

COUNTY OF SAN DIEGO
COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD
REGULAR (TELECONFERENCE) MEETING
MARCH 17, 2022 10:00 A.M. (RECONVENE AT 3:30 P.M. DUE TO TECHNICAL
ISSUES)
AGENDA

Attendance by Virtual Meeting made available

Zoom Link: <https://us06web.zoom.us/j/7515383893?pwd=Ukx1RDVqYmVTZmlPQ0Y1aE82am10dz09>

Phone Option: 1-669-900-9128; Webinar ID: 751 538 3893

- A. Call to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Approval of Statement of Proceedings / Minutes of February 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. Amend by-laws to remove Secretary position
 - 2. Special Teleconferencing Rule specified under AB 361
 - 3. Liberty Station Parcels referenced by public speaker on 2/17/22
- H. Action Item(s)
 - 1. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING AMENDMENTS TO ITS BYLAWS
 - Attachment 1 to the Resolution is the amended Bylaws.
 - 2. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD

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.

ASSISTANCE FOR THE DISABLED:

Agendas and records are available in alternative formats upon request. Contact the Health & Human Services Agency at (619) 455-0261 with questions or to request a disability-related accommodation. Individuals requiring sign language interpreters should contact the Americans with Disabilities Coordinator at (858) 505-6521. To the extent reasonably possible, requests for accommodation or assistance should be submitted at least 24 hours in advance of the meeting so that arrangements may be made. An area in the front of the room is designated for individuals requiring the use of wheelchair or other accessible devices.

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): April 14, 2022 9:00 a.m., April 21, 2022 10:00 a.m., May 19, 2022 10:00 a.m., June 16, 2022 10:00 a.m.

L. Adjournment

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

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 at 10:01 a.m.

B. Roll Call

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

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

C. Pledge of Allegiance

D. Approval of Statement of Proceedings / Minutes of January 20, 2022

On motion of Board Member Baber and seconded by Buxbaum, THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD approved the minutes of the January 20, 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, Baker, Buxbaum, Dowd, Merrill and White

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.

One Speaker Slip received as of 9:00 a.m from Joe Haeuslerr.

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My name is Joe Haeussler with Pendulum Property Partners. We are joint venture partners with the Seligman Group and I oversee San Diego real estate holdings for Pendulum and Seligman. Seligman Liberty Station LLC, we'll call it Seligman, is the ground lessee of several subject parcels at Liberty Station. We are the owner of the fully developed retail and restaurant, set of buildings located there. We purchased the 327,000 ft.² developed and leased, they were completely fully developed leased buildings, and we purchased them in November 2018.

They include Vons, Trader Joe's, the Stone Brewing Company building, the golf course, the Corvette diner. Most of the retail and restaurant on Liberty Station are in our holdings. On March 3rd we 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 it's in the best interest of the Liberty Station, the City and the taxing agencies. We'll call them the ATEs which stand to get 83% of the sale proceeds under the Dissolution Act. In August 21 the City rejected our offer. We believe that neither the City nor the ATEs has anything to gain by holding the ownership of the fee interest for the subject parcel and there's no further rent payable during the 66-year ground lease that's in place there. 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. We intent to file a petition for writ of mandate challenging the City's rejection of our offer and the refusal to sell the completed properties and other similarly situated properties to the sale mandate of the Dissolution Act and we offer ourselves up if somebody wants some information in my online submittal. I've made a list of the properties that we own at Liberty Station and we just wanted to ensure that you were aware of the facts with our petition and our desire to see the ground lease position sold.

Chair Hagerty: OK perfect. We are at three minutes, so we are not allowed to go into discussion detail discussion on the item but we can certainly consider for future agenda items we have your written materials. I will distribute those to the Board for review and we will also just to let you know Mr. Haeussler. We are looking at a regular scheduled March 17 for the next Oversight Board meeting at which point it's quite possible to entertain adding this item to the agenda for discussion, for further documentation in detail to be available. So, we will will take that under consideration and certainly appreciate your participation. I have the reflex of asking questions from the Board but I have been advised that this is not a discussion item therefore, we won't go on to any further details. Thank you for participating today.

G. Discussion Item(s)

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1. Special Teleconferencing Rule specified under AB 361

Chair Hagerty: So now would like to move onto discussion item special teleconference G-1, this is the decision to continue meeting remotely through teleconferencing environment for the next 30 days which would in fact cover the next meeting regularly scheduled for March 17 that's within the 30-day from today because February is a short month. First, let's entertain a motion to approve that resolution and then we'll have a discussion. So under action item H1, I would like to have a little bit of discussion about where we stand today regarding the teleconferencing for this particular board. To give you a little background. I found out the County Board of Supervisors intends to go back to at least a hybrid model I believe starting March 15th for their regular meeting. But they of course will still continue to have the remote participation available as an option. To my knowledge the public health order is still in effect. So that circumstances have not changed. Yes it is true that the mask guidelines effective yesterday from the State have changed slightly. It's been a little bit more relaxed now but beyond the public health order does still exist. So do you have anything you want to comment or any questions?

Member White: I just add that as an employee of San Diego I'm still working from home and the orders are for my particular department and I believe for the City of San Diego except for critical workers at this point has not changed at this point in time. Although I understand that the San Diego City Council is also considering going back to a hybrid model at this time.

Member Dowd: Respectfully, number 1, similar to Vickie, we're not quite back fully, we're moving in that direction next month. Next week, I think it's a minimum of 3 days a week. So were' kind of slowly getting everybody back. My main concern quite honestly, is that, I've been appointed to a Statewide Board through June 3. Every year of service ends in June. I have 3 meeting on this Thursday of each month at 9:30. So I've been to the first, left them join you guys. I was here on time about to get out of this one and go to the next one. If we go back in person, it will be very difficult for me to continue serving.

Chair Hagerty: Understood.

Member Baker: Mr. Chair, Mark Baker

Chair Hagerty: Yes, Mark.

Member Baker: I was gonna reserved this question to item J, Future Agenda Items, but in consideration of Dr. Dowd and maybe some other Board Members, I would suggest maybe a future agenda item would be to discuss changing the day of the month or the week to accommodate our Board Members, if possible in a more favorable fashion.

Chair Hagerty: Ok, we will certainly when we get to the future agenda items and also there's another agenda item that pertains to future meeting set dates. We'll definitely entertain this at that point. So for the current agenda item we are trying to determine whether to remain in teleconferencing venue or environment for the next 30 days under Assembly Bill 361 but we certainly appreciate the comments that 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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the schedule is becoming a bit more challenging especially with other responsibilities. County staff will send survey to Board members of upcoming meeting dates and times to determine alternate dates or times that will work best for all Board members.

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 member Baber, seconded by Dowd THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD adopted a resolution authorizing special teleconferencing rule under AB 361 pursuant to Government Code section 54953 for the Board to continue meeting remotely.

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

- I. Communications Received: There is no other communications received as of 10:00 a.m.
- J. Future Agenda Item(s): Amend by-laws to remove Secretary position, LRPMP Updates, Special Teleconferencing Rule specified under AB 361, Pendulum Property Partners re Liberty Station parcels.
- 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 at 10:32 a.m.

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Resolution No: OB-2022-021

Meeting Date: 3/17/2022

A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT
SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING AMENDMENTS
TO ITS BYLAWS

WHEREAS, Article V of the Bylaws of the Countywide Redevelopment Successor Agency Oversight Board (“Oversight Board”) provides that the Bylaws may be amended upon an affirmative vote by a majority of the total membership of the Oversight Board, with certain noticing requirements; and

WHEREAS, pursuant to discussions at its January 20 and February 17, 2022 meetings, the Oversight Board desires to amend its Bylaws to eliminate the Secretary position as an officer of the Oversight Board; and

WHEREAS, the Oversight Board now desires to amend the Bylaws to eliminate the Secretary position as an officer of the Oversight Board and make other conforming edits for internal consistency.

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. The Bylaws of the Countywide Redevelopment Successor Agency Oversight Board is hereby amended to eliminate Secretary as an officer of the Oversight Board and the Oversight Board approves amendments to the Bylaws as attached in Attachment 1 to this Resolution.
3. County staff is directed to provide notice to the San Diego County area successor agencies of the amendments to the Bylaws.
4. 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 March 17, 2022.

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

Brian Hagerty
Chair, Oversight Board

BYLAWS
COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD
COUNTY OF SAN DIEGO

ARTICLE I - THE OVERSIGHT BOARD

Section 1. Name of Oversight Board

The name of the Oversight Board shall be the "Countywide Redevelopment Successor Agency Oversight Board" (hereinafter referred to as the "Oversight Board").

Section 2. Purpose

The Oversight Board shall perform the duties described in Chapter 4 (commencing with Section 34179) of Part 1.85 of Division 24 of the Health and Safety Code in connection with the winding down of the affairs of the former Redevelopment Agencies of the San Diego County area (hereinafter the "former Redevelopment Agencies") by the San Diego County area successor agencies (hereinafter the "Successor Agencies") of the former Redevelopment Agencies. To the extent there is any inconsistency between the Bylaws and the statutory provisions, the statutory provisions shall control.

a. Duties and Responsibilities

The duties and responsibilities of the Oversight Board are to direct the Successor Agencies to do all of the following:

1. Dispose of all assets and properties of the former Redevelopment Agencies that were funded by tax increment revenues expeditiously and in a manner aimed at maximizing value; provided, however, that the Oversight Board may instead direct the Successor Agencies to transfer ownership of those assets that were constructed and used for a governmental purpose to the appropriate public jurisdiction pursuant to any existing agreements relating to the construction or use of such an asset, with any compensation for the asset governed by the agreements relating to the construction or use of that asset;
2. Cease performance in connection with and terminate all existing agreements that do not qualify as enforceable obligations, as that term is defined in subdivision (d) of Section 34171 of the Health and Safety Code;
3. Transfer housing responsibilities and all rights, powers, duties and obligations related thereto to entities designated pursuant to Section 34176 of the Health and Safety Code;
4. Terminate any agreement between the former Redevelopment Agencies and any public entity located in the County of San Diego that obligates the former Redevelopment Agencies to provide funding for any debt service obligations of the public entity or for the construction or operation of facilities owned or operated by such public entity, in any instance where the Oversight Board finds that early termination would be in the best interests of the taxing entities; and
5. Determine whether any contracts, agreements or other arrangements between the former Redevelopment Agencies and any private parties should be terminated or renegotiated to

reduce liabilities and increase net revenues to the taxing entities, and present proposed termination or amendment agreements to the Oversight Board for consideration and approval; the Oversight Board may approve any amendments to or early termination of such agreements where it finds that amendments or early termination would be in the best interests of the taxing entities.

b. Approvals Required

The following actions of the Successor Agencies shall first be approved by the Oversight Board:

1. The establishment of new repayment terms for outstanding loans where the terms have not been specified prior to February 1, 2012;
2. Refunding of outstanding bonds or other debt of the former Redevelopment Agencies by the Successor Agencies in order to provide for savings or to finance debt service spikes; provided, however, that no additional debt is created and debt service is not accelerated;
3. Setting aside of amounts in reserves as required by indentures, trust indentures, or similar documents governing the issuance of outstanding bonds of the former Redevelopment Agencies;
4. Merging of project areas of the former Redevelopment Agencies;
5. Continuing the acceptance of federal or state grants, or other forms of financial assistance from either public or private sources, where assistance is conditioned upon the provision of matching funds by the Successor Agencies, as successors to the former Redevelopment Agencies, in an amount greater than five percent (5%);
6. [\(Deleted by Oversight Board 8/16/2018\)](#)
7. Establishment of the recognized obligation payment schedule pursuant to Section 34177 of the Health and Safety Code;
8. Requests by the Successor Agencies to enter into agreements with the Cities that formed the redevelopment agencies they are succeeding pursuant to Section 34178 of the Health and Safety Code; and
9. Requests by the Successor Agencies or taxing entities to pledge, or to enter into an agreement for the pledge of, property tax revenues pursuant to subdivision (b) of Section 34178 of the Health and Safety Code.

c. Review by State Department of Finance

The State Department of Finance (hereinafter "DOF") may review any action of the Oversight Board. The [County Auditor & Controller shall designate](#)-the [County](#) contact between the Oversight Board and DOF, [which](#) shall provide their telephone and email contact information to DOF. Actions taken by the Oversight Board shall not be effective for five (5) business days, pending a request for review by DOF. In the event that DOF requests review of an action taken by the Oversight Board, DOF shall have forty (40) days from the date of its request to approve the action or return it to the Oversight Board for reconsideration, with suggested modifications. In the event that DOF returns the action

to the Oversight Board for reconsideration, the Oversight Board shall consider the modified action, and resubmit the modified action to DOF for approval; the modified action shall not become effective until approved by DOF. (Modified by Oversight Board 6/20/2019)

Section 3. Membership/Duration

a. Total Membership/Appointment

The total membership of the Oversight Board shall be seven (7), selected as follows:

1. One member appointed by the County of San Diego Board of Supervisors;
2. One member appointed by the City Selection Committee established pursuant to Section 50270 of the Government Code;
3. One member appointed by the independent special district selection committee established pursuant to Section 56332 of the Government Code, for the types of special districts that are eligible to receive property tax revenues pursuant to Section 34188 of the Health and Safety Code;
4. One member appointed by the County Board of Education;
5. One member appointed by the Chancellor of the California Community Colleges;
6. One member of the public appointed by the County Board of Supervisors; and
7. One member appointed by the recognized employee organization representing the largest number of successor agency employees in the county.

Following its initial formation, the Oversight Board shall report the names of its officers and other members to DOF. The members shall serve without compensation and without reimbursement for expenses. Each member shall serve at the pleasure of the entity that appointed such member.

b. Duration

The Oversight Board shall be and remain established until the sooner of (1) the date that all indebtedness of the former Redevelopment Agencies has been repaid, or (2) the date on which the Oversight Board shall be dissolved by law.

Section 4. Local Entity

Pursuant to subdivision (e) of Section 34179 of the Health and Safety Code, the Oversight Board shall be deemed to be a local entity for purposes of the Ralph M. Brown Act, the California Public Records Act, and the Political Reform Act of 1974.

Section 5. Personal Immunity

Oversight Board members shall have personal immunity from suit for their actions taken within the scope of their responsibilities as members of the Oversight Board.

Section 6. Fiduciary Responsibilities

Oversight Board members shall have fiduciary responsibilities to holders of enforceable obligations, as that term is defined in subdivision (d) of Section 34171 of the Health and Safety Code, and the taxing entities that benefit from distributions of property tax and other revenues pursuant to Section 34188 of the Health and Safety Code.

Section 7. Resignation

Any Oversight Board member may resign at any time by giving written notice to the Chairperson, who shall forward such notice to the designated County staff responsible for Oversight Board administration and to DOF. Any such resignation will take effect upon receipt or upon any date specified therein. The acceptance of such resignation shall not be necessary to make it effective. (Modified by Oversight Board 6/20/2019)

Section 8. Filling of Vacancies

In the event of a vacancy on the Oversight Board, the appointing entity for the vacant seat shall select a member to fill such vacancy as soon as reasonably practicable, provided, however, that the Governor may appoint individuals to fill any member position that remains vacant for more than sixty (60) days.

Section 9. Staff

The Oversight Board may direct the designated staff of the County to perform work in furtherance of the duties and responsibilities of the Oversight Board. The County shall pay for all of the administrative costs of the meetings of the Oversight Board and may be reimbursed for those administrative costs in accordance with Section 34179(c) of the Health and Safety Code. (Modified by Oversight Board 6/20/2019)

ARTICLE II - OFFICERS

Section 1. Officers

The officers of the Oversight Board shall consist of a Chairperson, and a Vice Chairperson ~~and a Secretary~~, who shall be elected in the manner set forth in this Article II. (Modified by Oversight Board 3/17/2022)

Section 2. Chairperson

The Chairperson shall preside at all meetings of the Oversight Board, and shall submit such agenda, recommendations and information at such meetings as are reasonable and proper for the conduct of the business affairs and policies of the Oversight Board. The Chairperson or, in his/her absence or unavailability the Vice Chairperson, shall sign all documents necessary to carry out the business of the Oversight Board.

Section 3. Vice Chairperson

The Vice Chairperson shall perform the duties of the Chairperson in the absence or unavailability of the Chairperson. In the event of the death, resignation or removal of the Chairperson, the Vice Chairperson shall assume the Chairperson's duties until such time as the Oversight Board shall elect a new Chairperson.

Section 4. ~~Reserved. Secretary~~

~~The designated County staff shall keep the records of the Oversight Board and shall prepare minutes and keep a record of the meetings in a journal of proceedings. The Secretary shall attest to and/or countersign all documents of the Oversight Board. (Modified by Oversight Board 6/20/2019) (Deleted by Oversight Board 3/17/2022)~~

Section 5. Additional Duties

The officers of the Oversight Board shall perform such other duties and functions as may from time to time be required by the Oversight Board, these Bylaws, or other rules and regulations, or which duties and functions are incidental to the office held by such officers.

Section 6. Election

The Chairperson, ~~and~~ Vice Chairperson ~~and Secretary~~ shall be elected from among the members of the Oversight Board at the first regular meeting of the Oversight Board. Thereafter, the Chairperson, ~~and~~ Vice Chairperson ~~and Secretary~~ shall be elected from among the members of the Oversight Board at its regular meeting. Each officer shall hold office until his/her successor is elected and in office. Any such office shall be held for a maximum of four (4) -years, and no person shall be elected as for the same office for more than two (2) consecutive term. (Modified by Oversight Board 3/18/2021; 3/17/2022)

Section 7. Vacancies

Should the office of the Chairperson, ~~or~~ Vice Chairperson ~~or Secretary~~ become vacant, the Oversight Board shall elect a successor from among the Oversight Board members at the next regular or special meeting, and such office shall be held for the unexpired term of said office. (Modified by Oversight Board 3/17/2022)

ARTICLE III - MEETINGS

Section 1. Regular Meetings

The Oversight Board shall meet regularly on the third Thursday of each month, at the hour of 10 a.m., at 1600 Pacific Highway, San Diego, California. In the event that the regular meeting date shall be a legal holiday, then any such regular meeting shall be held on the next business day thereafter ensuing that is not a legal holiday. In the event that the meeting location or time must be changed for any reason, such changes shall be provided to all Oversight Board members at least seven calendar days prior the newly located or scheduled meeting. A notice, agenda and other necessary documents shall be delivered to the members either personally, by mail, or by e-mail at least seventy-two (72) hours prior to any regular meeting.

Section 2. Special Meetings

Special meetings may be held upon call of the Chairperson, or an affirmative vote by a majority of the members of the Oversight Board at a regular or special meeting of the Oversight Board at which a quorum is present, for the purpose of transacting any business designated in the call, after notification of all members of the Oversight Board by written notice personally delivered or by mail or e-mail at least twenty-four (24) hours before the time specified notice for a special meeting. At such special meeting, no business other than that designated in the call shall be considered.

Section 3. Adjourned Meetings

Any meeting of the Oversight Board may be adjourned to an adjourned meeting without the need for notice requirements of a special meeting, provided the adjournment indicates the date, time and place of the adjourned meeting. Oversight Board members absent from the meeting at which the adjournment decision is made shall be notified by the Chairperson of the adjourned meeting.

Section 4. All Meetings to be Open and Public

All meetings of the Oversight Board shall be open and public to the extent required by law. All persons shall be permitted to attend any such meetings, except as otherwise provided by law.

Section 5. Posting Agendas/Notices

The ~~designated County staff Secretary, or his/her authorized representative,~~ shall post an agenda for each regular Oversight Board meeting or a notice for each special Oversight Board meeting containing a brief description of each item of business to be transacted or discussed at the meeting together with the time and location of the meeting. Agendas/notices shall be posted at the intended meeting site (primarily 1600 Pacific Highway, San Diego, California, at a location readily accessible to the public) at least seventy-two (72) hours in advance of each regular meeting and at least twenty-four (24) hours in advance of each special meeting.

All notices required by law for proposed actions by the Oversight Board shall also be posted on the Oversight Board's internet web site. (Modified by Oversight Board 3/17/2022)

Section 6. Right of Public to Appear and Speak

At every regular meeting, members of the public shall have an opportunity to address the Oversight Board on matters within the Oversight Board subject matter jurisdiction. Public input and comment on matters on the agenda, as well as public input and comment on matters not otherwise on the agenda, shall be made during the time set aside for public comment; provided, however, that the Oversight Board may direct that public input and comment on matters on the agenda be heard when the matter regularly comes up on the agenda or prior to that time.

The Chairperson may limit the total amount of time allocated for public discussion on particular issues and/or the time allocated for each individual speaker.

Section 7. Non-Agenda Items

Matters brought before the Oversight Board at a regular meeting which were not placed on the agenda of the meeting shall not be acted upon by the Oversight Board at that meeting unless action on such matters is permissible pursuant to the Ralph M. Brown Act (Gov. Code §54950 et seq.). Those non-agenda items brought before the Oversight Board which the Oversight Board determines will require consideration and action and where Oversight Board action at that meeting is not so authorized shall be placed on the agenda for the next regular meeting.

Section 8. Quorum

The powers of the Oversight Board shall be vested in the members thereof in office from time to time. A majority of the total membership of the Oversight Board shall constitute a quorum for the purpose of conducting the business of the Oversight Board, exercising its powers and for all other purposes, but less than that number may adjourn the meeting from time to time until a quorum is obtained. An affirmative vote by a majority of the total membership of the Oversight Board shall be required for approval of any questions brought before the Oversight Board.

Section 9. Unexcused Absences

If a member shall be absent from three (3) meetings, whether regular or special, within six (6) consecutive calendar months, such absence may result in the termination of the membership of the absenting member. Such termination must be approved by an affirmative vote of at least four other members at the first regular or special meeting held subsequent to the member's third absence in a six-month period. A member's absence shall be excused if, prior to the meeting from which said member will be absent, said member notifies the designated County staff of his or her intent to be absent and the reasons therefor; provided, however, that a member shall be entitled to only three (3) excused absences within twelve (12) consecutive calendar months. At each meeting, after the roll has been called, staff shall report to the Oversight Board the name of any member who has so notified him or her of his or her intent to be absent and the reason for such absence. (Modified by Oversight Board 6/20/2019)

Section 10. Order of Business

All business and matters before the Oversight Board shall be transacted in conformance with Rosenberg's Rules of Order, Revised.

Section 11. Minutes

Minutes of the meetings of the Oversight Board shall be prepared in writing by designated County staff. The designated County staff shall keep the records of the Oversight Board and shall attest to all documents of the Oversight Board. Copies of the minutes of each Oversight Board meeting shall be made available to each member of the Oversight Board and the Successor Agencies. Approved minutes shall be filed in the official record of minutes of the Oversight Board. A member shall be permitted to vote on a motion pertaining to the minutes of a meeting at which that member was not present. (Modified by Oversight Board 6/20/2019; 3/17/2022)

ARTICLE IV - REPRESENTATION BEFORE PUBLIC BODIES

Any official representations on behalf of the Oversight Board before the Successor Agencies, the County of San Diego Auditor & Controller, the State Controller, DOF, or any other public body shall be made by the Chairperson or his/her designee.

ARTICLE V - AMENDMENTS

These Bylaws may be amended upon an affirmative vote by a majority of the total membership of the Oversight Board, but no such amendment shall be adopted unless at least seven (7) days written notice thereof has previously been given to all members of the Oversight Board. Notice of the amendment shall identify the section or sections of these Bylaws proposed to be amended. The Successor Agencies shall be notified of any amendments to these Bylaws.

5074871.1



COUNTY OF SAN DIEGO

COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD

AGENDA ITEM

COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD

WILLIAM BABER
MARK BAKER
SCOTT BUXBAUM
DR. BONNIE DOWD
BRIAN HAGERTY
SAMUEL MERRILL
VICTORIA WHITE

DATE: March 17, 2022

02

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



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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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VICTORIA WHITE

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

AGENDA ITEM

COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD

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VICTORIA WHITE

ATTACHMENT(S)

A – Resolution No. OB-2022-022

AGENDA ITEM INFORMATION SHEET

PREVIOUS RELEVANT BOARD ACTIONS:

N/A

MANDATORY COMPLIANCE:

N/A

CONTACT PERSON(S):

Max Endoso

Name

619-455-0261

Phone

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E-mail

Ardee Apostol

Name

619-338-2100

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E-mail

Resolution No: OB-2022-021

Meeting Date: 3/17/2022

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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Meeting Date: 3/17/2022

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 March 17, 2022.

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

Brian Hagerty
Chair, Oversight Board

Endoso, Max L Jr

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