

Tuesday, February 17, 2009

The Board met at its offices at 450 N Street, Sacramento, at 9:30 a.m., with Ms. Yee, Chairwoman and Mr. Leonard present, and at the following teleconference locations: 1100 Corporate Center Drive, Suite 203, Monterey Park, with Dr. Chu, Vice Chair, present; and, 777 South Figueroa Street, Suite 4800, Los Angeles, with Ms. Mandel present on behalf of Mr. Chiang in accordance with Government Code section 7.9.

**OPEN SESSION**

Kristine Cazadd, Chief Counsel, made introductory remarks regarding the requirements leading to the calling of the Special Board Meeting. Ms. Cazadd then introduced the following finding for a Board vote: The Board finds that immediate action is required to prevent substantial hardship to the Board. The Board faces a deadline of February 17, 2009, in pending litigation, which is before the next regularly scheduled Board meeting of February 25, 2009. The Board must decide whether or not to take action in the appeal of *Governor Arnold Schwarzenegger, et al. v. State Controller John Chiang*. If the Board fails to take action by the deadline, the Board will lose its opportunity and right to do so in the future.

Action: Upon motion of Mr. Leonard, seconded by Dr. Chu and unanimously carried, Ms. Yee, Dr. Chu, Mr. Leonard and Ms. Mandel voting yes, Ms. Steel absent, the Board adopted the finding as suggested by Ms. Cazadd.

**ANNOUNCEMENT OF CLOSED SESSION**

The Board recessed at 9:35 a.m. and reconvened immediately in closed session with Ms. Yee, Dr. Chu, Mr. Leonard and Ms. Mandel present.

**CLOSED SESSION**

The Board met to discuss pending litigation: *Governor Arnold Schwarzenegger, et al. v. State Controller John Chiang*, Sacramento County Superior Court Case No. 34-2009-80000158 (Gov. Code § 11126(e)).

The Board recessed at 10:00 a.m. and reconvened immediately in open session with Ms. Yee, Dr. Chu, Mr. Leonard, and Ms. Mandel present.

Ms. Cazadd announced that the Board has decided to take action by way of intervening as a party in the case of *Governor Arnold Schwarzenegger, et al. v. State Controller John Chiang*.

The Board adjourned at 10:01 a.m.

*The foregoing minutes are adopted by the Board on April 15-16, 2009.*