



STATE PUBLIC WORKS BOARD

October 14, 2022

APPROVED MINUTES**PRESENT:**

Ms. Gayle Miller, Deputy Director, Department of Finance
Ms. Jennifer Osborn, Chief Deputy Director, Department of General Services
Mr. Blake Fowler, Director of Public Finance, State Treasurer
Mr. David Oppenheim, Deputy Controller, State Controller

CALL TO ORDER AND ROLL CALL:

Ms. Miller, Chairperson of the Board, called the meeting to order at 10:05 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 1 bond item. Sally Lukenbill, Executive Director of the State Public Works Board, presented the following.

- 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 the execution and delivery of a Project Delivery Agreement, and other related actions for the construction of the Turlock North Valley Laboratory Replacement project in Stanislaus County, for the Department of Food and Agriculture.

Ms. Lukenbill stated that the project would replace the Northern San Joaquin Valley, CDFA Laboratory for the Animal Health and Food Safety program, and included the construction of a single-story building of approximately 41,000 SF on a newly acquired site of approximately 7.5 acres. The project included built-in laboratories, a necropsy suite, cremator, storage buildings, offices, and a conference room.

Bonds for the project would be issued in an amount not to exceed \$97.9 million.

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. Miller and seconded by Mr. Oppenheim to adopt the resolution. The motion passed unanimously through a 4-0 roll-call vote (Ms. Miller, Ms. Osborn, Mr. Fowler, and Mr. Oppenheim, all voting aye).

MINUTES:

The next order of business was to approve the minutes from the September 9, 2022 Board meeting.

Ms. Lukenbill stated that staff had prepared and reviewed the minutes from the September 9, 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. Osborn to approve the meeting minutes. The motion passed unanimously through a 2-0 roll-call vote (Ms. Miller and Ms. Osborn both voting aye).

CONSENT ITEMS:

The next order of business was to consider two Consent Items. Ms. Lukenbill presented the following.

- Consent Item 1: If approved, the requested action would approve a scope change for the New Fort Ord Courthouse in Monterey County for the Judicial Council of California.
- Consent Item 2: If approved, the requested action would approve an augmentation of \$5,268,000 Public Buildings Construction Fund for the construction phase of the Ironwood State Prison – Heating, Ventilation, and Air Conditioning System in Riverside County for the Department of Corrections and Rehabilitation.

Ms. Lukenbill noted that Consent Items 1 and 2 required a 20-day notice to the Joint Legislative Budget Committees and the fiscal committees in each house. The notices were sent on September 16, 2022, and the notification period had expired without adverse comment.

Staff recommended approval of Consent Items 1 and 2.

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. Osborn to approve Consent Items 1 and 2. The motion passed unanimously through a 2-0 roll-call vote (Ms. Miller and Ms. Osborn both voting aye).

ACTION ITEMS:

The next order of business was to consider one action item.

- Action item 1: If approved, the action would adopt 8 Resolutions of Necessity 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.

The Authority notified the Board's staff that for Properties 1 through 3, and 5 through 7, between March 2022 and August 2022 the respective 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 keep the project on schedule, the adoption of Resolutions of Necessity to authorize the use of eminent domain was required at the time.

For Properties 4 and 8, a formal offer to purchase the Properties was not mailed due to inability to locate the owner of record or confirm the identity or any appropriate heirs, descendants, or devisees.

On September 28, 2022, Notices of Intent to adopt a Resolution of Necessity were mailed by Board staff to the owners of Properties 1, 2, 3, 5, 6 and 7. The Notices of Intent for Properties 4 and 8 were posted at the respective property boundaries. These notices were sent in accordance with Code of Civil Procedure section 1245.235. The members' briefing packages contained the Resolutions of Necessity and surveyor maps for each of the properties.

Jesus Corral, serving as counsel to the Board on Eminent Domain items, presented the eight Resolutions of Necessity.

Mr. Corral stated that the eight Resolutions of Necessity that were 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.

Mr. Corral explained that it was counsel's opinion that for the six Resolutions of Necessity, prima facie evidence for these factors were 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.

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.

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

A motion was made by Ms. Miller and seconded by Ms. Osborn to adopt the eight Resolutions of Necessity. The motion passed unanimously through a 2-0 roll-call vote (Ms. Miller and Ms. Osborn both voting aye).

OTHER BUSINESS:

NONE

REPORTABLES:

Ms. Lukenbill presented the reportable items for the period August 30, 2022 through October 3, 2022 and stated that the reportable items were included in the staff analysis and in the member's briefing packets.

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, November 18, 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.