

**COUNTY OF SAN DIEGO
COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD
REGULAR (TELECONFERENCE) MEETING
December 15, 2022 10:00 A.M.**

AGENDA

Attendance by Virtual Meeting made available

[Zoom Link:](#)

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

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Approval of Statement of Proceedings / Minutes of November 17, 2022
- 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. Comments for items on this agenda will be taken as each item comes up. Each speaker is limited to three minutes.
- G. Discussion Item(s)
 - 1. Special Teleconferencing Rule specified under AB 361
 - 2. Update Regarding 2023 Teleconference Requirements and Options and Related Discussion.
- H. Action Item(s)
 - 1. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD AUTHORIZING SPECIAL TELECONFERENCE RULE UNDER AB 361 PURSUANT TO GOVERNMENT CODE SECTION 54953 FOR THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD
- I. Communications Received

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ASSISTANCE FOR THE DISABLED:

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- 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
- 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

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

November 17, 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 10:02 a.m.

B. Roll Call

PRESENT: Board Members: Brian Hagerty, William Baber, Mark Baker, Bonnie Dowd, Samuel Merrill and Corinne Wilson

City of San Diego: Michael Wong, Program Manager Successor Agency Economic Development Department, Daniel Kay, Executive Vice President of Civic Communities, Kate Malcolm, Deputy City Attorney and Leonardo Alarcón, Successor Agency Community Development Coordinator

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 October 20, 2022

On motion of Board Chair Hagerty and seconded by Member Dowd, THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD approved the minutes of the October 20, 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, Baber, Baker, Dowd, 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 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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limited to three minutes. *No comments were received by the Board or were presented at the meeting.*

G. Discussion Item(s)

1. Compensation Agreement for Lyceum Theatre Renovation Project

Chair Hagerty turned it over to Michael Wong to present for the City of San Diego. After the presentation Chair Hagerty opened up the discussion to the Board, a summary of which is provided here:

Summary of City of San Diego presentation on CONTRACT BETWEEN THE CITY OF SAN DIEGO SUCCESSOR AGENCY AND CIVIC SAN DIEGO FOR CONSTRUCTION ADMINISTRATION SERVICES OF THE LYCEUM THEATRE RENOVATION PROJECT:

- The theater is a Subterranean facility located on the north side of the former Fordham Plaza shopping center and the soon-to-be campus at Horton project adjacent to Broadway Circle and Horton Plaza park in downtown San Diego.
- The former San Diego Redevelopment Agency (RDA) entered into a 50-year lease in 1985 with the retail Center developer Horton Plaza LLC to create a Performing Arts and Cultural amenity within the shopping center the Lyceum theater opened to the public on May 31, 1986 in the Horton Plaza retail Center.
- To ensure that the space will be utilized as specified in the lease and that a high-quality theater production would be provided to the public, the former RDA immediately entered into a master sublease agreement with Horton Plaza Theater Foundation.
- The lease agreement requires the former RDA to replace and to expense any personal property fixtures originally developed by the former RDA which requires replacement due to ordinary wear and tear.
- Detailed scope of work generally consists of interior renovations of 2 theaters located within the Lyceum theater and the addition of a glass-enclosed conference room and the upper lobby.
- The main stage will receive a modular stage flooring system. The audience areas within the main stage will receive new fixed theater seating, flooring, fire protection modifications, new doors, hardware and finishes.
- For the black box, a new portable audience seating system will be installed.
- Stage area improvements include upgrading theatrical rigging, theatrical lighting, audio visual equipment, as well as HVAC modification to improve heating and cooling.

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- The dressing room areas will receive plumbing, electrical, power, lighting and HVAC modifications to accommodate the revisions to the floor plan.
- Structural modifications will be made throughout the theater spaces to facilitate the above mentioned improvements.
- Civic San Diego, under the terms of the operating agreement with the City dated June 2019, implements the wind down certain Redevelopment activities and projects including the Lyceum Theatre renovation.
- Under the terms of the operating agreement and the proposed compensation agreement, Civic San Diego will administer the construction and completion of the project.
- The Project's total cost is \$13,455,500 and is considered an enforceable obligation under the California Dept. Of Finance approved Recognized Obligation Payment Schedule (ROPS) line item 205.
- The current ROPS 16 that ends June 30, 2023 includes \$7,004,408 program with \$6,933,923 available to certify.
- The implementation of the project through the compensation agreement is subject to approval by the County San Diego's Oversight Board and upon review and approval by the Oversight Board, the California Dept. of Finance has 45 days to review the action.
- Civic San Diego has recently completed the bid phase of the project and the approval of the compensation agreement will allow for the project to move into the construction phase.
- The goal is for construction to begin in March 2023 with completion in March 2024.

Member Wilson stated that earlier this year the San Diego Repertory Theater canceled all of their shows and laid off all of their staff. She asked about the financial implications of not having an active sublessee in the space. Daniel Kay responded that the generalities of the responsibility of a sublease lie with the Horton Plaza Theatre Foundation, so they operate and manage this space and there's been communication between them and the City to start the plan of hiring a new a performance outfit. He added that the City of San Diego Council President Elo-Rivera asked the same question, and he believes that Elo-Rivera's office is working directly with both Economic Development as well as the Horton Plaza Theatre Foundation to find out the details of the plan.

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Mr. Wong added that he was also involved in that conference with Council President Elo-Rivera and that this was the perfect timing to close since Stockdale is doing the renovation of their facility and the theater represents the theater tenant, is working now and creating more of an incubator space for multiple theater operations to proceed and use the facility.

Member Wilson stated that the sublessee of San Diego rep stated that part of the problem was that the space experienced flooding during one of our recent storms and then the Stockdale construction having closed off, made it difficult for them and impacted their activities in that space. She asked if the flooding issue has been addressed and if that's done, what is Stockdale's timeline for completion in allowing easier access to whatever comes next for the Lyceum Theatre.

Mr. Kay responded that he is not clear on timing of Stockdale's work, however, the intention is that both the theater renovation, the shopping and the campus at Horton construction is complete generally around the same time. As it relates to the flooding, the short answer is yes that will be fixed. It's not likely that is completely fixed today but Stockdale has their portion which they agreed to fix and then we have some pictures on the interior on the inside that have to be repaired as well. The access point difficulty is basically due to the construction zone right now. The entire area is screened by construction fencing and difficult for workers, patrons and the general public to even access the site.

Member Wilson thanked Mr. Kay for responding to her questions.

Member Dowd stated that she believes that this is not only an aesthetic renovation but also a modernization. She does not think that there was a black box venue in the original.

Mr. Kay responded that the black box has been there since day 1 during the 1985 construction. They have a 550-seat main theater and then a much smaller theater on the right hand side in the corner behind some office space, but it has always been in the theater space.

Member Dowd stated that she's been there several time and never realized what it was. She added that in her college district, modernization is also happening with their theater company, she is just interested in that situation and thanked Mr. Kay.

Mr. Kay stated that Stockdale is redeveloping the entire campus at Horton that also includes the entrance to this theater. Right now, it's a big circular entrance with a couple stairways that go down and in order to accommodate Stockdale's improvements they are creating a

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new entrance to the theater and above grade improvements with a new elevator and new access for the public to enter the space. So, all of that dynamic is changing. This particular project is only on the inside; it's only related to the theater itself.

Member Wilson stated that she is glad that Stockdale is being a good partner to support the theater space.

Chair Hagerty stated that the traditional meaning of “compensation agreement” in the Oversight Board world has been used when a successor agency is looking at liquidating or selling piece of property and they are required to offer a fair price, so to speak, or compensation amount to the affected taxing entities that are tied to that particular former redevelopment area. So, this doesn't really appear to be that. Even though we're calling it a compensation agreement, the Health and Safety Code reference is more aligned with us working with our property tax people here at the Auditor & Controller Department of County of San Diego, where we make sure it's either an updated appraisal or goes back to 2011 for the fair market value at the time. Typically, a traditional compensation agreement wouldn't be approved by the Oversight Board. That's typically directly between the successor agency and the affected taxing entities. He also asked Claire Lai to confirm that what he stated was a fair assessment of the contract between City of San Diego and Civic San Diego for the administration of Lyceum Theatre renovation project.

Claire Lai agreed with Chair Hagerty and added that the Board should really treat this item as a contract between the City of San Diego to implement the obligation under the master lease.

Chair Hagerty added that he does not want the Department of Finance to receive this later on and say to the Board that they are not supposed to approve compensation agreements. Thankfully, the resolution does not indicate “compensation agreement.”

Chair Hagerty asked if the Board should expect an increase in funding request on ROPS line 205 for subsequent years to fund this agreement. He added that the Department of Finance might question the increase since everything is supposed to be held at current levels and slowly declining; that is part of the dissolution of redevelopment agencies.

Mr. Kay responded that this contract would increase the City of San Diego ROPS. He added that the City of San Diego has already started the ROPS process and the timing of this contract is fairly fortunate. DOF is going to see this agreement before they see the

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ROPS schedule in January so after this board meeting, if the resolution is signed DOF has 45 days to review, and that time period will end before DOF sees the ROPS schedule.

Chair Hagerty explained that he wanted the Board to prepare for the possibility that a ROPS may return for review still containing this agreement. Chair Hagerty asked the San Diego City reps if they had any discussions or communications with the Department of Finance. Mr. Wong and Mr. Kay responded that they have not had any communications with the Department of Finance. Mr. Kay added that they understand the risks of the first type of agreement or contract that DOF is seeing in this form.

Chair Hagerty reiterated that if the Board approves this item today and the Board provides the City of San Diego with the signed resolution, that it would be incumbent upon the City of San Diego, and not upon the Oversight Board, to file that resolution with the State. Just make sure that there's no miscommunication about who needs to forward those documents. Mr. Wong and Mr. Kay responded that they agree and understood.

2. 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:

On Tuesday the Board of Supervisors for the County with only four members present, were one member short, the vote was 2 to 2 to continue in teleconferencing format for the next meeting and so it failed. He wanted to let the Board know there is now a situation where one public agency at least has failed to approve the teleconferencing format for an upcoming meeting.

Member Wilson stated that seeing the news reports about everything that's going on and hospitals having tents outside, she thinks that at least for right now it's a good idea to continue teleconferencing. She also added that she has been around folks recently that have tested positive for Covid and doing our part to keep people away from hospitals right now is a responsible move.

Member Dowd agreed with Member Wilson and added that given that next meeting will be her last meeting she didn't want to drive the Oversight Board down on any particular

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direction, but her district is continuing to be in hybrid mode where we can have public participate when they need to.

Member Baber stated that this is his last meeting and told Member Dowd that it's been nice serving with her for 4 years. He added that in the City of La Mesa, they still have the hybrid meeting format, and he recently had the flu / Covid, and he was allowed to participate virtually. He still supports the teleconferencing format because it allowed him to do his duty until the end of his 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 CITY OF SAN DIEGO SUCCESSOR AGENCY AND CIVIC SAN DIEGO FOR CONSTRUCTION ADMINISTRATION SERVICES OF THE LYCEUM THEATRE RENOVATION PROJECT IN THE DOWNTOWN NEIGHBORHOOD COMMUNITY PLAN AREA

On motion of Board Member Dowd and seconded by Baber, THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD approved the A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING A CONTRACT BETWEEN THE CITY OF SAN DIEGO SUCCESSOR AGENCY AND CIVIC SAN DIEGO FOR CONSTRUCTION ADMINISTRATION SERVICES OF THE LYCEUM THEATRE RENOVATION. *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, Baber, Baker, Dowd, Merrill and Wilson

2. 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

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On motion of Board Member Dowd and seconded by Baber, 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.***

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

I. Communications Received

J. Future Agenda Item(s)

K. Set Future Meeting Date(s): December 15, 2022 10:00 a.m., January 12, 2023 9:00 a.m., January 19, 2023 10:00 a.m., February 16, 2023 10:00 a.m.

L. Adjournment at 10:46 a.m.

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COUNTY OF SAN DIEGO

COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD

AGENDA ITEM

COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD

VACANT

MARK BAKER

SCOTT BUXBAUM

DR. BONNIE DOWD

BRIAN HAGERTY

SAMUEL MERRILL

CORINNE WILSON

DATE: December 15, 2022

01

TO: Countywide Redevelopment Successor Agency Oversight Board

SUBJECT: 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

SUMMARY:

Overview

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. 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.

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. 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. 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. The San Diego Countywide Redevelopment Successor Agency Oversight Board ("Oversight Board") has met and made initial findings under AB 361 to continue meeting by teleconference, and has been reconsidering those findings in accordance with the timeline set forth under state law. Most recently at the November 17, 2022 meeting, the Oversight Board



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BRIAN HAGERTY

SAMUEL MERRILL

CORINNE WILSON

reconsidered the circumstances of the state of emergency declared by the Governor and made findings that the conditions continue to exist to authorize teleconference meetings under AB 361.

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"). This recommendation continues to remain in effect.

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.

Recommendation(s)

1. Adopt the 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

Fiscal Impact

There is no fiscal impact associated with the requested action.

BACKGROUND:

A novel coronavirus (COVID-19) was detected in Wuhan City, Hubei Province in China in December 2019. Since then, the World Health Organization (WHO), and the U.S. Department of Health and Human Services (HHS) have declared COVID-19 a public health emergency. On January 30, 2020, the WHO declared the outbreak a "public health emergency of international concern." On January 31, 2020, HHS Secretary Alex M. Azar II declared a public health emergency for the United States to aid the nation's healthcare community in responding to



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COVID-19. Since then, the virus has spread rapidly across the globe, resulting in the WHO declaring COVID-19 a pandemic on March 11, 2020.

On February 14, 2020, the San Diego County Public Health Officer issued a Declaration of Local Health Emergency, pursuant to California Health and Safety Code Section 101080. Additionally, on that day, pursuant to California Government Code 8630, the Chief Administrative Officer (CAO), serving as the County of San Diego's (County) Director of Emergency Services and as the Coordinator of the Unified San Diego County Emergency Services Organization, issued a Proclamation of Local Emergency regarding COVID-19. The requirements to renew the Declaration of Local Health Emergency and Proclamation of Local Emergency for COVID-19 were waived on March 4, 2020, due to the Proclamation of a State of Emergency for California by Governor Gavin Newsom. On March 19, 2020, the State of California public health officials issued an order for anyone living in the State to stay home, except for those providing essential services.

As with other areas throughout the nation, there is community transmission of COVID-19 in San Diego County. The County has made significant efforts to "flatten the curve," slowing down the spread of the virus, which in turn helps to avoid an increase in the cases that overwhelm the healthcare system. For this reason, the San Diego County Public Health Officer continues to issue and amend Public Health Orders to enhance efforts to protect the health of the public. At this time, the CDC also continues to recommend physical distancing of at least 6 feet from others outside of the household. Since issuing Executive Order N-08-21, the highly contagious Delta and Omicron variants of COVID-19 have emerged, causing an increase in COVID-19 cases throughout the State and San Diego County, and because of the rise in cases due to the Delta and Omicron variants of COVID-19, the Oversight Board continues to be concerned about the health and safety of all individuals who attend public meetings of the Board.

Respectfully submitted,

ARDEE APOSTOL

Assistant Finance Director, HHSA-FSSD



COUNTY OF SAN DIEGO

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ATTACHMENT(S)

A – Resolution No. OB-2022-038

AGENDA ITEM INFORMATION SHEET

PREVIOUS RELEVANT BOARD ACTIONS:

N/A

MANDATORY COMPLIANCE:

N/A

CONTACT PERSON(S):

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Resolution No: OB-2022-038

Meeting Date: 12/15/2022

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

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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"), which recommendation continues to remain in effect; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") continues to recommend physical distancing of at least 6 feet from others outside of the household; and

WHEREAS, since issuing Executive Order N-08-21, the highly contagious Delta and Omicron variants of COVID-19 have emerged, causing an increase in COVID-19 cases throughout the State and San Diego County; and

WHEREAS, because of the rise in cases due to the Delta and Omicron variants of COVID-19, this legislative body continues to be concerned about the health and safety of all individuals who attend public meetings of this legislative body; and

WHEREAS, this legislative body has determined that conditions continue to exist to reauthorize teleconference meetings under AB 361, specifically, Governor Newsom's proclaimed State of Emergency due to COVID-19 continues to exist, and the County and CDC continue to recommend social distancing measures to protect the public from the COVID-19 virus; 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. In compliance with AB 361 (2021), and in order to continue to conduct teleconference meetings pursuant thereto, this legislative body hereby finds that:
 - a. 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; and
 - b. This legislative body has reconsidered the circumstances of the Governor's proclaimed State of Emergency; and
 - c. The State of Emergency, as declared by the Governor, continues to directly impact the ability of the members of the Oversight Board and the public from meeting safely in person; and
 - d. The CDC and the San Diego County Health Officer continue to recommend social distancing due to COVID-19 and as a result of the presence of COVID-

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19 and the Delta and Omicron variants, meeting in person would present imminent risks to the health or safety of attendees, including the public, members of the Oversight Board, and County staff.

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 December 15, 2022.

Approved as to Form and Legality
By Steven Mattas, Oversight Board Counsel

Brian Hagerty
Chair, Oversight Board

OVERVIEW OF TELECONFERENCING RULES IN 2023

Traditional Brown Act Teleconference Rules

In order to meet remotely under the Brown Act, a Board meeting must meet the following requirements:

- ***Quorum Participation.*** At least a quorum of the Board must participate from locations within Oversight Board jurisdiction (i.e. San Diego County)
- ***Identification of Locations.*** Each teleconference location must be specifically identified in the notice and agenda of the meeting, including a full address and room number, as may be applicable;
- ***Agenda Posting.*** Agendas must be posted at each teleconference location, even if a private residence or private office;
- ***Open and Accessible Location.*** Each teleconference location, including a hotel room or a private residence or office, must be accessible to the public and have technology, such as a speakerphone, to enable the public to participate;
- ***Public Participation.*** The agenda must provide the opportunity for the public to address the legislative body directly at each teleconference location;
- ***Additional availabilities.*** Additional teleconference locations may be made available for the public; and
- ***Roll Call Votes.*** All votes taken during the teleconferenced meeting must be by roll call.

AB 361 and AB 2449 Changes

These bills change teleconference requirements relating to quorum participation, identification of location and agenda posting, accessible teleconference locations, and public participation. All votes taken during teleconference meetings regardless of the underlying statutory authority will need to continue to be by roll call.

AB 361 expires December 31, 2023 and AB 2449 expires December 31, 2025. The traditional Brown Act rules will continue to operate.

Table 1 illustrates the difference between these three sets of teleconference rules.

Table 1: Comparison Chart

Teleconference Requirements	Traditional Brown Act Rules	AB 361	AB 2449
Existence of State Declared Emergency/State or Local Social Distancing Recommendation	Not required	Required	Not required
In-Person Quorum Participation	Required	Not required	Required
Agenda Posting and Access Requirements	Agendas must identify and be posted at each teleconference location, even if private residence or office, and each location must be accessible to the public and enable the public to participate	Not required	Not required
Manner of Teleconference Participation	Audio or visual	Audio or visual	Audio and visual; must also disclose presence of adult individuals in the room and general relationship with them
Reason for Remote Meeting	Generally available	Generally available (during state of emergency)	Only available if: 1. <i>Just Cause</i> - childcare, contagious illness, disability, official travel (must notify legislative body) 2. <i>Emergency Circumstances</i> - physical or family medical emergency (must be approved by legislative body)
Annual Limit	No limit	No limit	3 consecutive months /20% of regular meetings per calendar year; or 2 meetings per calendar year if body meets less than 10 times per year. Of this annual limit, the “just cause” reason can be used twice per calendar year.
Minimum Opportunities for Public Participation	In-person attendance	Call-in or internet-based	Call-in or internet-based and in-person
Disruption of Broadcast or Public Participation Opportunities	Meeting can proceed	Cannot take further action until services are back online	Cannot take further action until services are back online
Roll Call Votes	Yes	Yes	Yes