



STATE PUBLIC WORKS BOARD

November 18, 2022

FINAL MINUTES

PRESENT:

Ms. Gayle Miller, Deputy Director, Department of Finance
Ms. Jennifer Osborn, Chief Deputy 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. Miller, Chairperson of the Board, called the meeting to order at 10:15 am
Ms. Kat Lee, Secretary 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 October 14, 2022 Board meeting.

Ms. Miller stated that staff had prepared and reviewed the minutes from the October 14, 2022 Board meeting and 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 3-0 roll-call vote (Ms. Miller, Ms. Osborn, and Mr. Keever all voting aye).

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 Sally Lukenbill, Executive Director of the Public Works Board.

- Consent Item 1: If approved, the request 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 1,200-acre Bear River property in Placer County for the Department of Forestry and Fire Protection.

- Consent Item 2: If approved, the request 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 2,300 acre Battle Creek property in Shasta County for the Department of Forestry and Fire Protection.

Ms. Lukenbill noted that both acquisitions were a result of the settlement agreement PG&E entered into as part of a 2003 bankruptcy settlement, where PG&E is required to ensure that approximately 140,000 acres of watershed lands owned by PG&E were conserved for beneficial public uses. Both properties would be subject to a perpetual conservation easement, and would be used as Cal Fire demonstration forests.

Ms. Lukenbill recommended approval of Consent Calendar A.

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 Calendar A. The motion passed unanimously through a 4-0 roll-call vote (Ms. Miller, Ms. Osborn, Mr. Keever, and Ms. Scharffer all voting aye).

Ms. Miller thanked and excused Mr. Cash.

The next order of business was to consider Consent Calendar B which consisted of three items and were presented by Ms. Lukenbill.

- Consent Item 1: If approved, the request would authorize acquisition of real property through the exercise of an option to purchase, and authorize the Executive or Deputy Director to take any and all actions that may be necessary to complete the acquisition, including negotiating the terms, and executing, a property acquisition agreement and other such documents as may be required to complete the acquisition, for the Fourth Appellate Court District, Division 2 project in Riverside County for the Judicial Council of California.
- Consent Item 2: If approved, the request would authorize a scope change for the Statewide – Enhanced Treatment Units project in San Luis Obispo County and San Bernardino County for the Department of State Hospitals (DSH). The scope change would discontinue the conversion of existing dorm rooms to individual Enhance Treatment Unit rooms at Atascadero State Hospital, to address bed capacity pressures across DSH facilities.
- Consent Item 3: If approved, the request would authorize an augmentation of \$13,059,000 lease revenue bond authority for the California Institution for Men — 50-Bed Mental Health Crisis Facility in San Bernardino County for the Department of Corrections and Rehabilitation. The augmentation would provide additional funding necessary to award the construction contract for this project.

Ms. Lukenbill noted that Consent Items 2 and 3 required 20-day notices to the Joint Legislative Budget Committees and the fiscal committees in each house. The notice for Consent Item 2 was sent on October 28, 2022, and the 20-day legislative notification

period for that notice had expired without adverse comment. The notice for Consent Item 3 was sent on November 2, 2022; therefore the 20-day review period had not yet expired. As a result, approval of the requested action for Consent Item 3 was contingent upon expiration of the 20-day legislative notification period, which was Tuesday, November 22, 2022.

Staff recommended approval of Consent Items 1 and 2. And approval of Consent Item 3, 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 Ms. Miller and seconded by Mr. Keever to approve Consent Calendar A. The motion passed unanimously through a 3-0 roll-call vote (Ms. Miller, Ms. Osborn, and Mr. Keever all voting aye).

ACTION ITEMS:

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

- Action item 1: If approved, the action would adopt five 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.

Ms. Lukenbill noted that Property 6 (W&B Property) had been pulled from the agenda and would not be part of your vote that day.

The Authority notified the Board's staff that for Properties 2 through 5, between February 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 Property 1, 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 November 2, 2022, Notices of Intent to adopt a Resolution of Necessity were mailed by Board staff to the owners of Properties 2 through 5. The Notices of Intent for Property 1 were posted at the property boundary. 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 five Resolutions of Necessity.

Mr. Corral stated that the five 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 five 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.

Ms. Miller recommended adoption of the five Resolutions of Necessity authorizing the use of eminent domain to acquire properties or interests in properties for High Speed Rail and asked if there were any questions from the Board, from the property owners, or their counsel.

Mr. Tapia, property owner of the Tapia property in Madera County, expressed his concern about the construction on his property, specifically the fencing and not receiving payment.

Ms. Miller explained that the meeting that day was for Board approval and that High Speed Rail Authority would continue to work with him on negotiations.

Mr. Corral addressed Mr. Tapia's concern and stated that negotiations would continue moving forward.

Trevor Carson, Attorney with the High Speed Rail Authority, identified himself as the appropriate contact for Mr. Tapia.

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

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

OTHER BUSINESS:

NONE

REPORTABLES:

Ms. Lukenbill stated that the meeting needed to be concluded and suggested presenting the reportables at the next meeting.

NEXT MEETING:

Ms. Miller stated that the next Board meeting was scheduled for Friday, December 16, 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.