

**COUNTY OF SAN DIEGO  
COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD  
REGULAR (TELECONFERENCE) MEETING**

**December 15, 2022 10:00 A.M.**

**MINUTES**

Attendance by Virtual Meeting made available

[Zoom Link:](#)

Phone Option: 1-669-900-9128; Webinar ID: 853 5567 5766

A. Call to Order at 10:01 a.m.

B. Roll Call

**PRESENT: Board Members:** Brian Hagerty, Mark Baker, Scott Buxbaum, Bonnie Dowd, Samuel Merrill and Corinne Wilson

**Other Attendees:** Claire Lai, Attorney at Law and Max Endoso, Principal Admin Analyst

C. Pledge of Allegiance

D. Approval of Statement of Proceedings / Minutes of November 17, 2022

Chair Hagerty stated that he will address some minor typos with County staff. The corrections will not change the meaning of the minutes. On motion of Member Baker and seconded by Member Dowd, THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD with the corrections mentioned above, approved the minutes of the November 17, 2022 meeting. *Oversight Board staff did a roll call vote of each Board member to indicate approval or non-approval during the virtual meeting.* **Motion passed.**

AYES: Hagerty, Baker, Dowd, Buxbaum, Merrill and Wilson

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.***

No items were placed on the 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. Comments for items on this agenda will be taken as each item comes up. Each speaker is limited to three minutes. *No comments were received by the Board or were presented at the meeting.*

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, 6<sup>th</sup> Floor, San Diego, CA 92101.

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## G. Discussion Item(s)

### 1. Special Teleconferencing Rule specified under AB 361

Chair Hagerty provided background and opened up the discussion to the Board, a summary of which is provided here:

At this point we can still vote to renew the 30 day period that is allowed for AB 361 teleconferencing and then we're going to get into a discussion to talk about how things are changing. There's a new bill in place and there's also the traditional Brown Act in place. Circumstances have changed quite a bit over the last 60-90 days. We will get into that with Claire, who we have for Counsel. We will deal mainly with extending the special teleconferencing rule AB 361 for the next 30 days.

Member Dowd asked Chair Hagerty if he wanted to do item H1 and then have the discussion or have the discussion first and then do H1.

Chair Hagerty clarified that what he wanted to know was if anybody had any issue with extending this teleconferencing for another 30 days and that he was open up switching up the agenda. He added that maybe it makes more sense to get into the depth of what's changing before the Board decides to vote to extend the AB 361 teleconferencing.

Member Baker wanted to move forward with a vote to get this item off the table and then talk about item G2.

### 2. Update Regarding 2023 Teleconference Requirements and Options and Related Discussion.

Chair Hagerty clarified that item G2 is not a voting item, that the Board is going to discuss the differences between traditional Brown Act, AB 361 and AB 2449 and turned it over to Claire Lai to provide an overview of the changes in teleconferencing requirement and options in 2023 particularly after the state of emergency declared by Governor Newsom ends in end of February, a summary of which is provided here:

- Traditional Brown Act teleconferencing rule requires that the:
  - Quorum meet within the jurisdiction of the Oversight Board which is San Diego County

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- Teleconferencing agenda be posted in the conference location and the open to the public to participate in the meeting
- Agenda describes the particular locations and who will be participating in teleconferencing
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- The most significant change that AB 361 did was to suspend the requirements that a quorum meets within the jurisdiction of the particular legislative body and also the agenda posting requirements as well as making each teleconferencing location available to the public. AB 361 requires a State declared emergency which will end in March.
- AB 2449 made some modifications on when the board can utilize the relaxed teleconference rules.
  - Board members may not use AB 2449's teleconference procedures to attend meetings remotely for a period of more than three consecutive months or 20% of the regular meetings within a calendar year, or more than two meetings if the legislative body meets fewer than 10 times per calendar year unlike AB 361 where there is no limit.
  - Only 2 bases for a Board member to use the teleconference rules
    - Just Cause. The member notifies the Oversight Board at the earliest opportunity possible, including at the start of a regular meeting, of their need to participate remotely for "just cause." With "just cause" being defined as: (a) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely, (b) contagious illness that prevents a member from attending in person, (c) A need related to a physical or mental disability as defined by statute. or (d) travel while on official business of the legislative body or another state or local agency. The "just cause" exception may be only used for two meetings per calendar year.
    - Emergency Circumstances. The Oversight Board member requests the Board to allow them to participate in a meeting remotely due to "emergency circumstances" and the Board takes action to approve the request. The Board must request a general description of the circumstances relating to the Board

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members' need to appear remotely at a given meeting. An emergency circumstances is defined as a physical or family medical emergency that prevents a member from attending in person.

Chair Hagerty asked Ms. Lai if she considers the Oversight Board to be a legislative body that meets 10 times or more. The Oversight Board meets fewer than 10 times, but we have a standing regular meeting for 12 months. Ms. Lai responded that since there are 12 scheduled regular meetings, the Oversight Board is considered to meet more than 10 times. AB 2449 is not looking at how many actual meetings the Board had.

Member Baker asked Ms. Lai if the just cause limit on AB 2449 is per individual member or for the Board. Ms. Lai responded that the limit is per individual member.

Member Baker asked Ms. Lai if each member can share the just cause reason to the rest of the Board members and can be remote for every meeting under AB 2449. Ms. Lai responded that the just cause applies only to the member invoking it and would not apply to the rest of the Board members.

Chair Hagerty asked Ms. Lai if the Board members can assume that this Board will return to in-person meetings, that the only remote members have to have a reason and there's a limit to the number of times they can be remote. Ms. Lai agreed.

Member Baker asked Ms. Lai if no members are joining remote, does the Board still have to provide internet access to the public. Ms. Lai responded under the traditional Brown Act if all members are meeting in person, there is no requirement to provide internet access to the public. However, some Boards have maintained that level of public access that's been provided under AB 361 so this is something that the Board can discuss.

Member Baker asked Ms. Lai under AB 2449 if the Board has to stop the meeting when all the Board members are attending in-person, internet access is provided to the public and the internet was disrupted. Ms. Lai responded that the Board is not required to stop the meeting. She added that it's good practice to wait and resolve the internet issue before continuing the meeting. Member Baker added that it's been nice and convenient for board members and the public to call in, but it seems that season is coming to an end. Chair Hagerty stated that he is getting the same impression.

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Member Baker asked Ms. Lai if the Board has to adopt AB 2449 or if it's just going to be a law. Ms. Lai responded that the Board does not have to adopt AB 2449 and it will be a law. The remoting in of any Board member will have to be noticed and approved by the Board. The Board can keep a standing item on the agenda in cases when a member or members need to remote in because of just cause or emergency circumstances.

Member Dowd asked Ms. Lai under AB 2449 if there is still a need to post an agenda at a remote location when a Board member is attending remotely. Ms. Lai responded that this is correct. Member Dowd that she is hearing differently from conversations in her district that it is still required.

Member Dowd asked Ms. Lai who determines the official travel. Ms. Lai responded that she thinks the official travel should be part of the body that the member is representing, for example, attending a conference for the Oversight Board.

Member Dowd asked the Board and Ms. Lai if the remote attendance limitations on AB 2449 is aligned with the Board's by-laws. Chair Hagerty asked Ms. Lai to review the by-laws to make sure that it does not conflict with AB 2449.

Chair Hagerty stated that AB 2449 goal is to get the board members back into physical location, but the public should still be able to attend remotely, audio and video are going to be required. He pointed out that under AB 2449, the public have to be able to see and hear the Board if the Board is going to do this remotely. He added that the Board need to work on the technical requirements.

Member Dowd asked Chair Hagerty if we have a venue for January 19, 2023 meeting. Chair Hagerty responded that we reserved room 302 in CAC all day for January 19 to make sure that we have enough time to meet the technical requirements. So, people can see, hear us and can interact with the Board. We have CAC room 302 every 3<sup>rd</sup> Thursday of the month in 2023. Parking at CAC is good and yellow badges are available for members to get, just work with County staff and Chair Hagerty.

Member Dowd asked Chair Hagerty if correct to assume that even though the Board is not taking any action on this item that AB 2449 is the rule that the Board will follow and there is no need to meet on January 12, 2023. Chair Hagerty responded that we can still use AB 361

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in January. Chair Hagerty also asked Ms. Lai to confirm, and she did. Ms. Lai added that we can use AB 361 through March 1, 2023.

Chair Hagerty asked the Board members if they prefer to hold the January meeting via remote. He added that the Successor Agencies prefer the teleconference format as they have done last year. Member Baker agreed. Chair Hagerty provided direction to the members that the Board will meet via remote on January 19<sup>th</sup> but will still have to meet on January 12<sup>th</sup> to vote and extend AB 361 teleconference format for another 30 days.

Member Dowd informed the Board that she had been asked and agreed to stay in her position till the end of January 2023. So, she can still attend the January 12 and 19 meetings. She added that hopefully that State Chancellors Office would have appointed the new Finance Officer before the February meeting and she will continue to work as consultant starting in February, for a little while as part of the transition and she will bring the new person up to speed.

Chair Hagerty asked Ms. Lai if there's anything in AB2449 that we have not covered. Ms. Lai responded that we have covered everything, but the Board can still reach out to her after the meeting for additional questions.

#### 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

On motion of Board Member Dowd and seconded by Baker, THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD approved the 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. *Oversight Board staff did a roll call vote of each Board member to indicate approval or non-approval during the virtual meeting.* **Motion passed.**

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AYES: Hagerty, Baker, Dowd, Buxbaum, Merrill and Wilson

- I. Communications Received: Teleconferencing options memos from County Counsel and Oversight Board Counsel. Member Merrill notified the Board that he will be participating in a community-based association in support of the redevelopment of the City of San Diego property in the Sports Arena Boulevard area and he just wants to make sure that there is no conflict of interest with his Oversight Board duties. Counsel is reviewing this matter.
- J. Future Agenda Item(s): Approval of the Recognized Obligation Payment Schedule (ROPS) 23-24 and Administrative Budget for all seventeen (17) Successor Agencies, Election of Officers, Review by-laws
- K. Set Future Meeting Date(s): January 12, 2023 9:00 a.m., January 19, 2023 10:00 a.m., February 16, 2023 10:00 a.m., March 16, 2023 10:00 a.m.
- L. Adjournment at 10:46 a.m.

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