

**COUNTY OF SAN DIEGO
COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD**

**REGULAR (TELECONFERENCE) MEETING
NOVEMBER 18, 2021 10:00 A.M.**

Attendance by Virtual Meeting made available

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Approval of Statement of Proceedings / Minutes of October 21, 2021
- E. Formation of Consent Calendar
- F. Public Communication Speakers: Members of the public may address the Oversight Board on subject matters within the Board's jurisdiction, but not an item on this agenda. Each speaker is limited to three minutes.
- G. Discussion Item(s)
 - 1. Special Teleconferencing Rule specified under AB 361
- H. Action Item(s)
 - 1. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD AUTHORIZING SPECIAL TELECONFERENCING RULE UNDER AB 361 PURSUANT TO GOVERNMENT CODE SECTION 54953 FOR THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD
- I. Communications Received
- J. Future Agenda Item(s)
- K. Set Future Meeting Date(s)
- L. Adjournment

Supporting documentation and attachments for items listed on this agenda can be viewed online at <http://www.sdcounty.ca.gov/community/san-diego-county-oversight-board.html> or in the Health & Human Services Agency's Financial & Support Services Division, 1255 Imperial Avenue, 6th Floor, San Diego, CA 92101.

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**COUNTY OF SAN DIEGO
COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD**

**REGULAR (VIRTUAL) MEETING MINUTES
OCTOBER 21, 2021 10:00 A.M.**

Attendance by Virtual Meeting made available via Zoom

A. Call to Order at 10:02 a.m.

B. Roll Call

County staff did a roll call of each OB member to indicate present or non-present during the virtual meeting:

PRESENT: Board Members: William Baber, Mark Baker, Bonnie Dowd, and Brian Hagerty

Other Attendees: George Eiser, Attorney at Law; Ardee Apostol, Assistant Finance Director; and Movita McGee, Admin Analyst II.

ABSENT: Scott Buxbaum

C. Pledge of Allegiance

D. Approval of Statement of Proceedings / Minutes of March 18, 2021

County staff did a roll call vote of each OB member to indicate approval or non-approval during the virtual meeting:

AYES: Baber, Baker, Dowd, Hagerty

ABSENT: Buxbaum

E. Formation of Consent Calendar

Items to which no opposition has been expressed by the public or this body may be placed on the Consent Calendar to be voted on without discussion.

The County staff informed this body that no items have been placed on the Consent Calendar.

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- F. **Public Communication Speakers:** Members of the public may address the Oversight Board on subject matters within the Board's jurisdiction, but not an item on this agenda. Each speaker is limited to three minutes.

County staff informed this body that we have no one who responded for public communication. We have no Public Communication Speakers. We made it potential available in the OB website.

G. Discussion Item(s)

1. Approval of a Civil Engineering Consulting Services Amendment 1 between the San Diego Successor Agency's Designated Agent, Civic San Diego, and Kimley-Horn and Associates for Construction Documents and Administration on the B Street Pedestrian Corridor Project:

Daniel Kay, Executive Vice President of CivicSD provided background regarding the agreement in the amount of \$140,747.75 between Civic San Diego ("CivicSD"), acting as the Successor Agency's contracting agent, and Kimley-Horn and Associates, ("Consultant"). On September 19, 2019, the Oversight Board approved the original Professional Services Agreement between CivicSD and the Consultant in ROPS-approved funds for an initial phase of civil engineering consulting services. The proposed First Amendment will allow the Consultant to complete the second phase of civil engineering consulting services for the Project, which includes preparing construction drawings, obtaining permits through the City of San Diego, and providing construction administration services once construction begins. Kimley-Horn will use the schematic drawings developed by CivicSD and the stakeholders to prepare construction drawings for the B-Street Pedestrian corridor improvements between Kettner Boulevard and the railroad tracks. The enforceable obligation was created through the Controlling Documents that obligate the Agency to design, develop, and construct the B Street Pedestrian Corridor. The First Amendment is necessary for the operation or administration of the Successor Agency because it permits the Successor Agency to complete the final design, development, construction, and installation of the Project. Kimley-Horn was selected through a qualification based process and was the best qualified firm for the Project's

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requirements. The Consultant will provide civil engineering consulting services to prepare construction documents and provide construction administration for B Street Pedestrian Corridor and implement the Agency's obligation.

2. Approval of FY 2021-2022 Special Liability Insurance Program (SLIP) Proposal

Ardee Apostol, County of San Diego Health & Human Services Agency Assistant Finance Director, presented to this body regarding the FY 2021-22 Special Liability Insurance Program (SLIP) renewal insurance proposal received from Alliant Insurance Services, Inc. The purpose of the coverage is to protect Oversight Board (OB) members from potential legal actions arising from their decisions as members of the OB. The annual premium and applicable fees total \$7,671.94, effective 9/29/21 to 9/29/22. The FY 2021-22 SLIP Policy Renewal coverage amount is for personal injury and public officials errors and omissions of \$7,000,000 per occurrence and the coverage amount for fire damages is \$1,000,000 per occurrence. The FY 2021-22 SLIP Policy coverage remains the same as last year. The policy was signed on 9/23/21 and due to timing, there was no quorum in last month's meeting on September 16th and premium payment has been sent on 9/29/21 in order for the policy and payment not to lapse since it was due last October 14th. Also, to ensure the policy was in place, payment has been made to Alliant Insurance Services, Inc.

In response to OB member Dowd's inquiry, regarding if there are potential discounts for obtaining Special Liability Insurance Program (SLIP) Policy by signing a multi-year contract, County staff response is that the policy is only available on an annual basis, and not for a multi-year term.

H. Action Item(s)

- 1. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING A CONTRACT BETWEEN THE SAN DIEGO SUCCESSOR AGENCY'S DESIGNATED AGENT AND KIMLEY-HORN AND ASSOCIATES FOR CIVIL ENGINEERING CONSULTING SERVICES AMENDMENT 1 ON THE B STREET PEDESTRIAN CORRIDOR PROJECT**

ON MOTION of board member, William Baber; seconded by Bonnie Dowd THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD recommended approval of a Contract between the San Diego Successor

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Agency's Designated Agent and Kimley-Horn and Associates for Civil Engineering Consulting Services Amendment 1 on the B Street Pedestrian Corridor Project.
Motion passed.

County staff did a roll call vote of each OB member for Item H1 during the virtual meeting:

AYES: Baber, Baker, Dowd, Hagerty

ABSENT: Buxbaum

2. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING FISCAL YEAR 2021-2022 SPECIAL LIABILITY INSURANCE PROGRAM (SLIP) FOR THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD

ON MOTION of board member, William Baber; seconded by Bonnie Dowd THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD recommended approval of Fiscal Year 2021-2022 Special Liability Insurance Program (SLIP) for the Countywide Redevelopment Successor Agency Oversight Board and approving the Resolution ratifying the action of County staff for renewing the SLIP policy and submitting the premium to Alliant Insurance Services, Inc. **Motion passed.**

County staff did a roll call vote of each OB member for Item H2 during the virtual meeting:

AYES: Baber, Baker, Dowd, Hagerty

ABSENT: Buxbaum

I. Communications Received

There were no public communications received since the last meeting.

J. Future Agenda Item(s)

- **Special Teleconferencing Rule specified under AB 361**

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Brian Hagerty, Chair Oversight Board, informed this body regarding AB 36. On or after October 1, 2021, the first meeting of a legislative body under AB 361 can occur under the Special Teleconferencing Rule without anything in particular on the agenda. Dr. Wooten, the County's Public Health Officer, on September 23, 2021 released a health recommendation which stated that utilizing teleconferencing options for public meetings is an effective and recommended social distancing measure to facilitate participation in public affairs. Mr. Hagerty indicated that today's OB meeting currently qualify under the local health emergency provision for the Special Teleconferencing Rule as specified under AB 361. It was not required to be an agenda item, since it's the first meeting after October 1st, when the rule went into effect.

Mr. Hagerty proposed a potential resolution expressing the Board's desire to continue under the Special Teleconferencing Rule at the next meeting on November 18th, which meets the 30-day requirement. This matter will be added on the agenda to determine whether the Oversight Board wants to utilize the Special Teleconferencing Rule and if so, place the initial Resolution to understand the new Brown Act rules. Thereafter, if the Oversight Board wants to continue to use the Special Teleconferencing Rule, they must meet within 30 days to renew their option to continue using the Special Teleconferencing Rule.

Board Member Dowd proposed that the Oversight Board utilize the special teleconferencing rule under AB 361 for the November 18 meeting.

George Eiser III, Oversight Board Counsel, informed this body that in order to place an item on the agenda for action, the Board must first approve a motion adding the item to the agenda based on a finding that the need to take action on the item arose after the agenda was posted on 10/15/21. If this motion passes, then the Oversight Board may take action to confirm that the November 18th meeting to be a teleconference meeting under the Special Teleconferencing Rule.

On motion of Board Member Bonnie Dowd, seconded by Chair Brian Hagerty, the Oversight Board approved a motion to place on the agenda an item to consider

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utilizing the special teleconferencing rule under AB 361 for the November 18 meeting, based on the finding that the need to take action on the item arose after the agenda was posted on 10/15/21. Motion passed.

County staff did a roll call vote of each OB member for this motion during the virtual meeting:

AYES: Baber, Baker, Dowd, Hagerty

ABSENT: Buxbaum

On motion of Board Member Bonnie Dowd, seconded by Chair Brian Hagerty, the OB confirmed that the November 18 meeting of the Board would be a teleconferenced meeting under AB 361, Motion passed.

County staff did a roll call vote of each OB member for this motion during the virtual meeting:

AYES: Baber, Baker, Dowd, Hagerty

ABSENT: Buxbaum

- There are currently no existing requests for potential agenda items in the future.
- **Two Vacancies in Board Membership**
 - There's a candidate identified for Seat 6 and will be appointed by the County Board of Supervisors on November 2nd or November 16th to fill the seat.
 - For the Seat of Michael Prinz, he was appointed by San Diego Municipal Employees Association (MEA), the largest number of successor agencies that qualifies the City of San Diego to appoint a member to Seat 7. We are currently communicating with them for the replacement of Michael Prinz.

K. Set Future Meeting Date(s): November 18, 2021, 10:00 a.m., December 16, 2021, 10:00 a.m., and January 20, 2022, 10:00 a.m.

L. Adjournment: 10:43 a.m.

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ON MOTION of Member Bonnie Dowd, seconded by William Baber, THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD adjourned the meeting with no further business to be conducted.



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Resolution No: OB-2021-022

Meeting Date: 11/18/2021

A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT
SUCCESSOR AGENCY OVERSIGHT BOARD AUTHORIZING SPECIAL
TELECONFERENCING RULE UNDER AB 361 PURSUANT TO GOVERNMENT
CODE SECTION 54953 FOR THE COUNTYWIDE REDEVELOPMENT
SUCCESSOR AGENCY OVERSIGHT BOARD

WHEREAS, international, national, state, and local health and governmental authorities are responding to an outbreak of respiratory disease caused by a novel coronavirus named "SARS-CoV-2," and the disease it causes has been named "coronavirus disease 2019," abbreviated COVID-19, ("COVID-19"); and

WHEREAS, on January 30, 2020, the World Health Organization ("WHO") declared a Public Health Emergency of International Concern as a result of the COVID-19 virus. On January 31, 2020, the United States Secretary of Health and Human Services also declared a Public Health Emergency of the COVID-19 virus; and

WHEREAS, on February 14, 2020, the San Diego County Health Officer declared a Local Health Emergency as a result of the COVID-19 virus, which was subsequently ratified by the Board of Supervisors on February 19, 2020; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency ("State of Emergency") pursuant to section 8625 of the California Emergency Services Act, in response to the COVID-19 pandemic; and,

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the "Brown Act"), provided certain requirements were met and followed; and,

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and,

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 which provides that a legislative body subject to the Brown Act may use revised teleconference rules provided under section 53593(e) if the legislative body makes certain findings and those findings are reconsidered every thirty (30) days, as applicable; and,

WHEREAS, the proclaimed State of Emergency remains in effect; and,

WHEREAS, the California Occupational Safety and Health Standards Board adopted California Code of Regulations, Title 8, Section 3205 which states, "particles containing the virus can travel more than six feet, especially indoors, so physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19, but are most effective when used in combination;" and

Resolution No: OB-2021-022

Meeting Date: 11/18/2021

WHEREAS, on or about September 23, 2021, Dr. Wilma Wooten, the County of San Diego's Public Health Officer issued a letter recommending the utilization of teleconferencing options for public meetings as an effective and recommended social distancing measure to facilitate participation in public affairs and encourage participants to protect themselves and others from the COVID-19 virus (the "Teleconferencing Recommendation"); and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, this legislative body deems it necessary to take action for purposes of utilizing the provisions of AB 361 related to teleconferencing;

NOW, THEREFORE, BE IT RESOLVED, by the San Diego Countywide Redevelopment Successor Agency Oversight Board as follows:

1. The recitals set forth above are true and correct and form the basis for the finding of this Resolution.
2. This legislative body finds that there is an existing proclaimed State of Emergency and state and local officials have imposed or recommended measures to promote social distancing, including but not limited to the Teleconferencing Recommendation.
3. In order to satisfy the requirements of Section 54953(e)(3) of the Brown Act, which allows local legislative bodies to continue utilizing simplified teleconferencing options under the Brown Act if certain findings are made no later than thirty (30) days after such simplified teleconferencing options are first used, County staff is directed, to the extent reasonably feasible, to return no later than thirty (30) days after the adoption of this Resolution with an item for this legislative body's reconsideration of these findings.
4. County staff is directed to take any other necessary or appropriate actions to implement the intent and purposes of this Resolution.
5. This finding is intended to apply to all of the legislative body subcommittees this legislative body has created.
6. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Oversight Board at a duly noticed meeting of the Oversight Board held on November 18, 2021.

Approved as to Form and Legality
By George H. Eiser III, Oversight Board Counsel

Chair, Oversight Board