



# CALIFORNIA High-Speed Rail Authority

## California High-Speed Rail Authority Board meeting minutes October 21, 2021

### Webcast

<http://www.hsr.ca.gov/>

The meeting of the California High-Speed Rail Authority (Authority) Board convened on October 21, 2021, via webinar due to Governor Newsom's State of Emergency declaration regarding the COVID-19 outbreak and in accordance with Executive Order N-25-20 and the Guidance for Gatherings issued by the California Department of Public Health. The minutes were prepared in the order items were presented during the meeting.

#### Members Present:

- Mr. Tom Richards, Chair
- Ms. Nancy Miller, Vice-Chair
- Mr. Ernest Camacho
- Mr. Henry Perea
- Ms. Lynn Schenk
- Ms. Martha Escutia
- Mr. James Ghielmetti
- Ms. Margaret Pena
- Mr. Anthony Williams

#### Members Absent:

- The Honorable Dr. Joaquin Arambula, Ex Officio Member

#### **Public Comment**

An opportunity for public comment was made at the outset of the meeting.

#### **Agenda Item #1 – Consider Approving the September 23, 2021, Board Meeting Minutes**

The September 23, 2021, meeting minutes were moved for approval by Director Camacho, seconded by Director Ghielmetti and approved (9-0).

#### **Agenda Item #2 – Northern California Project Update**

Northern California Regional Director for the Authority, Boris Lipkin, provided an update on the Northern California High-Speed Rail project section. The Following questions were asked by the Board.

Director Schenk: asked how the blended system will impact time and speed?

Mr. Lipkin: the maximum speed is 110 miles an hour, similar to the rest of the blended system. The maximum speed kind of varies, but it ranged between 150 to 180 on the dedicated alternatives between San Jose and Gilroy. We looked at this very carefully, it was about, I think it was three to four minutes of travel time that we gave up extending that blended system.

### **Agenda Item #3– Bagley Keene Training**

Chief Counsel for the Authority, Alicia Fowler, and Attorney IV for the Authority, Kate Cook, provided a presentation to the Bagley Keene Open Meeting Act.

Director Schenk: What if there are less than five Board members in a conversation.

Ms. Cook: If there are less than five members it is not a violation.

Director Camacho: What happens when we communication with a staff member and that staffer is talking to five or more members?

Ms. Cook: CEO Kelly can have individual conversations with Board Members, with two Board Members, with three, even four, giving kind of one, you know, information on upcoming agendas or stuff that's going on at the Authority. Then he can have a different meeting with a different Board Member. As long as it's not a majority at one time, that's okay. And as long as he doesn't then communicate the opinions of some of you to other Board Members, it's okay

Director Escutia asked if this only applies to issues that have been agendized at our Board meeting?

Ms. Cook: No, it applies to anything under your subject matter jurisdiction.

Director Schenk: Say a staffer sends out an update on a legal matter or a newspaper or whatever, we should not press reply all to respond; right? We should just respond directly to the person who's sending it; is that correct.

Ms. Fowler: That is correct Director Schenk.

Director Schenk: Do we need to agendize a site visit?

Ms. Cook: Well, I think a site visit in and of itself is kind of something within your agency business, it's of interest to the agency. And so, if a majority of you go at the same time, we would want to make sure we agendize that as a meeting.

### **Agenda Item #4– Strategic Communications Update**

Chief of strategic Communications, Melissa Figueroa, provided a presentation on the California High-Speed Rail Strategic Communications update. No questions were asked by the Board.

### **Agenda Item #5– Small Business Update**

Chief of the Process and Program Development Branch for the Authority, Catrina Blair, provided a small business update presentation to the Board. The following questions were asked by the Board:

DIRECTOR CAMACHO: It seems to me that, and I was involved with a lot of federal contracts, that the federal contracts, at least under SBA, the 8(a) (phonetic) status, governs or is a certification that is accepted by all agencies and is the overriding certification, whether it be Caltrans or local or, usually, local or state contracts. Is that still the case?

Ms. Blair: there is a Unified Certification Program administered by Caltrans, that's the DBE Program. And, Caltrans administers the program statewide, but there are several local agencies throughout California that accept that particular certification. But it's specific to transportation-related projects.

Director Camacho: when we take a construction contract with a value of \$50 million, that may be, under a certain NAIC Code, just by revenues, will be greater than the SI standard allows. But over a three-year average, you know, and they will graduate from the program, maybe, in two years or something like that, and then professional services may be governed by a different SI standard.

Ms. Blair: the SBPW, the Small Business for the Purpose of Public Works, the certifications' designation that I mentioned earlier, DGS just implemented this certification in 2019, and that SI Standard is \$36 million over a three-year average, and it actually exceeds the federal standard

**Agenda Item #6 – CEO Report**

Chief Executive Officer for the Authority, Brian Kelly, presented a project update to the Board. No questions were asked by the Board.

**Agenda Item #7– Finance and Audit Committee Report**

Finance & Audit Committee Chairman Tom Richards provided a brief status report on the Committee's work.

**Agenda Item #7– Closed Session**

The Authority met in closed session pursuant to Government Code section 11126(e)(1)&(2)(C) to confer with counsel about a potential decision to initiate arbitration in the matter of HSR 13-57- Construction Package(CP) 2-3 Dragados/Flatiron Joint Venture.

**Meeting Adjourned**

Chair Richards announced at 2:30 p.m. that the Board would adjourn.