ACTION Agenda Item #3

October 31, 2024

Subject: Strategic Growth Council August 22, 2024, Meeting Minutes

Reporting Period: August 2024 – October 2024

Staff Lead: Lisa Duong, Administrative Associate, SGC

Recommended Action

Approval of the August 22, 2024, Strategic Growth Council Meeting Minutes.

Strategic Growth Council August 22, 2024 - Meeting Minutes

Agenda Item #1: Call to Order

Chair Sam Assefa called the meeting to order at 1:08 p.m.

Agenda Item #2: Roll Call

Council Members and Representatives Present:

Sam Assefa, Director, Governor's Office of Land Use and Climate Innovation (LCI)

Frank Cardenas, Public Member (Virtual);

Virginia Jameson (Designee), Deputy Secretary, California Department of Food and Agriculture (CDFA)

Yana Garcia, Secretary, California Environmental Protection Agency (CalEPA);

Tomiquia Moss, Secretary, California Business, Consumer Services and Housing Agency (BCSH);

Juan Sánchez Muñoz, Public Member;

Darwin Moosavi (Designee), Deputy Secretary, California State Transportation Agency (CalSTA);

Daniel Torres (Designee), Chief Equity Officer, California Health and Human Services Agency (CHHS), on behalf of Secretary Mark Ghaly;

Nicole Capretz, Public Member (Virtual);

Wade Crowfoot, Secretary, California Natural Resources Agency (CNRA)

Agenda Item #3: ACTION: Approval of Minutes

Approval of August 22, 2024 Meeting Minutes.

Motion was made by Sánchez Muñoz and seconded by Moss.

Motion passes (10-0-0*). *Marks abstention or absence from vote

Council Comment

No Council discussion.



Public Comment

No public comment.

Agenda Item #4: Executive Director's Report

Matt Read, Acting Executive Director, SGC

Alex C. Walker, Executive Fellow, SGC

Camille Randolph, Executive Fellow, SGC

Council Comment

Assefa: Thanked Matt Read for stepping up to the acting Executive Director position.

Read: Thank you, Chair. It's truly an honor to be in front of this Council and to be leading this team on such a great day.

Muñoz: I work in an industry that helps develop young people. You've heard that we receive the government that we deserve. What we deserve is the caliber of these young professionals we just heard, and if we don't afford them the opportunity to serve in an executive capacity, then they will never rise to these important roles. Thanked the Executive Fellows for their very thoughtful remarks.

Assefa: Agreed and expressed thanks.

Read: I will share the good news that we're currently working on the next round of applications for Executive Fellows.

Assefa: Congratulated and welcomed new staff, thanked Alex and Camille for their work. Really excited for the Connecting Communities program. When this became a priority, this was just an abstract idea because of all the over-subscribed grants. This is one of the best examples in results just within a very short time. It's remarkable.

Public Comment

No public comment.

Agenda Item #5: Consent Calendar

Motion to move the Consent Calendar

 a. Transformative Climate Communities Round 4 & Round 5: Guidelines Technical Amendment

Matt Read, acting Executive Director, SGC

Council Comment

No Council comment.

Public Comment

No Public comment.



Motion passes (10-0-0*). *Marks abstention or absence from vote.

Motion was made by Moss and seconded by Garcia.

Agenda Item #6: Action

Affordable Housing & Sustainable Communities Round 8 Awards

Matt Read, acting Executive Director, SGC

Amar Cid, Deputy Director of Investments & Planning, SGC

Council Comment

Assefa: Asked staff to elaborate a bit more and provide context on some of the issues that came up during the process. Apologies to the project Liberation Parks on behalf of the staff and Council for the mishap. Acknowledged the difficult process for staff.

Read: Happy to do so. We've gone through a lot of different iterations and information in the last two weeks, and I really want to commend the work of staff in being responsive to a lot of different requests for information. This is a conversation that we're prepared to have, and so we're going to do it. I want to ask Amar Cid to take us through some of the issues around the miscalculation and scoring, and some of the timeline for that.

Cid: Explained the review and appeal process. Staff look at the appeals to either move the appeal forward and have that project component keep going with the full score or continue on with the rejection of that appeal and reduce the score. Further explained about the concerns and errors caught in the initial scoring process that led to a re-review of the appeals process and change in the recommendation list.

Read: We view the task before us is fairly clear at this point, but we also seek the input from this Council and will continue to seek input in the months ahead on ways to improve that process. The appeal handling and how the outcomes of those appeals were then incorporated into final scores really did seem to be the primary issue that led there.

Assefa: Opened up the floor for questions from Council Members.

Moss: Thanked staff for responding to the public comments, thanked the public for raising these important concerns to the Council. It's always important to recognize that these are not just about projects. These are about people's lives, about communities that we all care about, and so I just want to first honor that and recognize that we all share that.

Expressed concerns about the two projects left off the list. I have some other thoughts about what we would like staff to bring back to us at a future meeting in terms of how we might streamline improvements for some of the processes so that we don't end up in a circumstance where people are really affected by the work that we're doing on behalf of the State of California. What are our options in terms of ensuring that these projects have not changed in score, that they are ready to move forward? I really want us to think about what our options are in terms of including the two projects that were taken off the list.



Muñoz: We need a little more clarity as to the handling of the appeal. The crux of the matter is that as a result of the handling of the appeal, projects didn't lose points. Some gained points. You have 45 applications, 38 of which were deemed viable, 21 of which were awarded. There were always going to be projects that did not receive support. Let's assume as the Secretary just said we want to award all 38, but you only have the funds for approximately 21. Before we start talking about more than 21, maybe some clarification as to what the issue of the handling the appeal was. One thing I heard in several speakers is as a result of the rescoring, is the result of arbitrary, capricious rescoring or the result of applying the score as required?

In this instance, when it is in your favor you want the absolute certainty of the score applied. In this instance, when it was finally correctly applied there were two who had been noticed. Can't imagine how devastating it was to learn that there was a consequence. Let's better understand the handling of the appeal and what exactly triggered it.

Moss: I appreciate your comments, Chancellor. We certainly recognize the incredible nature of all the projects that were considered. I think my biggest concern was that we noticed that these two were approved, and then a week later they were not, so that is uniquely applicable to these projects. I recognize that there are going to be winners and losers. This is a competitive process but I think it merits a conversation, given that this was communicated to these communities that were banking on these resources. Again, I understand and it would be helpful to get some understanding of the appeals process, but just to clarify why these particular projects seem to be left out.

Muñoz: I appreciate your comment, I don't disagree. My understanding is that, were they determined to be eligible and recommended or was a decision made that they were going to get this? Because if a decision was made then that's a different issue.

Assefa: Just for clarity of process, the decision is not made until the Council votes on.

Muñoz: We celebrated in the guarantee of this award. A recommendation is not the conferral of the award. I'm just trying to get some clarity. I'm not in disagreement with the direction that you are generally encouraging us to consider. I just want to think if we're going to consider, that we need to consider why we're looking at alternative approaches.

Read: Clarified that the appeals process and rescoring did not modify an eligibility. What it did was modified relative scoring, scoring to other projects. There's not a project that is on the recommended or not recommended list that's not potentially fundable. The outcome of an appeals process is that where the errors occurred, it did not result in ineligibility determination. The projects that were subjected to the errors we made in the appeals are still eligible for funding under the program.

Explained that the issue was working with a determined and finite amount of funding for those projects. Had to provide a compliant staff recommendation with statutory requirements. To fund another project then potentially gets us out of compliance from the amount of funding available. That's where we need to work through and talk about funding availability.

Muñoz: I think among our roles is to provoke this kind of discussion. So those appealing right now were determined to be eligible and remain eligible. It's an issue of limited resources.



Garcia: Thank you. First, I want to underscore something that Secretary Moss mentioned which is that all of the applications are certainly worthy. Congratulated all the projects that made it to the list of recommended awards. I hope that this discussion doesn't eclipse how important that conversation is. Appreciated the work it takes to review the applications. We all take our role very seriously. I want to put in a discussion on improvements in process, which is kind of a longer conversation. I would request that staff come back to us with recommendations on improvements moving forward.

We pride ourselves on this Council in being flexible with how we can use the funds to address areas that are unique to these programs, and we take that flexibility seriously but would like to understand whether we do have options to pulling back these two projects and potentially thinking through what that looks like.

Read: Also really need to consider how we do that, who's at the table, how we're engaging our interagency partners. We're responsive to our statutory obligations. Will take direction from Secretary Garcia and welcome additional comments from Council. What is possible is a reflection of the problem we are trying to solve for.

Cid: Explained about different scenarios in trying to make the compliant award recommendation. Adding in Liberation Park project would put us out of DAC compliance. Fifty percent of funds must be in benefiting disadvantaged communities. Another concern is being oversubscribed, not having additional funds. Adding Aspire project would make us DAC complaint, but still oversubscription out of compliance, and over budget. The 946 Long Beach project scored higher than Aspire, so adding in Aspire would be bypassing the Long Beach project. Adding in all three projects would be DAC compliant, but still oversubscribed.

Garcia: Just to be clear, oversubscription would then mean taking from next year's award, or how where would that come from?

Cid: Explained about additional opportunities for funding, such as pulling from auction proceeds from year 2022-23 or 2023-24 Round 9, or looking at potential for disencumbered funds. We also need to ensure that ten percent of funds is set aside for SALC.

Read: The Cap-and-Trade auction proceeds for 2023-24 that SGC has realized and then distributes to partner agencies for administration, but also realized that up to this point the disencumbered funds sit with HCD and our partners over there. That would require coordination, ensuring that both funds are available and identifying equitable distribution between the agencies. Key features of that disencumbered pot might make it more or less suitable to rely on. Not something SGC can do alone, but the program can do with direction from this Council.

Assefa: Appreciates the perspective provided to Council. We all agree that these are eligible projects. We all agree if they made this list, they're worth funding for. There's no unlimited funding available, but there is a possibility that we can identify funds. We have urgency to address affordable housing and climate change, but a short window to address these issues. Where I'm leaning toward in current context, make every effort possible to get more eligible projects funded within confines of the statute. Process we could deal with further down.



Moosavi: Explained about his background working with AHSC program. The reason we're all gathered here today is to make sure we get these awards right because this is a critical source of affordable housing that we have here in the State of California, our largest source of funding.

It's important that we rectify the issue and acknowledge that a mistake was made here. Communities were given what now looks like false hopes in terms of awards that they expected to get. It's important we do not create other disparities as we do so. If we consider other options, we don't skip any project down the list because in doing so we are favoring other folks who were left off and creating an issue of other inequities. Requested staff to address the CalVans issue to get the whole picture before any further discussion.

Muñoz: Do we have an idea of what that number could be for the total of disencumbered funds, and are there other pots of money? Do we know what amount could be theoretically rescued from disencumbered funds?

Read: We've been in close coordination with colleagues at HCD on this issue. The nature of disencumbered funds is that it is not a static pot, and the numbers are always changing. Issues are as projects move through their funding and cycle, they identify that they maybe didn't need this much money and so they send some number of dollars back.

We know approximately a week ago, there was a support for an award of \$720 million. It would be vital that any action that Council takes providing SGC and HCD staff have flexibility on the uncertainty on disencumbered number. What we don't know is what would be leftover after taking all the administrative steps that other programs like SALC and staffing costs are addressed. We haven't fully run that scenario, but Round 9 is estimated at around \$650 million.

Capretz: I'm getting less and less comfortable with all of these permutations and configurations because every answer gets more complicated. I'm just concerned about the integrity of program. Do two wrongs create a right? I want to echo the concern about creating further inequities when trying to do the right thing. Concerns of inequity through the example of San Diego being unable to complete on a leveled playing field as the Bay Area. I'm just thinking about all the families in Southern California that are not even able to compete because of the current process, so I just want to put that perspective out there.

Crowfoot: I would make a couple of observations, one of which is we have tremendous demand for affordable housing, and not enough resources to meet the demand. Acknowledged good work that staff does. I want to build confidence of our transparency and accountability to the decision-making process. That is where we are different from others.

When there is a process error, we should acknowledge it and then we should try to remedy it. I concur with Deputy Director Moosavi. I am in favor of exploring the possibility of utilizing funding, including Greenhouse Gas Reduction funds from the current year to fund these three projects. I think it would send a strong message that when we make a process error, we can address it effectively. Not suggesting a motion, but I just wanted to be transparent about where I sit because I do think there's a remedy for this.

Moosavi: Just wanted to build off some of that and bring some historical context to this conversation. If this Council were to choose to fund above the NOFA, it wouldn't be the first



time we've done so. I think that is the beauty of the SGC. In other departments or agencies without a public board, you don't get the opportunity for a rich back-and-forth to really decide and make sure we're using our dollars to the fullest capacity as we can now.

Assefa: Thanked Deputy Secretary Moosavi for providing that context.

Moss: Can you speak specifically to the DAC score for RLP project? For anyone who has been to East Oakland who knows this project, it is really difficult for a late person to understand why this would not meet the DAC score.

Cid: For the disadvantaged communities within AHSC, this is as a reminder that a California Climate Investments program is part of the Greenhouse Gas Reduction fund, and so it is a part of our requirement to look at the disadvantaged communities criteria. We utilize CalEnviroScreen 4.0 to make sure that those projects are identifying their location data are either in a DAC, in a low-income community, or in a location within a half mile of that particular DAC location. For this particular project, it is not scored via CalEnviroScreen as a DAC. Further explained the scoring of project and why it did not meet certain criteria. There are location data identifications that we have to utilize to make sure we meet those criteria.

Garcia: Not meeting the CalEnviroScreen criteria, but does it not meet the low-income community either?

Cid: Provided definition of DAC as per CalEnviroScreen and SB 535 AB 1550 statutory definitions. Criteria for low-income communities is a different score. We need to meet the DAC criteria for this particular program.

Crowfoot: A few of us have suggested answering questions on issues raised in public comment.

Read: We can start with the CalVans issue.

Cid: With the CalVans decision, there was some information provided across all the applicants. We are looking for accuracy, for correct data within the application that would prove valid. Our program team look and have identified multiple projects outside of CalEnviroScreen area where we reduced the score and the score. For CalVans, there were 13 projects that had partnership. We found concerns on ratio between housing and CalVans criteria. We could not pinpoint that CalVans would service the residents, parking, and service area credit.

Having multiple discussions with the project teams, talking to CalVans, we made the decision to reduce the projects down by ninety percent of their request. This decision did not come lightly. We though to hold ten percent of that project moving forward instead of removing that project component all together. Explained about the ratio concerns that the team noticed.

Assefa: Not very clear of what options we have in terms of actions today, but I'd say to go with recommendation of staff or remedy. My question is, are we ready to do that today?

Read: SGC staff can coordinate. Explained that a motion to award recommendations plus additional awards is viable.

Assefa: Is there any implications of delay for other funds, delay for the additional ones?



Read: Detailed the process. Sufficient in the past, we expect that it would be sufficient to meet the August 29 deadline that we identified.

Cid: That is the process we're working through now because of the short timeline of this award and the application for TAC next week.

Capretz: Can motions be separated? I just remain uncomfortable with making a final decision about the potential of the additional awards given how fast this train is moving. Is there a way to first take a motion on the staff recommendation and then have a separate motion. Expressed interest in wanting all the projects that fit the criteria to move forward, but would appreciate two different votes.

Read: Invited Doug Bojack, Senior Staff Counsel, to provide context on multiple motions.

Bojack: Yes, projects can be separated out and the Council can address the awards in multiple motions if it makes it easier to process the awards.

Read: Briefly explained Robert's Rules of Order and the opportunity for motions to be made.

Muñoz: Asked for confirmation of precedents made, point of resources.

Cid: Mentioned past experiences with AHSC awards from earlier rounds that allowed eligibility from auction proceeds for supplemental award.

Capretz: Motioned to staff recommendation as is.

Crowfoot seconds the motion.

Assefa: I have one more question about the two motions versus one motion that capture both options. Is there any difference in outcome or no, in terms of timeline?

Read: Explained the idea of different motions.

Moss: Amend the motion of staff recommendation to include the additional three projects outlined.

Garcia seconds the amendment.

Moosavi: Questions about the motion. Is it a conditional addition of the three projects or an addition of the three projects with direction to the staff to go identify funds? Will these three projects come back to the Council?

Read: Explained the motion and condition subsequent that Secretary Moss discussed and satisfied by sufficient funding identified by staff. Once the funding has been determined, then the awards could then be issued. No need to come back to Council, the report back could just occur on the outcome of the staff action.

Jameson: Just to clarify, we'd be giving conditional awards based on the availability of funding from the 2022-23 Cap-and-Trade funds or just including the 2023-24?

Read: The condition subsequent would be related to the availability of the 2023-24 funds.



Jameson: Voiced reservation, predictability is something people rely on with these programs. Eating into Round 9 funding feels less competitive for projects coming into Round 9. I support the staff recommendation if we can find disencumbered funds but not sure about moving into Round 9 funds.

Crowfoot: Do we include or do we approve funding as it's available for these three projects? In addition to what staff is recommending, I'm supportive of that process. Re-stated Capretz's stance on feeling uncomfortable supporting the additional three. Open to splitting the decision in two if that's appropriate in a process perspective. Acknowledges Jameson's point on using funds beyond disencumbered funds.

Assefa: My understanding is that we can vote on both motions, with the amended motion and the first motion.

Read: Success of the amended motion would obviate the need to vote on the other motion. That would just be the motion and would complete the item.

Garcia: Could we not do two motions? Could we vote on the staff recommendation, and then make a further motion on the additional three projects?

Read: Explained the issues with Garcia's suggestion. Passes on to Alex C. Walker to further explain Robert's Rules of Order.

Walker: Further explains the current motion and the motions to follow.

Cardenas: I will support whatever motion that allows us to fund the additional three fantastic projects. Defers to Walker.

Walker: Two options. We can start from scratch completely, or vote yes to amend the motion, and then yes to the amended motion if you want to award those funds.

Capretz: I would really appreciate the opportunity to vote on a standalone motion on the staff recommendation. Expressed concerns that encumbering funds from the next round would be challenging the integrity of the program. Asked to rescind the motion and to go through taking a staff recommendation and then taking a separate motion.

Moss: Because there is only one action item on the agenda and it is a motion we have in front of us, I am not willing to withdraw my motion if we are not able to introduce another action item to vote on. If we can separate the motion given that the agenda had one action item to vote on, I would reconsider that. Otherwise, I'm not willing.

Walker: Yes, we can take two different actions as Doug described earlier. Even though it's not on the agenda, this is a Germaine discussion, so the Council is free to proceed how they wish. If you would like to rescind your motion, the motion would then be the original motion made by Representative Capretz. Then Council would be voting to pass the staff recommendation as is, and then a new motion be introduced to do what you want with the other awards.

Moss withdraws the amended motion.

Walker: Because *your* motion did get a second, I would recommend a second withdrawal to the second consent.



Garcia seconds the withdrawal of the amended motion.

Walker: The motion on the floor is the original motion made by Capretz, which is to approve the staff recommendation.

Assefa: And seconded by Secretary Crowfoot. Any discussion on that?

Capretz: Expressed gratitude.

Moss calls for second motion.

Moss: Additionally, I move that the Council pull forward the necessary funds from the FY2023-2024 cap-and-trade revenues and/or disencumbered funds, as available, to make awards for the three additional projects: Residences at Liberation Park; 946 Linden; and Aspire Apartments.

Moosavi seconds the motion.

Assefa: Expressed gratitude to Council members and to not lose sight of their goals.

Moosavi: Requested staff to come back in October with a reflection on the program.

Public Comment

Sally Greenspan

Ellen Morris

Leigh Hanson

Jamie Parks

Ali Gaylord

Carolyn Johnson

Charles Loveman

Matt Lewis

Armeen Neshat

Doug Menges

Galen Dobbins

Iliana Chevez

Stephanie Montes

Nick Wilder

Bryan Elsey

Emily Ware



First Motion, Staff Recommendation passes (10-0-0*). *Marks abstention or absence from vote.

Motion was made by Capretz and seconded by Crowfoot.

Second Motion passes (9-1-0*).

Motion was made by Moss and seconded by Moosavi.

Agenda Item #7: Discussion

Interagency Racial Equity Update

Matt Read, Acting Executive Director, SGC

Hoi-Fei Mok, Deputy Director of Equity & Government Transformation, SGC

Ana Bolaños, Assistant Deputy Director, Program & Policy, Department of Public Health

Geneva Thompson, Deputy Secretary for Tribal Affairs, Natural Resources Agency

Nailah Pope-Harden, Deputy Director, Equity and Tribal Affairs, Department of Transportation

Secretary Garcia left the meeting at 3:29 p.m.

Secretary Crowfoot left the meeting at 3:29 p.m.

Deputy Secretary Moosavi left at 3:29 p.m.

Lucy Levin (Designee), Climate Policy and Intergovernmental Relations Supervisor, California Environmental Protection Agency (CalEPA), on behalf of Secretary Yana Garcia, present the whole duration of the meeting, assumed their role as designee at 3:30 PM.

Noaki Schwartz (Designee), Deputy Secretary, California Natural Resources Agency, on behalf of Secretary Wade Crowfoot, present the whole duration of the meeting (virtually), assumed their role as designee at 3:30 PM.

Deputy Secretary Moosavi returned to meeting as Public Member Muñoz left at 3:36 p.m. Quorum met; 6/10 members present.

Public Member Muñoz returned to the meeting at 3:37 p.m. Quorum met; 7/10 members present.

Council Comment

Capretz: Great work on the tribal relationships. I want to ask how the tribal relationships are working in Lithium Valley.

Thompson: Great question. The California Energy Commission has been working closely with a lot of tribal leaders in California, American tribes that are in that region to better understand their priorities as it relates to the protection of cultural resources and landscapes associated with the lithium production. In tribal consultations, identifying concerns and needs help inform how that process moves forward in working with the entities that are pursuing these opportunities. There are also conversations around tribal priorities in the space. There's an interest in ensuring there are resources for their communities, economic development



opportunities, and other opportunities to help shape the future economy of the region. Further mentions the Salton Sea Management Program at CNRA.

Capretz: That's wonderful to hear. Appreciated the information.

Muñoz: Anything that we can do to accentuate the support that we provide particularly for native people, whether they're registered or not. I mean we cannot do enough, period. Acknowledged their efforts.

Jameson: With the tribal and community engagement you're all doing, do you factor that into administrative budgets for staff? I feel like it's really important because if that's not factored in then we don't know how much time it's going to take and if we have the budget. Just wondering how you handle that.

Pope-Harden: I can tell you that we have more work than we have staff. It's a challenge, every year we submit budget change proposals. Sometimes we're directed that we need to do something and be really clear about we need to do. We outline the number of staff that will be able to lift up the work as it rolls out. We always find out that we don't have enough people because the work is just so great.

Torres: Appreciated all the staff updates on the equity programs and policies and the work that's being done internally. As we engage in this work, I'd love to see how we can unpack the work and tell, to your point, the stories of how this is changing people's lives and how we're intentionally trying to move everyone in the right direction, but also consciously thinking about who's been left behind and tailoring solutions for them. Just food for further discussion in the future.

Thompson: Appreciate you bringing up the staffing question, because we need a bunch of different types of people. We need folks who are strong communicators that can tell that story. We're thinking about how we shift our programs to ensure we have the right people and the right budgets to complete this work. I want to just honor Deputy Secretary Schwartz's work on this. We amended our Duty Statements at the executive level of the CNRA to ensure that every single employee has part of their job thinking about equity, having the space to be able to participate in Heritage months or plan the Heritage months. That is part of all of our jobs.

Schwartz: I want to thank the panel and Geneva for her partnership. I think there's a lot of great work going on at the state. I was reflecting on pulling together information for the SGC, for the Racial Equity section. I literally got 16 pages typed up, single-spaced. There's a tremendous amount of work going on, and I do think a lot about how we are communicating this to the public. Just having that public support so we can continue this work.

Assefa: Acknowledged the incredible work done internally within each agency, and how difficult the work is. Really appreciate everyone's participation.

Secretary Moss left the meeting at 4:03 p.m. Quorum met; 6/10 members present Public Member Muñoz left the meeting at 4:16 p.m. Quorum lost; 5/10 members present.



Public Comment

Lora O'Connor

Agenda Item #8: Public Comment

No public comment.

Agenda Item #9: Meeting Adjournment

Meeting adjourned at 4:28 p.m.

