



STATE PUBLIC WORKS BOARD

Gavin Newsom ■ Governor

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STATE PUBLIC WORKS BOARD

November 8, 2024

FINAL MINUTES

MEMBERS PRESENT:

Michele Perrault, Chief Deputy Director, for the Department of Finance
Jennifer Osborn, Chief Deputy Director, for the Department of General Services
Mike Keever, Chief Deputy Director, for the Department of Transportation

MEMBERS ABSENT:

None.

CALL TO ORDER AND ROLL CALL:

Michelle Perrault, Chairperson of the State Public Works Board (Board), called the meeting to order at 10:00 a.m. Angela Noland, Secretary of the Board, called the roll. A quorum was established.

BOND ITEMS:

None

MINUTES:

The first order of business was to approve the minutes from the October 4, 2024, Board meeting.

Ms. Perrault 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. Keever to approve the minutes. The motion passed unanimously through a 3-0 roll-call vote (Ms. Perrault, Ms. Osborn, and Mr. Keever all voting aye).

CONSENT ITEMS:

None.

ACTION ITEMS:

The next order of business was to consider one Action Item.

Action Item 1:

Ms. Lukenbill stated that if approved, this action would adopt **two Resolutions of Necessity** authorizing the use of eminent domain by the High-Speed Rail Authority, to acquire the following properties or interest in properties for the High-Speed Train System:

- **Forkner Property (Fresno County)**

- **Zeman Property (Fresno County)**

Ms. Lukenbill continued stating that the Authority notified the Board's staff that for both of these properties, in May of 2024, the respective property owners who could be located were provided with a first written offer to purchase the subject property, as required by Government Code section 7267.2. For two of the owners of the Forkner property, a formal offer to purchase the Property was not mailed due to the inability to locate the owners of record or confirm the identity or any appropriate heirs, descendants, or devisees.

On October 23, 2024, Notices of Intent to adopt a Resolution of Necessity were mailed by Board staff to the owners. The Notice of Intent for the Forkner property was also posted at the property boundary. These notices were sent in accordance with Code of Civil Procedure section 1245.235.

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

Mr. Chandler stated that the Resolutions of Necessity 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. Specifically, that each Resolution provides:

1. The public interest and necessity require the Project.
2. That the proposed Project is planned and located in a manner that would provide the greatest public good with the least private injury.
3. The acquisition property described in Exhibit A of the Resolution is necessary for the project; and
4. The offer of just compensation required by Government Code section 7267.2 has been made to all owners of record as required by the statute, except where an offer could not be made because the owner of record or any appropriate heirs, descendants, or devisees could not be located.

Mr. Chandler explained that it was counsel's opinion that for the Resolutions of Necessity, prima facie evidence for these factors were present such that the Board may adopt the Resolutions of Necessity. If the Board agrees and determines these factors are present, the Board may move to adopt the Resolutions of Necessity.

Ms. Perrault 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. Osborn to approve Action Item 1. The motion passed unanimously through a 3-0 roll-call vote (Ms. Perrault, Ms. Osborn, and Mr. Keever all voting aye).

OTHER BUSINESS:

None.

GENERAL PUBLIC COMMENT:

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

Allison Post Harris, an attorney with the High-Speed Rail Authority, thanked the Board for holding the meeting. Ms. Post Harris noted that the properties included in the Resolutions of Necessity were very important for the next phase of construction for the High-Speed Rail project.

REPORTABLES:

Ms. Lukenbill presented the Reportable Items for the period of September 23, 2024, through October 27, 2024.

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

NEXT MEETING:

Ms. Perrault stated that the next Board meeting was scheduled for Monday, December 16, 2024. The time and location of the meeting would be posted on the Board's website.

Ms. Perrault asked if there were any other questions or comments from the Board or from the public. There were none. The meeting concluded at 10:07.