



## STATE PUBLIC WORKS BOARD

March 12, 2021

**APPROVED MINUTES****PRESENT:**

Ms. Gayle Miller, Chief Deputy Director, Department of Finance  
Mr. Jim Davis, Chief Deputy Director, Department of Transportation  
Ms. Osborn, Chief Deputy Director, Department of General Services  
Ms. Jacqueline Wong-Hernandez, Deputy Controller, State Controller  
Mr. Blake Fowler, Director of Public Finance, State Treasurer

**CALL TO ORDER AND ROLL CALL:**

Ms. Gayle Miller, Chairperson of the Board, called the meeting to order at 10:00 a.m.  
Ms. Kat Lee, serving as Secretary to the Board, called the roll. A quorum was established.

**BOND ITEMS:**

The first order of business was to consider one Bond Item.

- Bond Item 1: Ms. van Ravenhorst, Deputy Director for the Board, indicated that if approved, Bond Item 1 would adopt a resolution authorizing the sale of State Public Works Board 2022 Series A and B lease revenue refunding bonds, approve the form of various documents related to, and authorize other related actions in connection with, the issuance, sale, and delivery of said revenue bonds.

Staff recommended adoption of the resolution.

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

**A motion was made by Ms. Wong-Hernandez and seconded by Ms. Osborn to adopt the resolution. The motion passed unanimously through a 5-0 roll-call vote (Ms. Miller, Ms. Osborn, Mr. Davis, Ms. Wong-Hernandez, and Mr. Fowler all voting aye).**

Ms. Miller thanked and excused Ms. Wong-Hernandez and Mr. Fowler from the meeting.

**MINUTES:**

The next order of business was to approve the minutes from the February 12, 2021 Board meeting.

Ms. van Ravenhorst stated that staff had prepared and reviewed the minutes from the February 12, 2021 Board meeting and recommended approval of those meeting minutes.

MS. Miller asked if there were any questions or comments from the Board, or from the public. There were none.

**CONSENT ITEMS:**

The next order of business was to consider one consent item:

- Consent Item 1: If approved, the request would approve an augmentation of \$2,004,000 Public Buildings Construction Fund (0.7 percent of the total project appropriation and 13.1 percent cumulative) for the Centinela State Prison - Health Care Facility Improvement Program, in Imperial County for the Department Of Corrections and Rehabilitation.

Ms. van Ravenhorst noted that the item required a 20-day notice to the Joint Legislative Budget Committees and the fiscal committees in each house, and the review period for the actions had expired without adverse comment.

Staff recommended adoption of the Consent Calendar.

Ms. Miller asked if there were any questions or comments from the Board, or from the public.

Mr. Davis wanted to acknowledge a letter about the program on March 11, 2021 from Mr. Chris Lief, Deputy Director for Facility Planning Construction and Management at the Department of Corrections and Rehabilitation.

Mr. Davis acknowledged the improvements to the program and suggested taking a step back from the existing program and focus more on the new program and new projects.

Mr. Lief, explained that the letter was an attempt to outline the struggles they continue to face and how they are addressing them moving forward. He stated that staff can work on putting more information together on how they see the program moving forward.

Ms. Miller stated that she recognizes Mr. Lief and CDCR's efforts and feels that they are committed to continuing to give updates on their progress.

Mr. Lief confirmed that they are committed.

Mr. Davis requested a risk assessment of the remaining projects in the program and the risk to budget do they have.

Ms. Miller stated that Finance, their legal team, and Mr. Lief's team at CDCR will work on providing more information.

**A motion was made by Ms. Miller and seconded by Ms. Osborn to approve the Consent Calendar. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Mr. Davis, and Ms. Osborn all voting aye).**

**ACTION ITEMS:**

The next order of business was to consider two action items:

- Action item 1: If approved, Action Item 1 would authorize execution of an agreement between the Board and the Land Trust of Santa Cruz County, Peninsula Open Space Trust, Save the Redwoods League, and Sempervirens Fund (the "Nonprofits") to provide public access to property, and to qualify the Nonprofits for limited public entity tort immunity.

Staff recommended approval of Action Item 1 authorizing execution of an agreement with the Nonprofits.

Ms. Miller asked if there were any questions or comments from the Board.

Mr. Davis asked for clarification on who currently has the tort liability.

Mr. Kenny Louie, in-house counsel for the State Public Works Board, explained that the agreement would allow nonprofits to be defined as public entities for purposes of the tort liability protections. There is no shifting of liability and qualifies the nonprofits as public entities such that claims for tort liability on the property that is opened to the public, they have protection against those claims.

**A motion was made by Mr. Davis and seconded by Ms. Osborn to approve Action Item 1. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Mr. Davis, and Ms. Osborn all voting aye).**

- Action item 1: If approved, Action Item 2 would adopt eight Resolutions of Necessity authorizing the use of eminent domain to acquire properties or interests in properties for High Speed Rail.

Ms. van Ravenhorst noted that property #2, Cossette Investment, property #6, Sozinho Trust, and property #7, Sozinho Dairy had been pulled from the agenda and would not be part of the vote.

Authority notified the Board's staff that between July 2020 and December 2020 the respective property owners were provided with a first written offer to purchase the subject properties, as required by Government Code section 7267.2. The Authority had informed the Board's staff that negotiations to acquire the property are continuing; however, to keep the project on schedule, the adoption of Resolutions of Necessity to authorize the use of eminent domain was required at the time.

On February 24, 2021, Notices of Intent to adopt a Resolution of Necessity were mailed by Board staff to the property owners. The notices were sent in accordance with Code of Civil Procedure.

Ms. van Ravenhorst noted that the members' briefing packages contained the Resolutions of Necessity and surveyor maps for each of the properties. The Board received no objections from the respective property owners or their counsel for the eight properties that were part of the vote.

Paul Brown, serving as counsel to the Board on Eminent Domain items, presented the RONS. He explained that it was counsel's opinion that there was prima facie evidence that the factors set forth in Code of Civil Procedures section 1245.230 were present.

It is counsel's opinion that for the eight Resolutions of Necessity, prima facie evidence for these factors is present such that the Board may adopt the Resolutions of Necessity, and if the Board agreed and determined that the factors were present, the Board may move to adopt the RONS.

Staff recommended adoption of the eight Resolutions of Necessity authorizing the use of eminent domain to acquire properties or interests in properties for High Speed Rail. Specifically, the adoption of Resolutions for properties 1, 3 – 5 and 8 – 11.

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

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

**OTHER BUSINESS:**

The next order of business was to consider one business item:

- Business Item 1: If approved, business item 1 would delegate authority to the Executive Director to take all actions necessary to contract for bond counsel and disclosure counsel services related to the issuance of the Board's lease revenue bonds.

Staff recommended adoption of the resolution.

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

**A motion was made by Ms. Osborn and seconded by Mr. Davis to adopt the resolution. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Mr. Davis, and Ms. Osborn all voting aye).**

**GENERAL PUBLIC COMMENT:**

NONE

**REPORTABLES:**

Ms. van Ravenhorst presented the reportable items for the period of February 1, 2021 through March 1, 2021.

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

**NEXT MEETING:**

Ms. Miller stated that the next Board meeting was scheduled for Friday, April 5, 2021, and information would be posted on the Board's website.

Ms. Miller asked if there were any other questions or comments from the Board, or from the public. There were none.

The meeting was concluded.