

File No. 200794

Committee Item No. _____

Board Item No. 44

COMMITTEE/BOARD OF SUPERVISORS

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Date: _____

Board of Supervisors Meeting

Date: July 28, 2020

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- Mayoral Proclamation - Twenty-Second Supplement - 07/15/20
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Prepared by: Lisa Lew

Date: July 24, 2020

Prepared by: _____

Date: _____

1 [Concurring in Actions to Meet Local Emergency - Coronavirus Response - Twenty-Second
2 Supplement]

3 **Motion concurring in actions taken by the Mayor in the Twenty-Second Supplement to**
4 **the Proclamation of Emergency, released on July 15, 2020, to meet the ongoing local**
5 **emergency related to the novel coronavirus COVID-19 pandemic.**

6
7 WHEREAS, On February 25, 2020, Mayor London N. Breed declared a local
8 emergency to exist in connection with the spread of the novel coronavirus COVID-19; and

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

14 WHEREAS, On March 11, 2020, and March 13, 2020, the Mayor took additional steps
15 to meet the local emergency by issuing the First and Second Supplements to the
16 Proclamation, and on March 24, 2020, the Board of Supervisors concurred in the actions
17 taken by the Mayor in those Supplements; the First and Second Supplements and the Board's
18 concurring motion are on file with the Clerk of the Board of Supervisors in File No. 200294;
19 and

20 WHEREAS, On March 17, 2020, March 18, 2020, and March 23, 2020, the Mayor took
21 additional steps to meet the local emergency by issuing the Third, Fourth, and Fifth
22 Supplements to the Proclamation, and on March 31, 2020, the Board of Supervisors
23 concurred in the actions taken by the Mayor in those Supplements; the Third, Fourth, and
24 Fifth Supplements and the Board's concurring motion are on file with the Clerk of the Board of
25 Supervisors in File No. 200326; and

1 WHEREAS, On March 27, 2020, and March 31 2020, the Mayor took additional steps
2 to meet the local emergency by issuing the Sixth and Seventh Supplements to the
3 Proclamation and on April 7, 2020, the Board of Supervisors concurred in the actions taken in
4 those Supplements; the Sixth and Seventh Supplements to the Proclamation and the Board's
5 concurring motion are on file with the Clerk of the Board of Supervisors in File No. 200352;
6 and

7 WHEREAS, On April 1, 2020, the Mayor took additional steps to meet the local
8 emergency by issuing the Eighth Supplement to the Proclamation, and on April 14, 2020, the
9 Board of Supervisors concurred in the actions taken in that Supplement; the Eighth
10 Supplement to the Proclamation and the Board's concurring motion are on file with the Clerk
11 of the Board of Supervisors in File No. 200369; and

12 WHEREAS, On April 10, 2020, and April 14, 2020, the Mayor took additional steps to
13 meet the emergency by issuing the Ninth and Tenth Supplements to the Proclamation, and on
14 April 21, 2020, the Board of Supervisors concurred in the actions taken in those Supplements;
15 the Ninth and Tenth Supplements and the Board's concurring motion are on file with the Clerk
16 of the Board of Supervisors in File No. 200384; and

17 WHEREAS, On April 23, 2020, the Mayor took additional steps to meet the emergency
18 by issuing the Eleventh Supplement to the Proclamation, and on May 5, 2020, the Board of
19 Supervisors concurred in the actions taken in that Supplement; the Eleventh Supplement and
20 the Board's concurring motion are on file with the Clerk of the Board of Supervisors in File No.
21 200437; and

22 WHEREAS, On April 30, 2020, the Mayor took additional steps to meet the emergency
23 by issuing the Twelfth Supplement to the Proclamation, and on May 12, 2020, the Board of
24 Supervisors concurred in the actions taken in that Supplement; the Twelfth Supplement and
25

1 the Board's concurring motion are on file with the Clerk of the Board of Supervisors in File No.
2 200473; and

3 WHEREAS, On May 11, 2020, the Mayor took additional steps to meet the emergency
4 by issuing the Thirteenth Supplement to the Proclamation, and on May 19, 2020, the Board of
5 Supervisors concurred in the actions taken in that Supplement; the Thirteenth Supplement
6 and the Board's concurring motion are file with the Clerk of the Board of Supervisors in File
7 No. 200498; and

8 WHEREAS, On May 13, 2020, and May 18, 2020, the Mayor took additional steps to
9 meet the emergency by issuing the Fourteenth and Fifteenth Supplements to the
10 Proclamation, and on May 26, 2020, the Board of Supervisors concurred in the actions taken
11 in those Supplements; the Fourteenth and Fifteenth Supplements and the Board's concurring
12 motion are on file with the Clerk of the Board of Supervisors in File No. 200553; and

13 WHEREAS, On May 29, 2020, the Mayor took additional steps to meet the emergency
14 by issuing the Sixteenth Supplement to the Proclamation, and on June 9, 2020, the Board of
15 Supervisors concurred in the actions taken in that Supplement; the Sixteenth Supplement and
16 the Board's concurring motion are on file with the Clerk of the Board of Supervisors in File No.
17 200600; and

18 WHEREAS, On June 2, 2020, and June 9, 2020, the Mayor took additional steps to
19 meet the emergency by issuing the Seventeenth and Eighteenth Supplements to the
20 Proclamation, and on June 17, 2020, the Board of Supervisors concurred in the actions taken
21 in those Supplements; the Seventeenth and Eighteenth Supplements and the Board's
22 concurring motion are on file with the Clerk of the Board of Supervisors in File No.200632;
23 and

24 WHEREAS, On June 13, 2020, and June 19, 2020, the Mayor took additional steps to
25 meet the emergency by issuing the Nineteenth and Twentieth Supplements to the

1 Proclamation, and on June 30, 2020, the Board of Supervisors concurred in the actions taken
2 in those Supplements; the Nineteenth and Twentieth Supplements, and the Board's
3 concurring motion, are on file with the Clerk of the Board of Supervisors in Board File Nos.
4 200687 and 200690;

5 WHEREAS, On June 29, 2020, the Mayor took additional steps to meet the emergency
6 by issuing the Twenty-First Supplement to the Proclamation, and on July 7, 2020, the Board
7 of Supervisors concurred in the actions to meet the emergency; the Twenty-First Supplement,
8 and the Board's concurring motion, are on file with the Clerk of the Board of Supervisors in
9 Board File No. 200716;

10 WHEREAS, On July 15, 2020, the Mayor took additional steps to meet the emergency
11 by issuing the Twenty-Second Supplement to the Proclamation, ordering two actions to meet
12 the emergency; the Twenty-Second Supplement is on file with the Clerk of the Board of
13 Supervisors in Board File No. 200794;

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

17 MOVED, That the Board of Supervisors concurs with the following actions taken by the
18 Mayor to meet the local emergency included in the Mayor's Twenty-Second Supplement to
19 the Proclamation, dated July 15, 2020, as those actions are described in full in the Twenty-
20 Second Supplement and summarized as follows:

21 Action #1: Extending until September 30, 2020, the date by which the Clerk of
22 the Board of Supervisors must schedule the initial hearing of an appeal to the Board that was
23 filed on or after March 11, 2020.

1 Action #2: Suspending Charter, Section 8A.114, which requires that cable car
2 lines to be maintained and operated at normal levels of scheduling and service in effect on
3 July 1, 1971, until 120 days after termination or expiration of the Stay Safe At Home Order.
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**TWENTY-SECOND SUPPLEMENT TO MAYORAL PROCLAMATION
DECLARING THE EXISTENCE OF A LOCAL EMERGENCY
DATED FEBRUARY 25, 2020**

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation (the “Proclamation”) declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus (“COVID-19”); and

WHEREAS, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

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

WHEREAS, On March 16, 2020, the City’s Health Officer issued a stay safe at home order, Health Officer Order No. C19-07 (the “Stay Safe At Home Order”), requiring most people to remain in their homes subject to certain exceptions including obtaining essential goods such as food and necessary supplies, and requiring the closure of non-essential businesses; the Health Officer has amended the Stay Safe At Home Order to modify the ongoing restrictions; and

WHEREAS, There have been 4,696 confirmed cases of COVID-19 within the City and 50 COVID-19-related deaths in the City; there have been more than 346,000 confirmed cases in California and more than 7,200 COVID-19-related deaths in California; and

WHEREAS, At the outset of the COVID-19 emergency, policy bodies, including the Board of Supervisors, were not able to hold in-person meetings to conduct business, and



had not yet developed the technological capacity to meet remotely. To account for the inability of policy bodies to meet, on March 11, 2020, the Mayor issued the First Supplement to the Proclamation of Local Emergency, ordering that deadlines set by local law requiring City policy bodies to take action within a certain time period be suspended during the emergency and for 14 days following the termination of the local emergency, if such policy bodies were unable to meet and comply with such deadlines due to the emergency; and

WHEREAS, The Board of Supervisors developed the capacity to meet remotely, but the complexity of holding remote evidentiary hearings on appeals delayed the scheduling those appeal hearings. Some appellants and/or interested parties lack the technology necessary to participate remotely, and require accommodations to ensure meaningful participation. Other appellants and/or interested parties are struggling to manage the demands of life in a pandemic, and need more time to prepare for a hearing. Remote meetings tend to be much longer in duration than in-person meetings, making it infeasible for the Board to schedule more than two hearings per meeting. Additionally, there are significant administrative challenges to holding multiple hearings at the same meeting, as it requires the Clerk's office to maintain multiple public comment queues. Thus, it is in the public interest to extend the deadline by which the Board of Supervisors is required to hold hearings on matters appealed to it in order to accommodate the difficulties posed by remote meetings and to provide for orderly resolution of these matters; and

WHEREAS, The emergency has greatly impacted public transportation operations due to public health orders requiring people to stay home and to physically distance while in public. The Municipal Transportation Agency has temporarily suspended the operation of the City's three cable car lines and other transit lines. Given the small size and configuration of cable cars, it is particularly difficult for passengers and operators to maintain adequate physical distancing to safely operate. Given the public health risks, it is in the public interest to temporarily suspend the legal requirement that the City maintain cable car service;

NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;



In addition to the measures outlined in the Proclamation and in the Supplements to the Proclamation issued on various dates, it is further ordered that:

(1) Notwithstanding any City law to the contrary, which is hereby suspended if and to the extent in conflict with this Order, for any appeal to the Board of Supervisors that was filed on or after March 11, 2020, including but not limited to appeals filed under Section 31.16 of the Administrative Code, Sections 303 and 308 of the Planning Code, or Section 1314 of the Subdivision Code, the Clerk of the Board of Supervisors shall schedule an initial hearing by no later than September 30, 2020.

(2) Charter Section 8A.114 requiring cable car lines to be maintained and operated at normal levels of scheduling and service in effect on July 1, 1971, is suspended. This Order shall remain in effect until 120 days after termination or expiration of the Stay Safe At Home Order or any extension thereof.

DATED: July 15, 2020

A handwritten signature in blue ink that reads "London N. Breed".

London N. Breed
Mayor of San Francisco

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor inquiries"
- 5. City Attorney Request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Yee

Subject:

Concurring in Actions to Meet Local Emergency - Coronavirus Response

The text is listed:

Motion concurring in actions taken by the Mayor in the Twenty-Second Supplement to the Proclamation of Emergency, released on July 15, 2020, to meet the ongoing local emergency related to the novel coronavirus COVID-19 pandemic.

Signature of Sponsoring Supervisor: /s/Norman Yee