

**COUNTY OF SAN DIEGO
COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD
SPECIAL (TELECONFERENCE) MEETING
APRIL 14, 2022 9:00 A.M.
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 March 17, 2022
- E. Formation of Consent Calendar
- F. Public Communication Speakers: Members of the public may address the Oversight Board on subject matters within the Board's jurisdiction, but not an item on this agenda. Comments for items on this agenda will be taken as each item comes up. Each speaker is limited to three minutes.
- G. Discussion Item(s)
 - 1. Special Teleconferencing Rule specified under AB 361
- 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:

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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

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COUNTY OF SAN DIEGO
COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD
REGULAR (TELECONFERENCE) MEETING
MARCH 17, 2022 10:00 A.M. (RECONVENED AT 3:30 P.M. DUE TO TECHNICAL
ISSUES)
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 3:34 p.m.

B. Roll Call

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

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 February 17, 2022

On motion of Board Member Dowd and seconded by Buxbaum, THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD approved the minutes of the February 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, Baber, Baber, Buxbaum, Dowd, 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.

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No public speakers provided comments.

G. Discussion Item(s)

1. Amend by-laws to remove Secretary position

Chair Hagerty provided background, a summary of which is provided here: “We have had the Chair, Vice Chair and Secretary positions since the inception of this Board in 2018 but have yet to use the secretary position because we have staff in place to take minutes, to take care of the agendas and to do all the related work that a Secretary might otherwise be expected to do in the past. So, we are proposing to eliminate the Secretary position and we have made amendments in various sections of the by-laws which are attached in the packet. Section four which establishes the Secretary position is now stricken in the by-laws and all tasks previously assigned to the Secretary position are now assigned to designated County staff. Counsel have reviewed and made amendments to the by-laws to reflect the removal of the Secretary position.”

2. Special Teleconferencing Rule specified under AB 361

Chair Hagerty provided background, a summary of which is provided here: “As we have discussed several times in the past, the state of emergency is still in effect and we have the opportunity at least every 30 days to decide whether or not we want to continue in teleconferencing format based on prevailing conditions. In this event primarily based on the continuing role of public health emergency to allow us to attend these meetings through teleconferencing mode and the public as well as long as we provide for that technology for them to attend. The County Board of Supervisors continues at this stage to continue the teleconferencing although they opened up for the first time in a while, March 15th, board meeting to in-person attendance but they also provide for the hybrid option as well. So they are still in that particular model.”

3. Liberty Station Parcels referenced by public speaker on 2/17/22

Joe Haeussler, the public speaker present at the 2/17/22 Board meeting was invited back on this discussion-only item.

Mr. Haeussler provided background on his concern on this item, as follows:

“I work for Seligman Group. My direct employer is the Joint Venture Pendulum Partners and the owner of Liberty Station Retail which is a 327,000 square feet of retail and restaurants in Liberty Station. Most of our properties except for one are under long term

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ground leases with the City of San Diego Successor Agency and our properties are completed developments within Liberty Station and they should not be held in future development category as currently classified and we've sought to, we've made an unsolicited offer to buy the ground lease position from the City of San Diego of which it's been denied and there's no ongoing negotiations with them. We do want to purchase, we're asking the City to follow the State law and the Dissolution Act in selling properties that do not have future development or not qualified for future development category and they should be moved over to disposition. That's what we're seeking right now and the plan is to move forward with a writ of mandate lawsuit in California Superior Court to enact the City to move our properties over to disposition and sell the leasehold position that the City Successor Agency holds. We've come to this Board to inform you of the action and hopefully show that the taxing agencies stand to benefit from the sale. The City of San Diego stands to gain 17% of the proceeds but there's some other agencies, school districts, community college districts that will also benefit from the sale of the ground lease positions. We are informing this Board what we've done in the last 18 months and I'm here to answer any questions."

Chair Hagerty thanked Mr. Haeussler and turned it over to Claire Lai, Oversight Board Counsel, to share her research on the amended Long Range Property Management Plan of the City of San Diego for these referenced parcels and to confirm what is Department of Finance approved status of those parcels.

Ms. Lai: "Per the public comment that the board received during the last meeting and also raised in today's meeting, I reviewed the long range property management plan amended LRPMP of the Successor Agency of San Diego City and what we've observed is that the properties that are referenced are in fact listed as future development and the plan also discusses that they're encumbered in ground leases, and there are many parcels for this particular property that are referenced; and so based on that observation, I just want to update the Board that there is no action for the Board at this time because it seems that the amended LRPMP contemplates that the properties are going to be used for future development. It is reasonable to assume that they may be disposed of after the leases expire. More importantly, it is my understanding that the Successor Agency has expressed that it is aware of the situation and it is prepared to defend litigation should that occur and so in the event that does occur, or if the Oversight Board is named as a party, well most likely a real party in the interest on the litigation, it will probably rely on the Successor

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Agency's defense because it is actually the Successor Agency's property and the amended LRPMP that they are dealing with."

Chair Hagerty provided a recap to the Board as follows

"As it stands, we have a dispute that has been stated with regard to the stated intent for future disposition of those parcels under the amended Long Range Property Management Plan and have confirmed in fact that it's true that that the parcels are listed for future developments. Typically what would happen and we've had a case in the past, where someone contacted us and let us know that one of the successor agencies, several years ago, was violating what they agreed to in terms of the actual use of what's actually happening with their long range property management plan, it didn't turn out to be quite true in that case but the point would have been, if they would have said that the property is for future development and they're selling it, they can't do that. It's something that we are authorized to look into because they are violating what was stated there. In this case, there really does not appear to be an alleged violation of what stated for future development in long range property management planning but there is certainly a dispute of what should be done for those parcels. I did invite the representatives from the City of San Diego Successor Agency to attend this meeting, they declined so you are aware Mr. Hauessler."

Mr. Hauessler provided a response as follows: "These properties that we own are fully renovated. There's no offsite requirement. They are fully entitled, they are fully leased up, in modern use. They are 100% developed and we have a long-term ground lease with the successor agency with no funds, no payments to them for the next 50 years. So, I would expect that if the City Successor Agency says that this is a future development property in 50 years then this committee will be dealing with this for the next 50 years. We clearly believed that the Dissolution Act does not embrace this long-term holding of a Redevelopment Successor Agency properties. It's a disservice to the community college districts. It's a disservice to the school districts that stand to receive funds from this disposition and that was the intent of the dissolution of the RDA. So they are violating State law. We have a strong stance that our properties been classified in error in the management plan. So, these are completed properties with no future development and the ground lease rolls off in over 50 years from now and if that's considered a future development, it's completely in error and completely opposite of what the Dissolution Act intended."

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Chair Hagerty: “So you’re comments are certainly part of public records. We've explained to the Oversight Board with counsel review what we feel is within our jurisdiction. I totally understand what you’re saying. You’re saying that if this is future development, it’s already developed, what future is there? There’s nothing left to developed. You do not believe, especially in the spirit of dissolution law, which is to move on and to either liquidate or return things to the maximum benefit to the public. So, we’ve heard all of that. We feel that you probably have to pursue your plan of action with the City of San Diego Successor Agency in order to gain that relief.”

Chair Hagerty concluded the item after inquiring and receiving no other coments 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 APPROVING AMENDMENTS TO ITS BYLAWS

Attachment 1 to the Resolution is the amended Bylaws.

On motion of Board Member Baber and seconded by Dowd, THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD adopted A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING AMENDMENTS TO ITS BYLAWS. *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, Baber, Buxbaum, Dowd, and White

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

On motion of Board Member Dowd and seconded by White, THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD adopted A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT

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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, Baber, Baber, Buxbaum, Dowd, and White

- I. Communications Received. There are no other communications received.
- J. Future Agenda Item(s): Long Range Property Management Plan
- 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 at 4:01 p.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 14, 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.



COUNTY OF SAN DIEGO

AGENDA ITEM

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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

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COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD

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VICTORIA WHITE

ATTACHMENT(S)

A – Resolution No. OB-2022-023

AGENDA ITEM INFORMATION SHEET

PREVIOUS RELEVANT BOARD ACTIONS:

N/A

MANDATORY COMPLIANCE:

N/A

CONTACT PERSON(S):

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Resolution No: OB-2022-023

Meeting Date: 4/14/2022

**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-2022-023

Meeting Date: 4/14/2022

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-2022-023

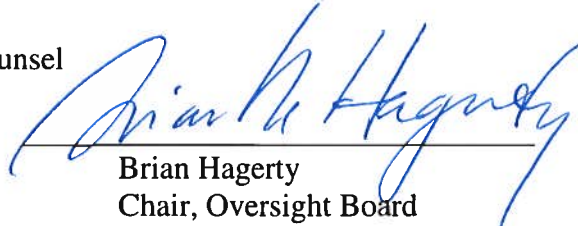
Meeting Date: 4/14/2022

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 14, 2022.

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



Brian Hagerty
Chair, Oversight Board