



STATE PUBLIC WORKS BOARD

September 14, 2018

**MINUTES**

**PRESENT:**

Ms. Jacqueline Wong-Hernandez, Chief Deputy Director, Department of Finance  
Mr. Jeff McGuire, Chief Deputy Director, Department of General Services  
Mr. Ryan Chamberlain, Chief Deputy Director, Department of Transportation  
Mr. Tom Yowell, Chief Administrative Officer, State Controller  
Mr. Blake Fowler, Director of Public Finance, State Treasurer

**CALL TO ORDER AND ROLL CALL:**

Ms. Jacqueline Wong-Hernandez, Chairperson of the Board, called the meeting to order at 10:03 a.m. Ms. Kathryn Lee, serving as Secretary to the Board, called the roll. A quorum was established.

**BOND ITEMS:**

The first order of business was to consider two Bond Items.

- Bond Item 1: Ms. Lukenbill, Deputy Director of the Board, indicated to the Board that if approved, Bond Item 1 would adopt a resolution authorizing actions to provide for interim financing, authorize the sale of lease revenue bonds, and other related actions for the construction of a new courthouse in the City of El Centro, Imperial County, for the Judicial Council.

Staff recommended adoption of the resolution.

Ms. Wong-Hernandez asked if there were any questions or comments from the Board, or from the public. There were none.

**A motion was made by Mr. Fowler and seconded by Mr. Chamberlain to adopt the resolution for the bond item. The motion was passed unanimously through a 5-0 roll-call vote (Ms. Wong-Hernandez, Mr. McGuire, Mr. Chamberlain, Mr. Yowell, and Mr. Fowler all voting aye).**

Bond Item 2: Ms. Lukenbill indicated to the Board that if approved, the requested action would adopt a resolution authorizing actions to be taken to provide for interim financing, authorize the sale of lease revenue bonds, and other related actions for the construction of a new courthouse in the City of Yreka, Siskiyou County, for the Judicial Council.

Staff recommended adoption of the resolution.

Ms. Wong-Hernandez asked if there were any questions or comments from the Board or from the public. There were none.

**A motion was made by Mr. Yowell and seconded by Mr. McGuire to approve and adopt the resolution for the bond item. The motion was passed unanimously through a 5-0 roll-call vote (Ms. Wong-Hernandez, Mr. McGuire, Mr. Chamberlain, Mr. Yowell, and Mr. Fowler all voting aye).**

Mr. Fowler and Mr. Yowell then departed the meeting.

**MINUTES:**

The next order of business was to consider approving the minutes from the August 6<sup>th</sup> Board meeting.

Ms. Lukenbill reported that staff had prepared and reviewed the minutes from the August 6<sup>th</sup> Board meeting, and also recommended approval.

**A motion was made by Mr. McGuire and seconded by Mr. Chamberlain to approve the minutes. The minutes were approved by a 3-0 oral vote (Ms. Wong-Hernandez, Mr. McGuire and Mr. Chamberlain all voting aye).**

**CONSENT ITEMS:**

The next order of business was to consider the Consent Calendar, which consisted of three items. Ms. Lukenbill presented the following:

- Consent Item 1: Consider accepting real property through a transfer of title for the El Centro County Courthouse in Imperial County, for the Judicial Council.
- Consent Item 2: Consider authorizing acquisition and the execution of a Property Acquisition Agreement and related acquisition documents for the Ukiah Residential Center Replacement project in the City of Willits, Mendocino County.
- Consent Item 3: Consider recognizing a scope change related to the Adult Local Criminal Justice Facilities project in Sacramento County.

Ms. Lukenbill noted that Consent Item 3 required a 20-day notice to the Joint Legislative Budget Committees and the fiscal committees in each house, and the review period for these actions has expired without adverse comment.

Staff recommended approval of the Consent Calendar consisting of Consent Items 1 through 3.

Ms. Wong-Hernandez asked if there were any questions or comments from the Board or from the public. There were none.

**A motion was made by Mr. Chamberlain and seconded by Mr. McGuire to approve the Consent Calendar. The motion passed unanimously through a 3-0 oral vote (Ms. Wong-Hernandez, Mr. McGuire and Mr. Chamberlain all voting aye).**

## **ACTION ITEMS:**

The next order of business was to hear two Action Items.

- Action Item 1: Ms. Lukenbill indicated to the Board that if approved, the action would adopt a Second Amended Resolution of Necessity authorizing the use of eminent domain to acquire the Grewal property in Fresno County.

Ephraim Egan, who serves as Board Counsel on eminent domain issues, presented the Amended Resolution of Necessity.

Mr. Egan stated that the Second Amended Resolution of Necessity before the Board had been reviewed to ensure there was prima facie evidence that the factors set forth in Code of Civil Procedure Section 1245.230 were present for the Grewal property, and if the Board agrees and determines these factors are present, the Board may move to adopt the Second Amended Resolution of Necessity.

Staff recommended adoption of the Second Amended Resolution of Necessity authorizing the use of eminent domain for the Grewal property in Fresno County.

Mr. Chamberlain stated his hope that the Authority would review its existing processes to ensure that errors are identified prior to being presented to the Board.

Mr. Don Odell, acting director of Real Property for the Authority, stated that the Board's concerns have been well taken and as a result the Authority is currently conducting a complete analysis of its internal review processes.

Mr. Egan added that while the errors in the legal description were very minor, those errors necessitated that an amended RON be adopted.

Ms. Wong-Hernandez asked if there were any questions or comments from the property owners or from the public. There were none.

**A motion was made by Mr. McGuire and seconded by Mr. Chamberlain to adopt the staff recommendation. The motion passed unanimously through a 3-0 roll call vote. (Ms. Wong-Hernandez, Mr. McGuire and Mr. Chamberlain all voting aye).**

- Action Item 2: Ms. Lukenbill indicated to the Board that if approved the action would adopt three Resolutions of Necessity authorizing the use of eminent domain to acquire properties in Fresno and Kings Counties.

Mr. Egan first presented the unopposed Resolution of Necessity for the Martella property, stating that it was counsel's opinion that there is prima facie evidence that the factors set forth in Code of Civil Procedure Section 1245.230 are present for the Tos Land Company property, and if the Board agrees and determines these factors are present, the Board may move to adopt the Resolution of Necessity.

Staff recommended adoption of the Resolution of Necessity for the Martella property authorizing the use of eminent domain.

Ms. Wong-Hernandez asked if there were any questions or comments from the Board, or from property owners or from the public. There were none.

**A motion was made by Mr. Chamberlain and seconded by Mr. McGuire to adopt the Resolution of Necessity for property 2. The motion passed unanimously through a 3-0 roll-call vote (Ms. Wong-Hernandez, Mr. McGuire and Mr. Chamberlain all voting aye).**

Mr. Egan then presented the first opposed Resolution of Necessity for the Tos Land Company property, and described the objections raised in the letter of objection received for the property. He further stated that it was counsel's opinion that there is prima facie evidence that the factors set forth in Code of Civil Procedure Section 1245.230 are present for the Tos Land Company property, and if the Board agrees and determines these factors are present, the Board may move to adopt the Resolution of Necessity.

Mr. Odell stated that the Tos property is needed for the project because it is directly in the right-of-way corridor and is necessary to support a viaduct crossing the Kings River. He also noted that the Authority is continuing to work collaboratively with the attorneys representing the property owner to continue to resolve any outstanding issues related to this acquisition.

Staff recommended the adoption of the Resolution of Necessity authorizing the use of eminent domain for the Tos Land Company property.

Ms. Wong-Hernandez asked if there were any questions or comments from the Board, or from any property owners or the public. There were none.

**A motion was made by Mr. McGuire and seconded by Mr. Chamberlain to adopt the Resolution of Necessity. The motion was passed unanimously through a 3-0 roll-call vote. (Ms. Wong-Hernandez, Mr. McGuire, and Mr. Chamberlain all voting aye).**

Mr. Egan then presented the second opposed Resolution of Necessity for the Fresno Metropolitan Flood Control District property, and described the objections raised in the letter of objection received for the property. Mr. Egan further stated that it was counsel's opinion that there is prima facie evidence that the factors set forth in Code of Civil Procedure Section 1245.230 are present for the Fresno Metropolitan Flood Control District property, and if the Board agrees and determines these factors are present, the Board may move to adopt the Resolution of Necessity.

Ms. Wong-Hernandez asked if the objections regarding this action were similar to the objections raised when a separate Resolution of Necessity for a Fresno Metropolitan Flood District property was adopted at a previous meeting.

Mr. Egan confirmed that the objections were the same.

Ms. Wong-Hernandez asked for further information regarding the objection that there was a failure to provide sufficient notice of the hearing.

Mr. Odell and Mr. Ephraim both responded that the Board complied with the appropriate noticing requirements.

Ms. Wong-Hernandez asked if there were any questions or comments from the Board, or from any property owners or the public. There were none.

**A motion was made by Mr. Chamberlain and seconded by Mr. McGuire to adopt the Resolution of Necessity. The motion was passed unanimously through a 3-0 roll-call vote. (Ms. Wong-Hernandez, Mr. McGuire, and Mr. Chamberlain all voting aye).**

**REPORTABLES**

Ms. Lukenbill presented the reportable items, and told the Board that she would be happy to answer any questions. The Board had none.

**NEXT MEETING:**

Ms. Wong-Hernandez stated that the next Board meeting is scheduled for Monday, September 24, 2018 at 10 a.m. in Room 113 at the State Capitol.

Ms. Wong-Hernandez asked if there were any additional comments or questions from the public. There were none.

The meeting was adjourned at 10:26 a.m.