



STATE PUBLIC WORKS BOARD

June 10, 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
Ms. Andrea Scharffer, Deputy Assistant Secretary for Bonds and Grants, Natural Resources Agency

CALL TO ORDER AND ROLL CALL:

Ms. Gayle Miller, Chairperson of the Board, called the meeting to order at 10:05 am
Ms. Raghda Nassar, Deputy Director of the Board, called the roll. A quorum was established.

BOND ITEMS:

NONE

MINUTES:

The next order of business was to approve the minutes from the May 16, 2022 Board meeting.

Ms. Lukenbill stated that staff had prepared and reviewed the minutes from the May 16, 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 Mr. Keever and seconded by Ms. Miller to approve the meeting minutes. The motion passed unanimously with no objections.

CONSENT ITEMS:

The next order of business was to consider Consent Calendar A which consisted of two items within the Natural Resources Agency. Both items were presented by Ms. Lukenbill.

- Consent Item 1: If approved, the requested action would approve the acquisition of real property and the execution of a Property Acquisition Agreement and other such documents as may be required to complete the acquisition for the Bear River property in Placer and Nevada Counties for the Department of Forestry and Fire Protection.

- Consent Item 2: If approved, the requested action would approve the acquisition of real property and the execution of a Property Acquisition Agreement and other such documents as may be required to complete the acquisition for the Cow Creek property in Shasta County for the Department of Forestry and Fire Protection.

Staff recommended approval of Consent Calendar A.

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

Mike Keever asked who will maintain the roads and trails.

Maureen Geeter, Supervising Real Estate Officer with the Department of General Services, addressed Mr. Keever's question and explained that the roads would be maintained by CalFire.

A motion was made by Ms. Lasso and seconded by Ms. Scharffer to approve Consent Calendar A. The motion passed unanimously through a 4-0 roll-call vote (Ms. Miller, Ms. Lasso, Mr. Keever, and Ms. Scharffer all voting aye).

Ms. Miller thanked and excused Ms. Scharffer.

The next order of business was to consider Consent Calendar B, consisting of one item. The item was presented by Ms. Lukenbill.

- Consent Item 1: If approved, the requested action would approve an increase within appropriation and recognize revised project costs for the Folsom State Prison—New Water Storage Tanks project in Sacramento County for the Department of Corrections and Rehabilitation.

Staff recommended approval of Consent Calendar B.

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

A motion was made by Ms. Lasso and seconded by Ms. Miller to approve Consent Calendar B. 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 two action items. Both items were presented by Ms. Lukenbill.

- Action item 1: If approved, the action would adopt an amended Resolution of Necessity (RON) authorizing the use of eminent domain to acquire property or interest in property for the High Speed Rail Authority.

On November 12, 2021, the Board adopted Resolution of Necessity 2021-0064, authorizing the use of eminent domain to acquire the Certis U.S.A. Property in Kern

County. Subsequent to adoption of the Resolution, the proposed viaduct design at the property was changed to at-grade construction, and Authority Parcel Number FB 15-0588-1, initially an access easement, was within the access control fence, resulting in a need for fee acquisition. The amended Resolution of Necessity reflects this change.

On May 24, 2022 a Notice of Intent to adopt an Amended Resolution of Necessity was mailed by Board staff to the owners of the abovementioned property. This notice was sent in accordance with Code of Civil Procedure.

Ms. Lukenbill noted that there had since been a change that required the need for an amended RON and deferred to Ms. Allison Post Harris, counsel for High Speed Rail, to explain the need for the amendment.

Ms. Harris first noted that there was an incorrect statement in the second sentence of the staff analysis, but that all information in the Resolution of Necessity and in the revised acquisition offer presented March 31 to the property owner was correct. Ms. Harris deferred to Mr. Steve Bray, Right of Way Lead for the High Speed Rail Authority, to provide additional information on the need for the acquisition.

Mr. Bray explained that there was a discrepancy in the legal description of the area to be acquired and the amended Resolution of Necessity corrects that legal description.

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

A motion was made by Mr. Keever 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).

- Action item 2: If approved, the action would adopt four Resolutions of Necessity for properties 2, 3, 4 and 8, 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.

Ms. Lukenbill noted that properties 1, 5, 6, and 7 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 Property 4, In February 2022 and April 2022, the property owners were provided with a first written offer to purchase the subject property, as required by Government Code section 7267.2. The Authority had informed the Board's staff that negotiations to acquire the property were continuing; however, to continue the construction schedule, the adoption of Resolutions of Necessity to authorize the use of eminent domain was required at the time. For Properties 2, 3, and 8, a formal offer to purchase the Property was not mailed due to inability to locate the owner of record or any appropriate heirs, descendants, or devisees.

On May 23, 2022, Notices of Intent to adopt a Resolution of Necessity were mailed by Board staff to the owners of Property 4. The notices were sent in accordance with Code

of Civil Procedure section 1245.235. The Notices of Intent for Properties 2, 3, and 8 were posted at the respective property boundaries.

Ms. Lukenbill stated that the members' briefing packages contained the Resolutions of Necessity and surveyor maps for each of the properties.

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

Ms. Wurster stated that the four Resolutions of Necessity 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. Wurster explained that it was counsel's opinion that for the four Resolutions of Necessity, 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, from the public, or the property owners. There were none.

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 May 6, 2022 through May 27, 2022 and said he would be happy to answer any questions.

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, July 15, 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.