

**COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD
REGULAR MEETING**

November 16, 2023 10:00 A.M.

AT 1600 PACIFIC HIGHWAY, SAN DIEGO, ROOM 302

AGENDA

Attendance by Virtual Meeting made available

[Zoom Link:](#)

Phone Option: 1-669-900-9128; Webinar ID: 827 1364 5735

- A. Call to Order
- B. Roll Call/ Statement (just cause) and/or Consideration of a Request to Participate Remotely (emergency circumstances) pursuant to Assembly Bill 2449 by an Oversight Board Member (*if necessary and applicable*)
- C. Pledge of Allegiance
- D. Approval of Statement of Proceedings / Minutes of September 21, 2023
- 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. Amendment No. 2 to the Professional Services Agreement with Meyers Nave to modify the approved contract budget and rates
 - 2. Review of upcoming Recognized Obligation Payment Schedule (ROPS) process
- H. Action Item(s)

Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH MEYERS NAVE TO MODIFY THE APPROVED CONTRACT BUDGET
- I. Communications Received:
- J. Future Agenda Item(s): Review of FY 24-25 ROPS for 17 Successor Agencies

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): December 21, 2023 10:00 a.m., January 18, 2024 10 a.m., February 15, 2024 10:00 a.m., March 21, 2024 10:00 a.m.
- L. Adjournment

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

September 21, 2023 10:00 A.M.

AT 1600 PACIFIC HIGHWAY, SAN DIEGO, ROOM 302

MINUTES

Attendance by Virtual Meeting made available

[Zoom Link:](#)

Phone Option: 1-669-900-9128; Webinar ID: 827 1364 5735

- A. Call to Order at 10:00 a.m.
- B. Roll Call/ Statement (just cause) and/or Consideration of a Request to Participate Remotely (emergency circumstances) pursuant to Assembly Bill 2449 by an Oversight Board Member (*if necessary and applicable*)

PRESENT: Board Members: Brian Hagerty, Mayor Rebecca Jones, Scott Buxbaum, Patrick Sanchez and Corinne Wilson

ABSENT: Dr. Kelly Hall and Samuel Merrill

Other Attendees: David Middleton, Attorney at Law; Patricia Guisler, Account Manager, Alliant Insurance Services; Max Endoso, Principal Admin Analyst; Ardee Apostol, Group Finance Director and Charissa Japlit, Assistant Group Finance Director.

- C. Pledge of Allegiance
- D. Approval of Statement of Proceedings / Minutes of May 18, 2023

On motion of Chair Hagerty and seconded by Member Jones, THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD approved the minutes of the May 18, 2023 meeting. Oversight Board staff did a roll call vote of each OB member to indicate approval or non-approval. Motion passed.

AYES: Hagerty, Buxbaum, Sanchez, Jones and Wilson

- E. Formation of Consent Calendar
Items to which no opposition has been expressed by the public or this body may be placed on the Consent Calendar to be voted on without discussion.
No items were placed on the consent calendar.

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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 comments were received by the Board or were presented at the meeting.*

G. Discussion Item(s)

1. Approval of FY 2023-2024 Special Liability Insurance Program (SLIP) Proposal and authorize County staff to seek reimbursement for related expenses in accordance with Health & Safety Code regulations.

Ardee Apostol provided background information and responded to questions from the Board on the SLIP and Chair Hagerty added his comments and opened the discussion to the Board, a summary of which is provided here:

- The purpose of the coverage is to protect Oversight Board members from damages and defense costs resulting from claims against appointed officials. Claims of this nature typically fall into the category of alleged wrongful acts in the performance of duties for a public entity.
- **FY 23-24**
 - Coverage amount for personal injury and public officials errors and omissions is still the same as last year at **\$7,000,000 per occurrence and the coverage amount for fire damages is \$1,000,000 per occurrence.**
 - Annual premium and applicable fees total are now **\$9,003.69** which are still considered oversight board administrative expenses eligible for reimbursement under Health and Safety Code regulations.
 - OB Counsel opinion: The coverage items (Personal Injury, Hired/Non-Own Automobile, and Public Official E&O) and the coverage limits are consistent with what the OB had in FY 22-23, and are also consistent with the OB’s operations and where risks may arise to require coverage.
- **FY 23-24 Compared to FY 22-23**
 - No change on insurance limits and deductible, still at \$7 M and \$5k, respectively.
 - Annual cost **increased by \$924.48 or 11.4%**, from \$8,079.21 in FY 22-23 to \$9,003.69 in FY 23-24.
 - Annual premium **increased by \$760 or 11.5%** from \$6,605 to \$7,365.
 - Taxes and fees **increased by \$164.48 or 11.2%**, from \$1,474.21 to \$1,638.69
 - There are 4 new items added in the Major Exclusions. Exclusions are on pages 5-7 of the proposed FY 23-24 SLIP packet or pdf pages 16-18

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- Biometric Exclusion
- Total Cannabis Exclusion
- Failure to Comply with Environmental Protection Laws and Regulations
- Unlicensed E-Bike, Hoverboard, E-Skateboard, E-Unicycle, E-Foot Scooter, Motorized Scooter Exclusion

Chair Hagerty added that Patricia Guisler from Alliant Insurance is online and available to answer questions. Chair Hagerty stated that Alliant is the insurance broker responsible for bringing this proposal to the Board. The Board first brought this policy four years ago. That was at the suggestion of one of the Board members at the time who said that we know that the county's public liability insurance, does not cover our activities because we're not technically a County board. So, we sought out this policy, got some quotes and it's good for one year. You can't get more than one Year at a time. We revisit this about this time every year to offer the Board members additional coverage and as a result of the actions that you take on this board that if any legal issues arise, there's at least some coverage to help you out with that.

Member Buxbaum asked if the SLIP cost is claimed through the County ROPS. Chair Hagerty responded that this cost is not included in the San Diego County ROPS admin budget and the Board is allowed to claim this cost outside of the recognized obligation payment schedule as an administration expense for the Oversight Board. County staff will confirm with Auditor & Controller.

Chair Hagerty asked Patricia Guisler to confirm that the Board needs to either accept or decline the terrorism coverage on the SLIP. Ms. Guisler confirmed that there is terrorism coverage that needs to be accepted or declined. She added that around 90 percent of their clients decline the coverage. It's an additional 5% of the annual premium plus taxes and fees.

As a part of the discussion for this item, Chair Hagerty briefly introduced Patrick Sanchez, the newest Board member who currently serves on the board of directors for the Vista Irrigation District and was recently appointed by the Local Agency Formation Commission (LAFCO) to fill seat #3 on this Oversight Board.

H. Action Item(s)

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1. Adopt a resolution entitled, A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING FISCAL YEAR 2023-2024 SPECIAL LIABILITY INSURANCE PROGRAM (SLIP) FOR THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD

On motion of Chair Hagerty and seconded by Member Jones, THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD approved A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING FISCAL YEAR 2023-2024 SPECIAL LIABILITY INSURANCE PROGRAM (SLIP) FOR THE COUNTYWIDE REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD also decline the additional terrorism coverage. *Oversight Board staff did a roll call vote of each Board member to indicate approval or non-approval during the virtual meeting.* **Motion passed.**

AYES: Hagerty, Buxbaum, Sanchez, Jones and Wilson

- I. Communications Received: Dr. Hall has been on extended family leave since beginning of August and no return date yet.
- J. Future Agenda Item(s): Potential Recognized Obligation Payment Schedule (ROPS) training for new Board Members, ROPS review for all Successor Agencies.
- K. Set Future Meeting Date(s): October 19, 2023 10:00 a.m., November 16, 2023 10:00 a.m., December 21, 2023 10:00 a.m., January 18, 2024 10 a.m. Member Buxbaum asked if it is possible to move the January 2024 ROPS meeting to another day of the week since he has a conflict. Chair Hagerty asked the County staff to poll the Board members availability in January and see what works best for everyone.
- L. Adjournment at 10:26 a.m.

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Resolution No: OB-2023-022
Meeting Date: November 16, 2023

A RESOLUTION OF THE SAN DIEGO COUNTYWIDE REDEVELOPMENT
SUCCESSOR AGENCY OVERSIGHT BOARD APPROVING AMENDMENT NO.
2 TO THE PROFESSIONAL SERVICES AGREEMENT WITH MEYERS NAVE
TO MODIFY THE APPROVED CONTRACT BUDGET

WHEREAS, the County of San Diego, acting on behalf of the Countywide Redevelopment Successor Agency Oversight Board (“Oversight Board”), approved a legal services agreement with Meyers Nave on June 22, 2018;

WHEREAS, Amendment No. 1 to the legal services agreement increased the contract budget amount, increased the hourly rates effective June 1, 2022 and June 1, 2023 and replaced “George Eiser”, who has retired, with “Claire Lai” as an attorney authorized to provide services to the Oversight Board;

WHEREAS, Amendment No. 2 to the legal services agreement would increase the contract budget amount effective November 16, 2023.

NOW THEREFORE, IT IS RESOLVED that Amendment No. 2 to the legal services agreement with Meyers Nave, attached hereto as Exhibit A, is hereby approved and the Chairperson or County Counsel is authorized to sign Amendment No. 2 on behalf of the Oversight Board.

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 November 16, 2023.

Approved as to Form and Legality
By _____, Deputy County Counsel

Brian Hagerty
Chair, Oversight Board

**AMENDMENT NO. 2 TO THE PROFESSIONAL SERVICES
AGREEMENT BETWEEN THE COUNTY OF SAN DIEGO
(ACTING ON BEHALF OF THE COUNTYWIDE
REDEVELOPMENT SUCCESSOR AGENCY OVERSIGHT BOARD)
AND MEYERS NAVE, A PROFESSIONAL CORPORATION**

RECITALS

A. On June 22, 2018, the County of San Diego, acting on behalf of the Countywide Redevelopment Successor Agency Oversight Board (“Oversight Board”) approved a legal services agreement (“Agreement”) with Meyers Nave, a Professional Corporation (“Counsel”) pursuant to which Meyers Nave advises the Oversight Board established pursuant to Health & Safety Code section 34179(g) (“Project”).

B. On May 19, 2022, Amendment No. 1 to the Agreement was approved and subsequently executed by the parties to make certain modifications to include Counsel’s Fee and Maximum Compensation.

C. It is necessary that Oversight Board contract for these specialized legal services.

D. Counsel possesses the specialized legal skills and expertise necessary to represent the Oversight Board in connection with the Project.

E. The Oversight Board and Counsel desire to amend the terms of the Agreement to increase the maximum compensation.

NOW, THEREFORE, in consideration of the foregoing recitals and the covenants listed below to be performed by the respective parties, it is agreed as follows:

Section 2.4 of the Agreement is hereby amended to read as follows:

2.4 Maximum Compensation. The maximum compensation under this Agreement shall not exceed One Hundred Twenty-Five Thousand dollars (\$125,000) unless County authorizes a greater amount through an amendment to this Agreement. Counsel may cease work upon delivery of notice to County upon reaching the maximum permissible compensation, whether or not further legal services are required in connection with the Project. The parties acknowledge that the foregoing maximum compensation amount, as the same may be adjusted by amendment, does not constitute either an estimate or a fixed fee for completion of the legal services. Counsel makes no commitment that the results desired by County can be achieved with the expenditure of the foregoing maximum or any adjusted amount.

This Amendment No. 2 shall be effective as of November 16, 2023. Terms, conditions, and provisions in the Agreement as amended by Amendment No. 1 and not otherwise specifically amended by this Amendment No. 2 shall remain in full force and effect.

FOR COUNTY OF SAN DIEGO (ACTING ON
BEHALF OF THE OVERSIGHT BOARD)

WALTER J. DE LORRELL III
CHIEF DEPUTY COUNTY COUNSEL

FOR COUNSEL:

STEVEN T. MATTAS
Meyers Nave Principal

5106016.1



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Steven T. Mattas
smattas@meyersnave.com

November 7, 2023

Via Electronic Mail (Ardee.Apostol@sdcounty.ca.gov)

CONFIDENTIAL COMMUNICATION

Ardee Apostol
Assistant Finance Director
Agency Budget Office
County of San Diego Health & Human Services Agency
1255 Imperial Avenue, 6th Floor
San Diego, CA 92101

Re: Requested Budget Increase

Dear Ardee:

Our current contract, approved in 2018, contains a provision that that establishes an approved budget amount of \$50,000. In 2022, the contract was amended to increase the maximum budget amount to \$100,000. Our cumulative billings since 2022 is anticipated to place us just above that amount. Given that our work is expected to continue as the Successor Agencies continue to wind down their enforceable obligations, we are requesting that the contact budget amount be increased. While we defer to the Oversight Board's determination as to the appropriate maximum amount to include, we recommend the maximum budget amount be increased to \$25,000, for a total of \$125,000, to provide budget authority for our continued work. We can prepare and submit a contract amendment for your review and submission to the Oversight Board if that would be helpful.

Please let me know if you have any questions or if you would like us to send you a draft contract amendment for consideration by the Oversight Board.

Sincerely,

Steven T. Mattas

Cc: Max Endoso

STM:MCM
5529018.1