

**COUNTY OF SAN DIEGO  
COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD  
REGULAR (TELECONFERENCE) MEETING  
FEBRUARY 17, 2022 10:00 A.M.**

**AGENDA**

Attendance by Virtual Meeting made available

Zoom Link: <https://zoom.us/j/91384488806>

Phone Option: 1-669-900-9128; Webinar ID: 913 8448 8806

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Approval of Statement of Proceedings / Minutes of January 20, 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
- H. Action Item(s)
  - 1. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD AUTHORIZING SPECIAL TELECONFERENCEING 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)

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.

**ASSISTANCE FOR THE DISABLED:**

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K. Set Future Meeting Date(s): March 17, 2022 10:00 a.m., April 14, 2022 9:00 a.m., April 21, 2022 10:00 a.m., May 19, 2022 10:00 a.m.

L. Adjournment

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

**REGULAR (TELECONFERENCE) MEETING MINUTES**

**January 20, 2022, 10:00 A.M.**

Attendance by Virtual Meeting made available

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

B. Roll Call

**PRESENT: Board Members:** Brian Hagerty, William Baber, Scott Buxbaum, Bonnie Dowd, Samuel Merrill, and Victoria White

**Other Attendees:** Steven Mattas, Attorney at Law; Ardee Apostol, Assistant Finance Director; Max Endoso, Principal Admin Analyst

**ABSENT:** Mark Baker

C. Pledge of Allegiance

D. Approval of Statement of Proceedings / Minutes of January 13, 2022

On motion of Board Member Dowd and seconded by White, THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD approved the minutes of the January 13, 2022 meeting. *County staff did a roll call vote of each OB member to indicate approval or non-approval during the virtual meeting.* **Motion passed.**

AYES: Hagerty, Baber, Buxbaum, Dowd, Merrill and White

ABSENT: Baker

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 following twelve (12) items have been placed on Consent: 1. Carlsbad; 4. El Cajon; 5. Escondido; 6. Imperial Beach; 7. La Mesa; 8. Lemon Grove; 9. National City; 12. City of San Diego; 13. San Diego County; 14. San Marcos; 15. Santee and 16. Solana Beach

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ON MOTION of board member Baber, seconded by Dowd THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD recommended approval of the Recognized Obligation Payment Schedule (ROPS) 22-23 and Administrative Budget for the above twelve (12) Successor Agencies for the period of July 1, 2022 through June 30, 2023, placed on today's Consent Calendar.

AYES: Hagerty, Baber, Buxbaum, Dowd, Merrill and White

ABSENT: Baker

ABSTAIN: Baber (7. La Mesa only)

- 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.

There was no Speaker Slip received as of 9:00 a.m.

G. Discussion Item(s)

1. Approval of the Recognized Obligation Payment Schedule (ROPS) 22-23 and Administrative Budget for all seventeen (17) Successor Agencies including Supporting Documents for the period of JULY 1, 2022 THROUGH JUNE 30, 2023
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

Chair Hagerty provided some background. It appears that the same conditions that have caused us to continue on the teleconferencing mode for this board meeting are still in existence and will be in the foreseeable future. Based on Public Health Officer's information and what we've been seeing with the Board of Supervisors COVID-19 update in their regular meetings, I think it still makes sense to continue on with the teleconferencing mode in the next 30 days which would effectively cover February 17, 2022 meeting.

3. Election of Officers in Accordance with Oversight Board Bylaws, ARTICLE II – OFFICERS, Section 6 - Election

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H. Action Item(s)

1. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR THE CARLSBAD REDEVELOPMENT SUCCESSOR AGENCY FOR THE PERIOD OF JULY 1, 2022 THROUGH JUNE 30, 2023. **(See Item E. Approved on Consent)**
2. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF CHULA VISTA FOR THE PERIOD OF JULY 1, 2022 THROUGH JUNE 30, 2023.

ON MOTION of board member Baber, seconded by Buxbaum THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD recommended approval of the Chula Vista Recognized Obligation Payment Schedule (ROPS) 22-23 and Administrative Budget including Supporting Documents for the period of July 1, 2022 through June 30, 2023. **Motion passed.**

AYES: Hagerty, Baber, Buxbaum, Dowd, Merrill and White

ABSENT: Baker

3. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF CORONADO FOR THE PERIOD OF JULY 1, 2022 THROUGH JUNE 30, 2023. **(See Item E. Approved on Consent)**
4. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND

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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ADMINISTRATIVE BUDGET FOR THE CITY OF EL CAJON SUCCESSOR AGENCY FOR THE PERIOD OF JULY 1, 2022 THROUGH JUNE 30, 2023. (See **Item E. Approved on Consent**)

5. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR THE SUCCESSOR AGENCY TO THE CITY OF ESCONDIDO FOR THE PERIOD OF JULY 1, 2022 THROUGH JUNE 30, 2023. (See **Item E. Approved on Consent**)
6. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR THE IMPERIAL BEACH REDEVELOPMENT AGENCY SUCCESSOR AGENCY FOR THE PERIOD OF JULY 1, 2022 THROUGH JUNE 30, 2023. (See **Item E. Approved on Consent**)
7. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR THE SUCCESSOR AGENCY TO THE LA MESA COMMUNITY REDEVELOPMENT AGENCY FOR THE PERIOD OF JULY 1, 2022 THROUGH JUNE 30, 2023. (See **Item E. Approved on Consent**)
8. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR THE LEMON GROVE SUCCESSOR AGENCY FOR THE PERIOD OF JULY 1, 2022 THROUGH JUNE 30, 2023. (See **Item E. Approved on Consent**)
9. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND

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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ADMINISTRATIVE BUDGET FOR THE NATIONAL CITY SUCCESSOR AGENCY FOR THE PERIOD OF JULY 1, 2022 THROUGH JUNE 30, 2023. (See **Item E. Approved on Consent**)

10. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR THE SUCCESSOR AGENCY OF THE CITY OF OCEANSIDE FOR THE PERIOD OF JULY 1, 2022 THROUGH JUNE 30, 2023.

ON MOTION of board member Dowd, seconded by Buxbaum THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD recommended approval of the Oceanside Recognized Obligation Payment Schedule (ROPS) 22-23 and Administrative Budget including Supporting Documents for the period of July 1, 2022 through June 30, 2023. **Motion passed.**

AYES: Hagerty, Baber, Buxbaum, Dowd, Merrill and White  
ABSENT: Baker

11. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR THE SUCCESSOR AGENCY TO THE POWAY REDEVELOPMENT AGENCY FOR THE PERIOD OF JULY 1, 2022 THROUGH JUNE 30, 2023.

ON MOTION of board member Dowd, seconded by White THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD recommended approval of the Poway Recognized Obligation Payment Schedule (ROPS) 22-23 and Administrative Budget including Supporting Documents for the period of July 1, 2022 through June 30, 2023. **Motion passed.**

AYES: Hagerty, Baber, Buxbaum, Dowd, Merrill and White  
ABSENT: Baker

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12. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR THE CITY OF SAN DIEGO SUCCESSOR AGENCY FOR THE PERIOD OF JULY 1, 2022 THROUGH JUNE 30, 2023. **(See Item E. Approved on Consent)**
  
13. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR THE COUNTY OF SAN DIEGO SUCCESSOR AGENCY FOR THE PERIOD OF JULY 1, 2021-THROUGH JUNE 30, 2022. **(See Item E. Approved on Consent)**
  
14. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR THE CITY OF SAN MARCOS SUCCESSOR AGENCY FOR THE PERIOD OF JULY 1, 2022 THROUGH JUNE 30, 2023. **(See Item E. Approved on Consent)**
  
15. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR THE COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY OF THE CITY OF SANTEE FOR THE PERIOD OF JULY 1, 2022 THROUGH JUNE 30, 2023. **(See Item E. Approved on Consent)**
  
16. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR THE SOLANA BEACH SUCCESSOR AGENCY FOR THE PERIOD OF JULY 1, 2022 THROUGH JUNE 30, 2023. **(See Item E. Approved on Consent)**

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17. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE AND ADMINISTRATIVE BUDGET FOR THE SUCCESSOR AGENCY TO THE VISTA REDEVELOPMENT AGENCY FOR THE PERIOD OF JULY 1, 2022 THROUGH JUNE 30, 2023.

ON MOTION of board member Dowd, seconded by White THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD recommended approval of the Vista Recognized Obligation Payment Schedule (ROPS) 22-23 and Administrative Budget including Supporting Documents for the period of July 1, 2022 through June 30, 2023 holding signed Oversight Board resolution pending receipt of response from City of Vista on questions for items 13, 65 & 66 on ROPS 22-23 by end of business January 24, 2022. **Motion passed.**

AYES: Hagerty, Baber, Buxbaum, Dowd, Merrill and White  
ABSENT: Baker

18. 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; seconded by Buxbaum THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD authorized SPECIAL TELECONFERENCING RULE UNDER AB 361 PURSUANT TO GOVERNMENT CODE SECTION 54953 FOR THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD. **Motion passed.**

AYES: Hagerty, Baber, Buxbaum, Dowd, Merrill and White  
ABSENT: Baker

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19. Election of Officers in Accordance with Oversight Board Bylaws, ARTICLE II – OFFICERS, Section 6 - Election

ON MOTION of member Dowd, seconded by Baber THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD approved to postpone the discussion on the Secretary position until the next meeting on February 17, 2022.

AYES: Hagerty, Baber, Buxbaum, Dowd, Merrill and White  
ABSENT: Baker

ON MOTION of member Dowd, seconded by Baber THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD elected Brian Hagerty as Chair of The Countywide Redevelopment Successor Agency Oversight Board.

AYES: Hagerty, Baber, Buxbaum, Dowd, Merrill and White  
ABSENT: Baker

ON MOTION of member Dowd, seconded by Baber THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD elected Scott Buxbaum as Vice Chair of The Countywide Redevelopment Successor Agency Oversight Board.

AYES: Hagerty, Baber, Buxbaum, Dowd, Merrill and White  
ABSENT: Baker

- I. Communications Received: There is no communications received as of 9:00 a.m.
- J. Future Agenda Item(s): Discussion on Secretary position, AB 361 Teleconference, Long Range Property Management Plan
- K. Set Future Meeting Date(s): Feb. 17, 2022 10:00 a.m., March 17, 2022 10:00 a.m., April 14, 2022 9:00 a.m., April 21, 2022 10:00 a.m.
- L. Adjournment at 11:08 a.m.

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## Endoso, Max L Jr

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**From:** noreply@sdcounty.ca.gov  
**Sent:** Wednesday, February 16, 2022 1:35 PM  
**To:** FGG, OBSuccessorAgency  
**Subject:** Successor Agency Request to Speak Form

You've received a new form based mail from <https://www.sandiegocounty.gov/content/sdc/community/san-diego-county-oversight-board/request-to-speak.html>.

Values:

date :  
2/17/22

address.firstname :  
Joe

address.lastname :  
Haeussler

address.street1 :  
2495 Truxton Road, Suite 207

address.street2 :

address.city :  
San Diego

address.state :  
CA

address.zip :  
92129

address.country :  
US

org :  
Pendulum Property Partners/ Seligman Group

phone :  
8583427451

email :  
jhaeussler@pendulumpp.com

agenda-item :

public-comment3 :

(C) I would like to submit an eComment on:

ecomment-selection :

an item not on the agenda.

ecomment-selection :

an item not on the agenda.

agenda-item :

comments :

Seligman (Seligman Liberty Station, LLC) is the ground lessee of the Subject Parcels at Liberty Station (described below) and the owner of the fully-developed retail and restaurant buildings located thereon. On March 3, 2021, Seligman made an offer to the City of San Diego as Successor Agency to the dissolved City of San Diego Redevelopment Agency to buy the underlying fee to the Subject Parcels. Seligman made the offer because we believe the proposed sale will serve the best interests of Liberty Station, the City and the taxing entities (collectively, "ATEs") to which 83% of the sale proceeds are due under the Dissolution Act. In August 2021, the City rejected our offer citing reasons for rejection that are not recognized in the Dissolution Act as justification for the City's continued ownership.

Neither the City nor the ATEs have anything to gain by the City's continued ownership of the fee interest in the Subject Parcels. There is no further rent payable for the 66-year term of the ground leases and the potential revenue opportunities for the City and ATEs at the end of the lease terms are severely limited due to the then-advanced age of the buildings and the cost of renovation that the fee owner must bear. More importantly, the City's continued ownership violates the Dissolution Act.

The Subject Parcels were misclassified as "Future Development" in the long-range property management plan ("ARPMP") even though all of the Subject Parcels were fully developed when the ARPMP was approved and each was subject to a 66-year ground lease. Also noteworthy, the ARPMP required the City to enter compensation agreements with the ATEs to compensate them in accordance with their proportional shares of base tax revenues for the Subject Parcels. If a compensation agreement was not entered with respect to a parcel, the ARPMP required the parcel to be sold. No such compensation agreements have been entered.

Seligman intends to file a petition for writ of mandate challenging the City's rejection of our offer and its refusal to sell the Subject Parcels and other similarly situated properties subject to the sale mandate of the Dissolution Act (a total of 23 properties). The County Oversight Board will be named as a respondent in the petition solely because the Board has certain duties under the Dissolution Law and the ARPMP with respect to approving and authorizing the sale of the wrongly retained properties; in the absence of the Board being a respondent in this action, it is possible that complete relief could not be accorded among the other parties to this action.

The wrongly retained properties collectively have a value of many, many millions of dollars, which are being wrongly withheld from some fourteen (14) ATEs which are responsible for providing core governmental services to their constituents. Our purpose in addressing the Board is to ensure you are aware of facts underlying Seligman's petition and to request the Board's consideration of supporting our efforts to force the City to obey the law. We will provide Board members and staff copies of our offer and petition on request.

Seligman Subject Parcels at Liberty Station Lot 16; Unit 5 - 2960-70 Truxton Road; Building Nos 9 and 10 Lots 17/18, Unit 5 - 2701 Lytton and 2695 Hist. Decatur Rd.; Buildings 20/21 Lot 20 , Unit 5 - 2445 Truxton Road; Building 27 Lot 21/22, Unit 5 - 2495 Truxton Road; Building 28/29 Lot 23, Unit 5; 2881 Roosevelt Rd; Bldg. 208 Lot 13, Unit 6; 2816 Hist. Decatur Road; Bldg. 1 Lot 15, Unit 6; 2885 Perry Road; Building 11 Lot 16; Unit 6; 2860 Perry Road, Building 23 Lot 17; Unit 6; 2855 Perry Road, Building 8 Lot 18, Unit 6; 2835 Perry Road, Building 194 Lot 20, Unit 6; 2750 Dewey Road; Building 193 Lot 25, Unit 6; 2863 Hist. Decatur Road; Building 32 Lot 30, Unit 6; 2965 Historic Decatur Road, Building 24 Lot B, Unit 6 - Putting green; common area

Submit :  
Submit



# COUNTY OF SAN DIEGO

## AGENDA ITEM

### COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD

#### COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD

WILLIAM BABER

MARK BAKER

SCOTT BUXBAUM

DR. BONNIE DOWD

BRIAN HAGERTY

SAMUEL MERRILL

VICTORIA WHITE

**DATE:** February 17, 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 January 20, 2022 meeting, the Oversight Board



# COUNTY OF SAN DIEGO

## AGENDA ITEM

### COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD

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MARK BAKER

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DR. BONNIE DOWD

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SAMUEL MERRILL

VICTORIA WHITE

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").

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 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.



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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





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#### ATTACHMENT(S)

A – Resolution No. OB-2022-020

#### AGENDA ITEM INFORMATION SHEET

#### PREVIOUS RELEVANT BOARD ACTIONS:

N/A

#### MANDATORY COMPLIANCE:

N/A

#### CONTACT PERSON(S):

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Resolution No: OB-2022-020

Meeting Date: 2/17/2022

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"); 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-19 and the Delta and Omicron variants, meeting in person would present

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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 February 17, 2022.

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

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Brian Hagerty  
Chair, Oversight Board