a phase two or a phase one under the first

25 allocation round as soon as possible, regardless of our

1 decision today and to put off the deadline.

2 MS. LEAN: I think I will need to talk with the Chair

3 and figure it out, because this will be a whole different

4 way we're going if we're going to limit round one.

5 THE CHAIRMAN: Very good. I will make myself

6 available.

7 MS. LEAN: Thank you.

8 THE CHAIRMAN: Are there items to come before us

9 before we move to adjourn?

10 MS. LEAN: The only other thing is, you do have in

11 front of you some language regarding the amendments to

12 Orange County's funding award.

13 THE CHAIRMAN: Right. When we discussed amending

14 Orange County's funding award, we said that instead of

15 making it a new allocation, there would be an amendment to

16 the allocation, and that we draft the letter reflecting

17 the amendment, staff has produced a draft letter. Has it

18 been circulated to all five members?

19 MS. LEAN: No, but I can e-mail it.

20 THE CHAIRMAN: If you would e-mail it to everybody,

21 it is an inform item, not an action item for us. That

22 will come to everybody. Anything else before we adjourn?

23 Very good, then we stand adjourned. Thank you.

24

25 (Proceedings were adjourned at 12:00 p.m.)

STATE OF CALIFORNIA)
) SS.
COUNTY OF LOS ANGELES)

I, SHELLY SUTTON, a Certified Shorthand Reporter, for the County of Los Angeles and the State of California, do hereby certify:

That said proceedings was taken before me at the time and place therein set forth, and was taken down by me in shorthand and thereafter transcribed into typewriting under my direction and supervision; that the said transcript is a true record of the proceedings;

I further certify that I am neither counsel for nor related to any party to said action, nor in any way interested in the outcome thereof.

IN WITNESS WHEREOF, I have subscribed my name this 10th day of November, 2006.

Shelly Sutton

Certified Shorthand Reporter
for the State of California