#### MINUTES OF REGULAR BOARD MEETING

#### BOARD OF DIRECTORS CAPITOL AREA DEVELOPMENT AUTHORITY

#### AUGUST 21, 2020

#### ITEM 1 - ROLL CALL

Chair Bailey called the Board Meeting of the CADA Board of Directors to order at 10:01 a.m. at 1522 14<sup>th</sup> Street, Sacramento, CA 95814 and via public video conference.

Present: Avdis, Lagomarsino, Maviglio, Winston, Bailey Absent: None

#### ITEM 2 - APPROVAL OF MINUTES: July 16, 2020 [CADA/CACDC]

Chair Bailey asked that the minutes be amended to make clear that roll call was for both CADA and the CACDC.

Member Avdis moved approval of the July 16, 2020 CADA Board Meeting minutes. Member Winston seconded.

AYES: Avdis, Lagomarsino, Maviglio, Winston, Bailey NOES: None

#### **ITEM 3 – CHAIR'S ORAL REPORT**

No Report.

#### **ITEM 4 - EXECUTIVE DIRECTOR'S ORAL REPORT**

Ms. Saunders reported the following: CADA offices have remained closed to the public since March 18<sup>th</sup>. Administrative staff is still staggering schedules and keeping track of who is in the office each day to limit the number of people in the office at the same time. Staff continue to sanitize common areas, wear masks, and those who can are primarily working from home. We have now experienced five months of rent collection under COVID, were concerned b/c supplemental \$600/week ended, that we might have additional COVID accommodations, but have had only had 1 request for forbearance. Revenue stays at 96% as it has during SIP. Still working with commercial, and we forgave rent for three months and asked for half rent the following three months, but expect that approach will be under review.

Have been busy with Site 21, 1322 O Street and 1717 S, all of these projects will be discussed later in the agenda.

#### <u>ITEM 5 — ANNUAL</u> AFFIRMATION OF DELEGATION OF INVESTMENT AUTHORITY TO THE CITY TREASURER

Recommended Action: Adopt resolution affirming delegation of investment authority to the City Treasurer. Contact: Noelle Mussen, Finance Director

The Operations Committee did not meet.

No public comments.

Member Lagomarsino moved approval of Resolution 20-22, attached hereto and incorporated herein. Member Winston seconded the motion.

AYES: Avdis, Lagomarsino, Maviglio, Winston, Bailey NOES: None

#### ITEM 6 — OMBUDSMAN REPORT PRESENTED BY: BETYY GWIAZDON, CADA OMBUDSMAN

Ms. Gwiazdon reported that, since her last presentation, she has received only 11 calls, which all consisted of the typical kinds of complaints usually received. She stated she has received no calls so far this year, which is likely because of people staying in place due to the pandemic. She concluded by saying that, as usual, CADA has done a terrific job of working with her and all complaints were resolved.

No public comments.

Member Lagomarsino recused himself at 10:25 due to a conflict.

Member Maviglio left the meeting at approximately 10:28 am.

## <u>ITEM 7 – 1420 O STREET – RATIFICATION OF EXECUTIVE DIRECTOR'S DECLARATION OF EMERGENCY</u>

*Recommended Action:* Adopt resolution ratifying the Executive Director's emergency action authorizing CADA to enter into contracts with Elite Service Experts, Inc. for the repair of gas leaks at 1420 O Street in the amount of \$231,000 Contact: Marc de la Vergne, Deputy Executive Director

The Operations Committee did not meet.

Randall Winston asked if Marc could comment on whether CADA's Risk Manager is looking to appeal the insurance company's denial or whether it has been determined an appeal is too costly to pursue. Risk Manager, Jill Azevedo stated that CADA's legal counsel has reviewed the denial and determined that it was not worth appealing, however, staff is working with CADA's insurance brokers to determine if any portions of these repairs may be covered by other CADA insurance policies, such as hotel costs, etc.

Jeff Mitchell offered to send KMTG's legal research to the Board.

No public comments.

Member Winston moved approval of Resolution 20-23, attached hereto and incorporated herein. Member Avdis seconded the motion.

AYES: Avdis, Winston, Bailey

NOES: None

Member Lagomarsino rejoined the meeting at 10:29 am

#### **ITEM 8 – 1717 S SSTREET PROJECT FUNDING LOAN**

*Recommended Action:* Adopt resolution authorizing the Executive Director to amend loan documents between CADA and the 1717 S Street Investors, LP (Development Partnership) to increase the loan amount from \$3,000,000 to an amount not to exceed \$3,300,000 to provide project gap financing and amend the FY 2020/21 budget to account for the new Development Partnership loan.

The Development & Construction Committee did not meet.

Member Lagomarsino stated that this project will be a nice contribution to the area now that the project is 100% affordable. He noted that Mr. Leon stated this will go a long way to meeting the agency's R Street affordable housing contribution, but said that the agency will be exhausting all affordable housing funds and inquired whether doing so would not satisfy 100% of the agency's affordable housing obligation? Mr. Leon replied that it is hard to say where the affordable rate will end up at this time, but 158 will definitely go a long way towards that goal. He said he believes there are currently close to 200 units of affordable housing in the R Street corridor, and noted that the agency is only obligated to match 20%, so CADA is well ahead of this requirement at this time.

Mr. Leon stated that there are a number of small projects, and one large project that have provided the majority of affordable housing in the corridor. Ms. Saunders stated the R Street Corridor project area mimics regulations the were in place for redevelopment agencies, before they were dismantled, so this creates a "moving target" in regards to the agency's affordable housing obligation over the course of the project.

Member Lagomarsino stated that having construction scheduled to commence in November is pretty exciting. Mr. Leon explained that the first phase of construction will be two to three months of remediation. Once the Water Board approves and soil remediation goals are met, actual construction will commence. Mr. Leon said it is schedule to be a 27 month construction process with the first 3 months consisting of remediation, followed by 24 months of construction.

Member Lagomarsino inquired whether the construction plan had been finalized. Mr. Leon replied that they may need to alter the ground floor commercial after all documents are finalize for the possibility of converting it to housing if needed. Mr. Leon said that during the summer and pandemic, market rate housing and commercial have taken a hit, and staff was worried about financing partners not wanting to finance 11,000 sq. ft. of retail. In anticipation of this, staff looked at a few different configurations, but was able to find a financing partner that isn't concerned about the retail space. Member Lagomarsino said the conversion of the project from mixed income to 100% affordable is good news, especially since this conversion is not going to affect the design in order to accomplish project.

Member Avdis stated he was pleased to see that addition of 158 affordable housing units, especially given the many public discussion regarding the need for affordable housing.

Member Winston agreed that he was very pleased to see such a high number of affordable units, and that this project was a good fit for the area.

Ms. Saunders stated that Mr. Leon has done a fabulous job of seeing such a complex project to this point, and that staff is looking forward to a virtual ground breaking and being able to attend an in-person grand opening in a few years.

No public comments.

Member Avdis moved approval of Resolution 20-24, attached hereto and incorporated herein. Member Winston seconded the motion.

AYES: Avdis, Lagomarsino, Winston, Bailey NOES: None

## **ITEM 9 – CREATIVE CROSSWALKS CASE STUDY**

Recommended Action: Review and Comment

#### Contacts: Renée Funston, Development Manager Marc de la Vergne, Deputy Executive Director

The Neighborhood Development Committee did not meet.

Member Avdis stated that he is very excited about this study.

Member Winston echoed that this sort of project was excited to see. He inquired if staff knew when the timeline for occupancy of the new Legislative building and one the new State building being constructed on 12<sup>th</sup> Street and how that could affect the location of the creative crosswalks. Mr. de la Vergne answered that the proposed opening dates for those buildings is in late fall of 2021 into early 2022. Of the three projects, only one had a creative crosswalk incorporated – the building at 12<sup>th</sup> and O. He stated that about a week ago, staff learned from the landscape design team, in discussion with City, that they decided to delete the crosswalk. The landscape team hoped the creative crosswalk would be acceptable because they initially thought it would be in the portion of the streetscape that was to remain State-owned. However, it appears the crosswalk would need to be in City right of way, and the City has consistently said to CADA over last several years that they were reluctant to approve any new crosswalks beyond the one proposed in Lavender Heights. Mr. de la Vergne stated he had recently received call from DGS wanting to talk about it, but was not sure if it would just be to restate that the City doesn't support the addition of the creative crosswalk and that DGS doesn't want to appeal.

Mr. de la Vergne stated there are no plans to incorporate creative crosswalks in the plans for new the Legislative or State Resources buildings, but the CADA O Street Streetscape plan does have some in that area. Staff will be meeting with City staff today to find out more about whether public works have reviewed this case study and how we can get them comfortable with it. CADA's proposal is to incorporate a creative crosswalk at 14<sup>th</sup> and O in conjunction with construction of the CADA Courtyard affordable housing project. Mr. de la Vergne said that staff's goal is to get the City comfortable with the idea of creative crosswalks between now and that construction. He stated the construction plan currently calls for bulb outs, which are one of recommended safety structures for making creative crosswalks safer and more feasible.

Chair Bailey inquired why the City is reluctance? Mr. de la Vergne answered that the Public Works Department staff who have decision-making authority tend to be engineers, who tend to be more conservative. He state that staff were asked to prepare this case study to convince the engineers that these types of crosswalks have succeeded in other locations, and haven't resulted in any revocation of federal funding. He said staff are hopeful this case studies will convince staff within Public Works to clear a path for these types of crosswalks.

Member Lagomarsino stated that the City suggested CADA conduct this case study and that CADA staff have came up with pretty elaborate response and stated the agency's interest in making the case. He said he did not feel it should be incumbent upon CADA to convert the Public Works folks into believers, but he hopes the City appreciates the work CADA has done to make this case, which includes variable that transcend purely aesthetic contributions to City. He further stated that the case study actually makes the argument that these types of crosswalks are safer and make people, both drivers and pedestrians, pay more attention. He said he likes where staff have gone with this study and appreciates the study's focus on the type of installation instead of expensive/permanent materials like pavers. Member Lagomarsino said he hopes the City and other new State buildings comes around to the idea as creative crosswalks are an inexpensive way to add nice texture to the neighborhood.

No public comments.

## **CONSENT CALENDAR - ITEM 10**

#### **ITEM 10 – CADA FLEX PLAN AND CALPERS HEALTH EMPLOYER CONTRIBUTIONS**

Chair Bailey asked if there were any Board members who desired Items 10 to be taken off the Consent Calendar. None wished to do so.

The Operations Committee did not meet.

No public comments.

Member Avdis moved approval of Resolutions 20-25 and 20-26, attached hereto and incorporated herein. Member Lagomarsino seconded the motion.

AYES: Avdis, Lagomarsino, Winston, Bailey NOES: None

## **ITEM 11 - CLOSED SESSION**

# A. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Pursuant to Government Code 54956.9(a))

Law v. CADA: Case No. 34-2020-00281476

Chair Bailey reported that there was Board discussion on the subject listed. No action was taken.

## **ITEM 12 - ORAL STAFF REPORTS**

- A. **Downtown Sacramento Partnership**: Ms. Saunders reported that the Downtown Partnership hasn't had a meeting since the last CADA Board meeting, but she did receive an email last night stating that all hotels in Sacramento are 100% occupied with evacuees from fire zones. She further reported that the Partnership was scrambling to find food for the evacuees since outdoor dining at local restaurants has been shut down due to poor air quality.
- B. Downtown Sacramento Revitalization Corporation: No report.
- C. Midtown Association: Ms. Saunders reported that Midtown Parks the MBA's non-profit to revitalize parks, has started a Wednesday afternoon farmer's market from 3:00 pm 7:00 pm, with 10 15 booths and live music.
- D. Roosevelt Park (1619 9th Street): No report.
- E. O Street Streetscape (7th 17th Streets) Marc de la Vergne reported that DGS has successfully installed new steam vents on O St improving the street appearance. CADA has completed removal of the sculpture at 9<sup>th</sup> and O St. and will host meeting on an arts vision to replace the sculpture with a new art piece, when able given current social-distancing protocols. He also reported that the 900 block landscaping plans have been submitted, and include a similar drought-tolerant palate to other recent plans, and staff is awaiting DGS's response.
- F. **Other Neighborhood Improvements** Mr. de la Vergne reported that the proposed landscape design for 16<sup>th</sup> Street outside Karma Brew and Lagado leasing office was initially scheduled to start construction this week, but Covid has intervened and Karma Brew has now requested CADA help to install outdoor seating in the parkway strip, where the landscaping would have happen. As such, staff decided to pause the landscape project to see how the agency could install temporary seating, and are waiting for Karma Brew to submit a design. Member Lagomarsino asked why the landscaping project had to be stopped since the agency's landscaping plan would solve the problem of making it difficult to install seating by fixing the planting strip's slope. Mr. de la Vergne explained that the initial design had a retaining wall which would have created a seating area between the trees, however, the City rejected this plan because it would impeded the tree roots. As such, staff had to alter the plan from pavers to hearty plants, so the new design is not conducive to seating. Member Lagomarsino asked if Karma Brew was able to put seating on a surface that isn't flat. Mr. de la Vergne Mr. de la Vergne said that staff was considering the possibility of constructing something similar to the platform that the Ju Hachi restaurant on 18<sup>th</sup> and S Street, had installed, which is slightly elevated from the sidewalk on leveling feet with 2x4 walls.

Construction Manager Renee Funston reported that staff conducted tenant interviews with 10<sup>th</sup> St commercial tenants and is working with the agency's landscape architect on the initial design package. Ms. Funston reported that prominent features of the schematic design include a bulb-out at 10<sup>th</sup> and P Streets, perforated metal panels depicting California flora, built in "lunch" counters, and low-maintenance plants.

- G. The Vantage (Site 21 Southwest Corner of 14th and N Streets) Tom Kigar reported that staff are working on closing transaction in which CADA will purchase site from Cresleigh, and are scheduled to close Sept 12<sup>th</sup>. Mr. Kigar said part of this process is ensuring CADA has all documents and permissions from Cresleigh and the architect to be able to pass on plans and documents to a new developer to build as currently designed. Mr. Kigar said staff is also working on obtaining the part of the site where the old apartment building stood to use as parking lot in response to DGS not wanting the lot to be an "eye-sore". Member Lagomarsino asked if DGS would be contributing financially to this? Mr. Kigar answered no, that CADA would take on the associated costs, but could hopefully use generated parking revenue to help cover costs.
- H. CADA Courtyard Site (1322 O Street): Renee Funston reported that staff submitted an application through the HCD Transit Oriented Development (TOD) Funding Program for \$10 million. Ms. Funston said that, based on self-scores, CADA is in the top 4 out of 32 applicants for housing development, and that approximately the top 1/3 of applications will be funded. HCD will announce the official awards in October 2020. Ms. Funston then stated that, in order to secure the remaining financing gap, staff is working on the TCAC tax credit and bonds application for submission by August 30<sup>th</sup>, with awards expected by January 2021. Ms. Funston stated that staff will present an amendment to the Architect's contract to incorporate cost savings construction improvements at next month's Board meeting, and will then direct the architect to complete finalization of the plans upon aware of the TOD funds. Staff is planning to submit for a Building Permit in December, and start construction in June 2021. Mr. de la Vergne stated that the O St Plan would also receive some of the awarded funding. Ms. Funston agreed and said, as discussed at last month's meeting, staff continue to work closely with SacRT, who also submitted two applications, one for the station at 14<sup>th</sup> and O across from Secretary of State building, and another for the 16<sup>th</sup> St station, to install low-floor platforms and art which is called for in the O St Plan.
- I. R Street PBID Todd Leon reported that the PBID's al fresco dining program has been implemented for a few weeks now. He stated that CADA has helped out in this endeavor with the bollard installation project last month. He said the bollard were utilized right away to close down sections of the street to help commercial tenants install outdoor seating, which has been very successful. Mr. Leon said the agency has also helped by lending additional bollards to 17<sup>th</sup> and R for Beast and Bounty's outdoor dining area. Mr. Leon also reported that the tenant at 11<sup>th</sup> and R, Hashi Dori is shut down permanently, but Bay Miry already has a few operators interested in the space.
- J. R Street Affordable Housing (1717 S Street) Reported on in Agenda Item 8

## <u>ITEM 13 – TRANSMITTALS</u>

Received as transmitted.

## ITEM 14 – OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD REGARDING MATTERS NOT ON THE AGENDA

None.

## ITEM 15 - ADJOURNMENT

The meeting adjourned at 11:41 am

Adopted by the Capitol Area Development Authority

#### August 21, 2020

## **RESOLUTION REAFFIRMING ANNUAL DELEGATION OF INVESTMENT AUTHORITY** TO THE CITY TREASURER

WHEREAS, California Government Code Chapter 749, Statutes of 1996, authorizes the legislative body of a local government to delegate its investment authority to the Treasurer of the local agency for a one-year period; and

WHEREAS, the Authority has reviewed the current City of Sacramento's Investment Policy; and

WHEREAS, the City Treasurer has informed the Authority that as it pertains to City Investment Pool A and public fund investments of the City of Sacramento, the City Investment Policy is generally consistent with California Government Code Sections 53600.5 and 53601 and that the City Investment Policy specifically requires City Council approval of any investment deviations from these government code sections; and

WHEREAS, the City Treasurer has informed the Authority that there have been no investment deviations from the California Government Code or changes to the investment policy since its adoption by the Board in August 2018.

**NOW, THEREFORE, BE IT RESOLVED**, by the Capitol Area Development Authority Board of Directors that the Capitol Area Development Authority delegates investment authority to the City Treasurer for the period of one year. The City Treasurer shall assume responsibility for the transactions until the delegation of authority is revoked or the one-year period expires.

**BE IT FURTHER RESOLVED**, by the Capitol Area Development Authority Board of Directors, that it delegates said investment authority with the understanding that:

- 1) The City Treasurer shall submit monthly reports of transactions and quarterly investment reports to the Authority.
- 2) When the City Treasurer deems that deviation from the California Government Code Sections 53600.5 and 53601 is prudent, prior to the purchase of such investments, the City Treasurer shall provide the Authority with evidence of City Council approval of said deviation; and that
- 3) The City Treasurer shall notify the Authority of any proposed amendments to the City of Sacramento's Investment Policy prior to said amendments becoming effective.

Ann Bailey, Chair

ATTEST:

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Acting Secretary to the Board of Directors

August 21, 2020

Adopted by the Capitol Area Development Authority

## **RATIFYING THE EXECUTIVE DIRECTOR'S EMERGENCY ACTION TO ENTER INTO** CONTRACTS WITH ELITE SERVICE EXPERTS TO REPAIR GAS LEAKS AT 1420 N STREET

WHEREAS, the CADA-managed apartment building at 1420 O Street has experienced unexpected gas leaks that required immediate repair; and

WHEREAS, the CADA Contract and Bid Procedures Policy Statement allows an exception to the formal bidding procedures where the Executive Director has determined that a public emergency or necessity exits; and

**WHEREAS**, the Executive Director determined the situation to be an emergency and authorized repairs to begin immediately; and

WHEREAS, Maintenance identified Elite Service Experts as a firm that could quickly and competently make the needed repairs; and

**WHEREAS**, the Executive Director has authorized staff to suspend bidding and enter into two contracts with Elite Service Experts in an amount totaling \$231,000 under CADA's emergency contract provisions.

NOW, THEREFORE, BE IT RESOLVED, by the Capitol Area Development Authority, that the Board of Directors hereby ratifies the Executive Director's action under the emergency contract procedures to award contracts to Elite Service Experts in an amount totaling \$231,000.

Ann Bailey, Chair

ATTEST:

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Jill Bagley-Azevedo Acting Secretary to the Board of Directors



Adopted by the Capitol Area Development Authority

August 21, 2020

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR AUTHORIZING THE EXECUTIVE DIRECTOR TO AMEND LOAN DOCUMENTS BETWEEN CADA AND THE 1717** S STREET INVESTORS, LP (DEVELOPMENT PARTNERSHIP) TO INCREASE THE LOAN AMOUNT FROM \$3,000,000 TO AN AMOUNT NOT TO EXCEED \$3,300,000 TO PROVIDE PROJECT GAP FINANCING FOR THE 1717 S STREET PROJECT AND AMEND THE FY 2020/21 BUDGET TO ACCOUNT FOR THE NEW DEVELOPMENT PARTNERSHIP LOAN.

WHEREAS, on March 25, 2016 the CADA Board authorized the Executive Director to enter into a Purchase and Sale Agreement with 1700 Block S Street Investors, LLC (Owner) to purchase 1717 S Street (Property), and on April 5, 2017, the Executive Director signed the Purchase and Sale Agreement; and

WHEREAS, On March 10, 2017, CADA assigned the PSA to the 1717 S Street Investors L.P. which immediately closed escrow and purchased the 1717 S Street Property; and

WHEREAS, the 1717 S Street Investors, L.P. plans to finance the 1717 S Street development with sources of funding from CADA, California Housing Finance Agency (CalHFA), California Tax Credit Allocation Committee and the California Debt Limit Allocation Committee; and

WHEREAS, there is currently a \$14.3 Million funding gap for the project for which 1717 S Street Investors, L.P. plans to address though the several funding sources listed above, and a requested \$3,300,000 loan from CADA; and

WHEREAS, CADA desires to make the budget adjustments to increase loan amount to 1717 S Street Investors, L.P. in an amount not to exceed \$3,300,000

NOW, THEREFORE, BE IT RESOLVED, by the Capitol Area Development Authority that the Board of Directors hereby:

- 1. Authorizes the Executive Director to increase the new loan amount to the 1717 S Street Investors, LP by \$300,000, and to an amount not to exceed \$3,300,000.
- 2. Authorizes the Executive Director to amend the FY 2020/21 budget to account for the new permanent loan to 1717 S Street Investors, L.P. in amount not to exceed \$3,300,000.

ATTEST: Azevedo Jill Azevedo

Ann Bailey, Chair

Acting Secretary to the Board of Directors

Adopted by the Capitol Area Development Authority

## August 21, 2020

## **RESOLUTION SETTING THE EMPLOYER CONTRIBUTION FOR THE CADA FLEXIBLE BENEFITS PLAN EFFECTIVE JANUARY 1, 2021**

**WHEREAS,** the Authority implemented the CADA Flexible Benefits Plan (IRS Sec. 125 Cafeteria Plan) effective July 1, 2001; and

**WHEREAS**, the staff has presented a staff report on this item dated August 21, 2020, that makes recommendations as to employer flexible benefits contribution rates to be in effect for employees for the period of January 1, 2021 through December 31, 2021.

**NOW, THEREFORE, BE IT RESOLVED,** that the Board of Directors does hereby set the CADA Flexible Benefits Plan Employer Contribution at \$275 per month for those who "opt-out" of medical benefits, \$876 for those at the "employee only" level, \$1,352 for those at the "employee + 1" level, and \$1,662 for those at the "employee + family" level. These rates are effective from January 1, 2021 through December 31, 2021.

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Ann Bailey, Chair

ATTEST:

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Acting Secretary to the Board of Directors

Adopted by the Capitol Area Development Authority

August 21, 2020

## **RESOLUTION FIXING THE EMPLOYER'S CONTRIBUTION UNDER** THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT

- WHEREAS, (1) Government Code Section 22892(a) provides that a local agency contracting under Public Employees' Medical and Hospital Care Act shall fix the amount of the employer's contribution at an amount not less than the amount required under Section 22892(b)(1) of the Act; and
- Capitol Area Development Agency is a local agency contracting under the WHEREAS, (2) Act; now therefore be it
  - RESOLVED, (a) That the employer's contribution for each employee or annuitant shall be the amount necessary to pay the full cost of his/her enrollment, including the enrollment of family members, in a health benefits plan or plans up to a maximum of Four Hundred Eighty Five Dollars (\$485) per month with respect to employee or annuitants enrolled for self alone, Eight Hundred Eighty Nine Dollars (\$889) per month for an employee or annuitant enrolled for self and one family member, and Eight Hundred Eighty Nine Dollars (\$889) per month for an employee or annuitant enrolled for self and two or more family members, plus administrative fees and Contingency Reserve Fund assessments.
  - RESOLVED, (b) That Capitol Area Development Authority has fully complied with any and all applicable provisions of Government Code Section 7507 in electing the benefits set forth above.

Adopted at a regular meeting of the Board of Directors of the Capitol Area Development Authority, 1522 14<sup>th</sup> Street, Sacramento.

Ann Bailey, Chair

ATTEST:

CalPERS Revision July 2009

Acting Secretary to the Board of Directors