



STATE PUBLIC WORKS BOARD  
May 16, 2022

**APPROVED MINUTES**

**PRESENT:**

Ms. Gayle Miller, Chief Deputy Director, Department of Finance  
Ms. Ana Lasso, Director, Department of General Services  
Mr. Mike Keever, Chief Deputy Director, Department of Transportation  
Mr. Blake Fowler, Director of Public Finance, State Treasurer  
Mr. David Oppenheim, Deputy Controller, State Controller  
Mr. Bryan Cash, Secretary, Natural Resources Agency

**CALL TO ORDER AND ROLL CALL:**

Ms. Gayle Miller, Chairperson of the Board, called the meeting to order at 10:01 am  
Ms. Kat Lee, Secretary of 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: If approved, Bond Item 1 would adopt a resolution authorizing actions to be taken to provide for interim financing, authorize the sale of lease revenue bonds, approve the form of and authorize a Project Delivery Agreement, and other related actions for the construction of the Ishi Conservation Camp: Replace Kitchen project in Tehama County, for the Department of Forestry and Fire Protection.

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 Mr. Oppenheim and seconded by Mr. Fowler. The motion passed unanimously through a 5-0 roll-call vote (Ms. Miller, Ms. Lasso, Mr. Keever, Mr. Oppenheim, and Mr. Fowler all voting aye).**

Ms. Miller thanked and excused Mr. Fowler and Mr. Oppenheim.

### **MINUTES:**

The next order of business was to approve the minutes from the April 15, 2022 Board meeting.

Ms. Lukenbill stated that staff had prepared and reviewed the minutes from the April 15, 2022 Board meeting and recommended approval of the meeting minutes.

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. Miller and seconded by Ms. Lasso to approve the meeting minutes. The motion passed unanimously with no objections.**

### **CONSENT ITEMS:**

The next order of business was to consider the Consent Calendar which consisted of six items, however, Consent Item #1 was pulled from the agenda and would not be part of the vote. A separate vote on Consent Item 2 was also taken since it was an item within the Natural Resources Agency.

- Consent Item 1: PULLED
- Consent Item 2: If approved, the requested action would approve an augmentation \$1,845,000 lease revenue bond financing for the construction phase of the San Mateo/Santa Cruz Unit Headquarters: Relocate Automotive Shop project in Santa Cruz County for the Department of Forestry and Fire Protection.

Ms. Lukenbill noted that Consent Item 2 required a 20-day notice to the Joint Legislative Budget Committees and the fiscal committees in each house. The notice was sent on May 2, 2022, and therefore the 20-day review period had not yet expired. As a result, approval of the action was contingent upon expiration of the 20-day legislative notification period without adverse comment.

Staff recommended approval of Consent Item 2, contingent upon expiration of the 20-day legislative notification period without adverse comment.

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 Mr. Cash and seconded by Ms. Miller. The motion passed unanimously through a 4-0 roll-call vote (Ms. Miller, Ms. Lasso, Mr. Keever, and Mr. Cash all voting aye).**

Ms. Miller thanked and excused Mr. Cash.

- Consent Item 3: If approved, the requested action would approve an augmentation of \$408,000 General Fund (11.1 percent of total project appropriations and 18.8 percent cumulative) for the construction phase of the Nitrate Removal System project at Porterville Developmental Center in Tulare

County, for the Department of Developmental Services.

- Consent Item 4: If approved, the requested action would approve preliminary plans for the Coalinga Hydronic Loop Replacement project at Coalinga State Hospital in Fresno County, for the Department of State Hospitals.
- Consent Item 5: If approved, the request would recognize a scope change and revised project costs for the Correctional Training Facility - Health Care Facility Improvement Program – Specialty Care Clinic project in Monterey County, for the Department of Corrections and Rehabilitation.
- Consent Item 6: If approved, the requested action would recognize a scope change and revised project costs, and authorize and approve the Executive Director and Deputy Directors to take any and all such actions as needed as part of the scope change and revised project costs, for the Adult Local Criminal Justice Facilities project in Contra Costa County, for the Board of State and Community Corrections.

Ms. Lukenbill noted that Consent Items 3, 5, and 6 required 20-day notices to the Joint Legislative Budget Committees and the fiscal committees in each house and the 20-day review period for Consent Items 3 and 6 had expired with no adverse comment. The notice for Consent Item 5 was sent on May 2, 2022, and therefore the 20-day review period had not yet expired. As a result, approval of Consent Item 5 was contingent upon expiration of the 20-day legislative notification period without adverse comment.

Staff recommended approval of Consent Items 3, 4, and 6, and Consent Item 5 upon expiration of the 20-day legislative notification period without adverse comment.

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

Ms. Lasso asked if this was the first time there was a scope change for Consent Item 5.

Mr. Chris Lief, Deputy Director for Facility Planning Construction and Management at the Department of Corrections and Rehabilitation, explained that the scope change would result in lower costs for the project and would allow the department to complete the project quickly. Mr. Lief also agreed to follow-up with Ms. Lasso on whether or not this was the first scope change for the project.

Ms. Lasso asked if the scope change was an increase or decrease in cost.

Mr. Lief stated that it was a decrease in cost of \$5.5 million.

Ms. Koreen van Ravenhorst, Deputy Director of the State Public Works Board, stated that it was at least the second scope change and the savings was \$8 million.

**A motion was made by Ms. Miller and seconded by Mr. Keever to approve Consent Items 3, 4, and 6, and Consent Item 5 upon expiration of the 20-day legislative notification period without adverse comment. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Ms. Lasso, and Mr. Keever all voting aye).**

## **ACTION ITEMS:**

The next order of business was to consider three action items.

- Action item 1: If approved, the action would adopt two amended Resolutions of Necessity (RON) authorizing the use of eminent domain by the High Speed Rail Authority, to acquire properties or interests in properties for the High Speed Train System.
  - **RJ Farms Property:** On June 12, 2020, the Board adopted Resolution of Necessity 2020-0062a, authorizing the use of eminent domain to acquire the RJ Farms property in Fresno County. Subsequent to adoption, an error was identified in the legal description and resulted in the need for an amended RON.
  - **K&G Bath Family Property:** On March 12, 2021, the Board adopted Resolution of Necessity 2021-0017, authorizing the use of eminent domain to acquire the K&G Bath Family Property in Fresno County. Subsequent to adoption, the legal description was revised to incorporate a PG&E easement, and resulted in the need for an amended RON.

Staff recommended adoption of the 2 amended Resolutions of Necessity authorizing the use of eminent domain to acquire properties or interests in properties for the High Speed Rail.

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

**A motion was made by Ms. Lasso and seconded by Mr. Keever. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Ms. Lasso, and Mr. Keever all voting aye).**

- Action item 2: If approved, the action would adopt a resolution rescinding the Resolution of Necessity 2020-0093 for the FMC Corporation Property in Fresno County.

Ms. Lukenbill stated that on October 9, 2020, the Board adopted the Resolution of Necessity authorizing the use of eminent domain to acquire the subject property. Since then, the High Speed Rail Authority had approved design modifications that would require new property maps, and an appraisal and first written offer, thereby invalidating the existing RON.

Staff recommended adoption of the resolution rescinding the Resolution of Necessity 2020-0093.

Mr. Keever asked for clarification on the basis for the rescission.

Ms. Kendall Bonebrake, Assistant Chief Counsel of the High Speed Rail Authority, deferred to Mark Rowan.

Mr. Mark Rowan, Deputy Director of Real Property for the High Speed Rail Authority, addressed Mr. Keever's question and explained that reason for the rescission of the RON was because the planned designed for the utility relocation was not feasible.

**A motion was made by Ms. Miller and seconded by Mr. Keever. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Ms. Lasso, and Mr. Keever all voting aye).**

- Action item 3: If approved, the requested action would adopt Resolutions of Necessity authorizing the use of eminent domain by the High Speed Rail Authority to acquire four properties (1 through 3 and 5) for the High Speed Train System.

Ms. Lukenbill noted that property #4, the JC Forkner property had been pulled from the agenda and would not be part of the vote that day.

The Authority notified the Board's staff that for Properties 1, 3 and 5, the respective property owners were provided with a first written offer to purchase the subject property between September 2021 and March 2022, as required by Government Code. The Authority had informed the Board's staff that negotiations to acquire the property were continuing; however, in order to advance the project schedule, the adoption of the RON to authorize the use of eminent domain was required at the time. For Property 2, a formal offer to purchase the Property was not mailed due to inability to locate the owner of record or confirm the identity or any appropriate heirs, descendants, or devisees.

On April 27, 2022 and April 29, 2022, Notices of Intent to adopt a Resolution of Necessity were mailed by Board staff to the owners of Properties 1, 3 and 5. The Notice of Intent for Property 2 was posted at the respective property boundary, and the notices were sent in accordance with Code of Civil Procedure section 1245.235.

Ms. Lukenbill noted that the members' briefing packages contained the RONs and surveyor maps for each of the properties.

Karen Lockhart, serving as counsel to the Board on Eminent Domain items, presented the Resolutions of Necessity.

Ms. Lockhart stated that the RONs that were before the Board that day had been reviewed to ensure there is prima facie evidence that the factors set forth in Code of Civil Procedure Section 1245.230 are present.

Ms. Lockhart explained that it was counsel's opinion that for the four Resolutions of Necessity (for properties 1 through 3 and 5), prima facie evidence for these factors was present such that the Board may adopt the Resolutions of Necessity and if the Board agreed and determined the factors were present, the Board may move to adopt the Resolutions of Necessity.

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

Ms. Miller asked if item 2 goes to unclaimed property at the controller's office.

Ms. Lockhart addressed Ms. Miller's question and explained that a notice is posted on the property and in the newspaper to give the owners a chance to come forward. If no one comes forward, they move forward with the court filing where the owners are also given the chance to come forward.

**A motion was made by Ms. Lasso and seconded by Ms. Miller. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Ms. Lasso, and Mr. Keever all voting aye).**

**REPORTABLES:**

Ms. Lukenbill presented the reportable items for the period April 5, 2022 through May 5, 2022 and said he would be happy to answer any questions. She also noted that the Reportables inadvertently referenced the April 15 Board meeting rather than the meeting that day.

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, June 10, 2022 at 10am, and the location of the meeting 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.