

1 [Concurring in Actions to Meet Local Emergency - Coronavirus Response - Forty-Third
2 Supplement]

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3 **Motion concurring in actions taken by the Mayor in the Forty-Third Supplement to the**
4 **Proclamation of Emergency to meet the ongoing local emergency related to the novel**
5 **coronavirus COVID-19 pandemic by authorizing the issuance by the City of notices of**
6 **violation and penalties for failing to comply with the Health Officer’s January 13, 2022,**
7 **order requiring that certain healthcare facilities offer and conduct SARS-CoV-2 testing.**

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9 WHEREAS, On February 25, 2020, Mayor London N. Breed declared a local
10 emergency to exist in connection with the spread of the novel coronavirus COVID-19; and

11 WHEREAS, The Mayor transmitted a copy of that Proclamation Declaring the
12 Existence of a Local Emergency to the Board of Supervisors (the “Proclamation”), and on
13 March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions
14 taken by the Mayor to meet the emergency; the Proclamation and the Board’s concurring
15 Motion are on file with the Clerk of the Board of Supervisors in File No. 200228; and

16 WHEREAS, On March 6, 2020, the Health Officer declared a local health emergency
17 under Section 101080 of the California Health and Safety Code, and the Board of Supervisors
18 concurred in that declaration on March 10, 2020; and

19 WHEREAS, On August 19, 2021, the Health Officer issued Order No. C19-15d,
20 requiring, among other things, that certain healthcare facilities within the City offer and
21 conduct COVID-19 testing within 24 hours of a patient’s request to be tested; and

22 WHEREAS, In the past several weeks, the City has seen exponential growth in the
23 number of confirmed COVID-19 cases due to the arrival of the highly transmissible Omicron
24 variant, which has sharply increased the demand for testing at City-run testing sites as well as
25 at healthcare facilities in the City; and

1 WHEREAS, In response to the Omicron surge, on January 13, 2022, the Health Officer
2 issued Order No. C19-15e, requiring acute care hospitals and other hospital-affiliated
3 healthcare facilities in the City to 1) provide testing to people seeking tests who are
4 symptomatic or have been in close contact with a person with COVID-19 within one day of the
5 person's request for a test or in some instances within one business day (with limited
6 exceptions); 2) provide testing results by the end of the second day after the test is taken; and
7 3) achieve 90% compliance with the one-day testing requirement and the requirement to
8 report test results by the end of the second day after the test, and to report compliance with
9 these requirements to DPH twice per week; and

10 WHEREAS, Due to the overwhelming strain on the City's testing facilities and the
11 disproportionate burden that has been placed on those facilities, it is in the public interest to
12 create an enforcement mechanism to ensure that private hospitals and other hospital affiliated
13 healthcare facilities in the City are complying with the Health Officer's updated order and that
14 they are doing their share to meet the very high and urgent demand for testing from City
15 residents; and

16 WHEREAS, On January 14, 2022, the Mayor took an additional step to meet the
17 emergency by issuing the Forty-Third Supplement to the Proclamation, ordering one action to
18 meet the emergency; the Forty-Third Supplement is on file with the Clerk of the Board of
19 Supervisors in Board File No. 220099; and

20 WHEREAS, Government Code, Sections 8550 et seq. and Charter, Section 3.100
21 provide for the concurrence by members of the Board of Supervisors in such emergency
22 declaration and in action taken by the Mayor to meet the emergency; and now, therefore, be it

23 MOVED, That the Board of Supervisors concurs with the following action taken by the
24 Mayor to meet the local emergency included in the Mayor's Forty-Third Supplement to the
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1 Proclamation, dated January 14, 2022, as such action is described in full in the Forty-Third
2 Supplement and summarized as follows:

3 Action 1: Authorizing the issuance by the City of notices of violation and
4 penalties for failing to comply with the Health Officer's January 13, 2022 SARS-CoV-2 testing
5 order, including as that order may be revised or amended in the future.

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