

File No. 211277

Committee Item No. _____

Board Item No. 45

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: December 14, 2021

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

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Prepared by: Lisa Lew

Date: December 10, 2021

Prepared by: _____

Date: _____

1 [Findings to Allow Teleconferenced Meetings During Declared Emergency]

2

3 **Motion making findings to allow teleconferenced meetings under California**
4 **Government Code, Section 54953(e).**

5

6 WHEREAS, California Government Code, Section 54953(e), empowers local policy
7 bodies to convene by teleconferencing technology during a proclaimed state of emergency
8 under the State Emergency Services Act so long as certain conditions are met; and

9 WHEREAS, In March, 2020, the Governor of the State of California proclaimed a state
10 of emergency in California in connection with the Coronavirus Disease 2019 (“COVID-19”)
11 pandemic, and that state of emergency remains in effect; and

12 WHEREAS, In February 25, 2020, the Mayor of the City and County of San Francisco
13 (the “City”) declared a local emergency, and on March 6, 2020, the City’s Health Officer
14 declared a local health emergency, and both those declarations also remain in effect; and

15 WHEREAS, On March 11 and March 23, 2020, the Mayor issued emergency orders
16 suspending select provisions of local law, including sections of the City Charter, that restrict
17 teleconferencing by members of policy bodies; those orders remain in effect, so City law
18 currently allows policy bodies to meet remotely if they comply with restrictions in State law
19 regarding teleconference meetings; and

20 WHEREAS, On September 16, 2021, the Governor signed AB 361, a bill that amends
21 the Brown Act to allow local policy bodies to continue to meet by teleconferencing during a
22 state of emergency without complying with restrictions in State law that would otherwise
23 apply, provided that the policy bodies make certain findings at least once every 30 days; and

24 WHEREAS, While federal, State, and local health officials emphasize the critical
25 importance of vaccination and consistent mask-wearing to prevent the spread of COVID-19,

1 the City's Health Officer has issued at least one order (Health Officer Order No. C19-07y,
2 available online at www.sfdph.org/healthorders) and one directive (Health Officer Directive
3 No. 2020-33i, available online at www.sfdph.org/directives) that continue to recommend
4 measures to promote physical distancing and other social distancing measures, such as
5 masking, in certain contexts; and

6 WHEREAS, The California Department of Industrial Relations Division of Occupational
7 Safety and Health ("Cal/OSHA") has promulgated Section 3205 of Title 8 of the California
8 Code of Regulations, which requires most employers in California, including in the City, to
9 train and instruct employees about measures that can decrease the spread of COVID-19,
10 including physical distancing and other social distancing measures; and

11 WHEREAS, Without limiting any requirements under applicable federal, state, or local
12 pandemic-related rules, orders, or directives, the City's Department of Public Health, in
13 coordination with the City's Health Officer, has advised that for group gatherings indoors, such
14 as meetings of boards and commissions, people can increase safety and greatly reduce risks
15 to the health and safety of attendees from COVID-19 by maximizing ventilation, wearing well-
16 fitting masks (as required by Health Officer Order No. C19-07), using physical distancing
17 where the vaccination status of attendees is not known, and considering holding the meeting
18 remotely if feasible, especially for long meetings, with any attendees with unknown
19 vaccination status and where ventilation may not be optimal; and

20 WHEREAS, On July 31, 2020, the Mayor issued an emergency order that, with limited
21 exceptions, prohibited policy bodies other than the Board of Supervisors and its committees
22 from meeting in person under any circumstances, so as to ensure the safety of policy body
23 members, City staff, and the public; and

24 WHEREAS, The Board of Supervisors has met remotely during the COVID-19
25 pandemic and can continue to do so in a manner that allows public participation and

1 transparency while minimizing health risks to members, staff, and the public that would be
2 present with in-person meetings while this emergency continues; and

3 WHEREAS, On October 5, 2021, the Board of Supervisors approved Motion No. M21-
4 132 making findings to allow teleconferenced meetings for 30 days, expiring on November 4,
5 2021; and

6 WHEREAS, On November 2, 2021, the Board of Supervisors approved Motion No.
7 M21-153 making findings to allow teleconferenced meetings for 30 days, expiring on
8 December 1, 2021;

9 WHEREAS, On November 30, 2021, the Board of Supervisors approved Motion No.
10 M21-165 making findings to allow teleconferenced meetings for 30 days, expiring on
11 December 30, 2021; now, therefore, be it

12 MOVED, That the Board of Supervisors finds as follows:

13 1. As described above, the State of California and the City remain in a state of
14 emergency due to the COVID-19 pandemic. At this meeting, the Board of Supervisors has
15 considered the circumstances of the state of emergency.

16 2. As described above, State and City officials continue to recommend measures
17 to promote physical distancing and other social distancing measures, in some settings.

18 3. As described above, because of the COVID-19 pandemic, conducting meetings
19 of this body and its committees in person with public access to such meetings would present
20 imminent risks to the safety of attendees, and the state of emergency continues to directly
21 impact the ability of members to meet safely in person; and, be it

22 FURTHER MOVED, That for at least the next 30 days, meetings of the Board of
23 Supervisors and its committees may continue to occur by teleconferencing technology (and
24 not by any in-person meetings with public access to the places where any policy body
25 member is present for the meeting); such meetings of the Board of Supervisors and its

1 committees that occur by teleconferencing technology will provide an opportunity for members
2 of the public to address this body and its committees and will otherwise occur in a manner that
3 protects the statutory and constitutional rights of parties and the members of the public
4 attending the meeting via teleconferencing; and, be it

5 FURTHER MOVED, That the Clerk of the Board of Supervisors is directed to place a
6 Motion substantially similar to this Motion on the agenda of a future meeting of the Board of
7 Supervisors within the next 30 days; if the Board of Supervisors does not meet within the next
8 30 days, the Clerk of the Board of Supervisors is directed to place a such Motion on the
9 agenda of the next meeting of Board of Supervisors.

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Introduction Form

By a Member of the Board of Supervisors or the 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 inquires"
- 5. City Attorney request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Question(s) 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 a Imperative Form.

Sponsor(s):

Subject:

The text is listed below or attached:

Signature of Sponsoring Supervisor: _____

For Clerk's Use Only: