

**COUNTY OF SAN DIEGO
COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD
REGULAR (TELECONFERENCE) MEETING
APRIL 21, 2022 10:00 A.M.**

AGENDA

Attendance by Virtual Meeting made available

Zoom Link: <https://us06web.zoom.us/j/7515383893?pwd=V1JYMWtldHFRSkZRYXE2am1Kanhadz09>

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 April 14, 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 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)

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.

K. Set Future Meeting Date(s): May 19, 2022 10:00 a.m., June 16, 2022 10:00 a.m., July 14, 2022 9:00 a.m., July 21, 2022 10:00 a.m.

L. Adjournment

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**COUNTY OF SAN DIEGO
COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD
SPECIAL (TELECONFERENCE) MEETING
APRIL 14, 2022 9:00 A.M.
MINUTES**

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 at 9:04 a.m.

B. Roll Call

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

Other Attendees: Claire Lai, Attorney at Law; Ardee Apostol, Assistant Finance Director and Max Endoso, Principal Admin Analyst

C. Pledge of Allegiance

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

On motion of Board Member Dowd and seconded by Buxbaum, THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD approved the minutes of the March 17, 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, Baker, Buxbaum, Dowd, and Merrill

E. Formation of Consent Calendar

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

No items were placed on the consent calendar.

F. Public Communication Speakers: Members of the public may address the Oversight Board on subject matters within the Board's jurisdiction, but not an item on this agenda. Comments for items on this agenda will be taken as each item comes up. Each speaker is limited to three minutes.

No public speakers provided comments.

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G. Discussion Item(s)

1. Special Teleconferencing Rule specified under AB 361

Below is a summary of the discussion:

Member Dowd to Chair Hagerty: “Do you have a sense of how long we're going to continue with virtual, is it still an unknown or it's still somewhat of an unknown?”

Chair Hagerty: “Yeah and I'm hearing that many boards are continuing on with the teleconferencing rule especially in the area of San Diego County where we still have the health emergency in effect. We watch those COVID updates very closely for the Board of Supervisors to see what their recommendations are, and they have moved back some in person meetings and they also allow some remote attendance as well so it's gradually moving in the direction of going back to in person at this point it's sort of a hybrid environment.

Member Dowd: “I just would like to remind everybody that I do have a conflict at 10:00 o'clock and both this Thursday and next Thursday and so next week I will be between the two meetings and my conflict will be over as of June and so if we are able to stay remote it will allow me to be attending the State meeting that I have to do which is going to continue and through there actually talking at the state level continuing through December and so you know I think all of us are pretty much just watching what you know what makes sense and I know that in my district we're doing hybrid board meetings. We've just started doing that and so I think everybody's trying to move back very cautiously. I just don't want to be a person who has problem with a quorum if we end up being in person because I chair the meetings that I have conflicts with. I have to be at those.

Chair Hagerty: “Understood. Any other commentary from any other members?”

Chair Hagerty concluded the item after inquiring and receiving no other comments from other Board members.

H. Action Item(s)

1. 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.

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

On motion of Board Member Dowd and seconded by Merrill, THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD adopted 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. *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, Baker, Buxbaum, Dowd, and Merrill

- I. Communications Received. There are no other communications received.
- J. Future Agenda Item(s): Special Teleconferencing Rule specified under AB 361, Long Range Property Management Plan
- K. Set Future Meeting Date(s): April 21, 2022 10:00 a.m., May 19, 2022 10:00 a.m., June 16, 2022 10:00 a.m., July 14, 2022 9:00 a.m.
- L. Adjournment at 9:20 a.m.

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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: April 21, 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



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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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VICTORIA WHITE

ATTACHMENT(S)

A – Resolution No. OB-2022-024

AGENDA ITEM INFORMATION SHEET

PREVIOUS RELEVANT BOARD ACTIONS:

N/A

MANDATORY COMPLIANCE:

N/A

CONTACT PERSON(S):

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Resolution No: OB-2022-024

Meeting Date: 4/21/2022

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

Resolution No: OB-2022-024

Meeting Date: 4/21/2022

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

Resolution No: OB-2022-024

Meeting Date: 4/21/2022

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 April 21, 2022.

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

Brian Hagerty
Chair, Oversight Board