

File No. 220155

Committee Item No. _____

Board Item No. 38

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: February 15, 2022

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OTHER

- Mayor's Second Supplement - 1/21/22
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Prepared by: Lisa Lew

Date: February 11, 2022

Prepared by: _____

Date: _____

1 [Concurring in Actions to Meet Local Emergency - Drug Overdoses in the Tenderloin -
2 Second Supplement]

3 **Motion concurring in actions taken by the Mayor in the Second Supplement to the**
4 **Proclamation of Emergency to meet the ongoing local emergency related to the**
5 **sudden increase in drug overdoses in the Tenderloin by authorizing City**
6 **departments to use expedited procurement procedures to enter into agreements**
7 **related to the City’s response to the emergency, with terms not to extend beyond**
8 **June 30, 2022; waiving Civil Service Commission approval of such agreements,**
9 **and authorizing the Mayor to transfer funds to cover the costs of such**
10 **agreements.**

11
12 WHEREAS, On December 17, 2021, Mayor London N. Breed declared a local
13 emergency to exist in connection with the sudden increase of drug overdoses in the
14 Tenderloin; and

15 WHEREAS, The Mayor transmitted a copy of that Proclamation Declaring the
16 Existence of a Local Emergency (“Proclamation”) to the Board of Supervisors, and on
17 December 23, 2021, the Board of Supervisors concurred in the Proclamation and in the
18 actions taken by the Mayor to meet the emergency; the Proclamation and the Board’s
19 concurring Motion are on file with the Clerk of the Board of Supervisors in File No. 211320;
20 and

21 WHEREAS, Section 3 of the Mayor’s Proclamation, in which the Board concurred,
22 provided that notwithstanding any other restriction in local law except Charter, Section 9.118,
23 City departments could use expedited procurement procedures to enter into agreements
24 related to the City’s response to the emergency, but did not expressly authorize contracts with
25 terms that would exceed the duration of the emergency; and

1 WHEREAS, To address the overdose crisis in the Tenderloin and mount an emergency
2 response that will reduce the overdoses and deaths occurring on our streets, the City must
3 quickly execute contracts with providers that can offer services to individuals in need; among
4 other activities, such providers will staff the linkage center where individuals will be connected
5 to City services for mental health and substance abuse treatment, housing, and other benefits
6 and for referral to medical attention; and

7 WHEREAS, To ensure the City is able to secure the necessary contractual services on
8 a timely basis, it is in the public interest to waive provisions of City law to expedite the process
9 of finding providers and executing contracts; and to the extent departments are unable to find
10 providers willing and able to provide services effectively under a contract limited to the
11 remaining duration of the declared emergency, it is in the public interest to allow departments
12 flexibility to enter into contracts for a longer period, not to extend beyond June 30, 2022, the
13 end of the current fiscal year; and

14 WHEREAS, On January 21, 2022, the Mayor took additional steps to meet the
15 emergency by issuing the Second Supplement to the Proclamation, ordering one action to
16 meet the emergency; the Second Supplement is on file with the Clerk of the Board of
17 Supervisors in Board File No. 220155; and

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

21 MOVED, That the Board of Supervisors concurs with the following actions taken by the
22 Mayor to meet the local emergency included in the Mayor's Second Supplement to the
23 Proclamation, dated January 21, 2022, as such action is described in full in the Second
24 Supplement and summarized as follows:

1 **Action 1:** Revising and replacing Section 3 of the Proclamation to provide that
2 notwithstanding any other restriction, procedural requirement, or approval requirement in local
3 law except Charter, Section 9.118, City departments entering agreements related to the City’s
4 response to the emergency, including contracts for the procurement of commodities or
5 services, contracts for public works, and grant agreements, shall comply with the expedited
6 procedural requirements of Section 21.15 of the Administrative Code or Section 6.60 of the
7 Administrative Code; waiving Civil Service Commission approval of such agreements;
8 authorizing City departments to enter into agreements under this Order for a period not to
9 exceed the duration of local emergency, unless the department head determines in writing
10 that the City is unable to secure the necessary services without agreeing to a longer term
11 (including options to extend) not to extend beyond June 30, 2022; and for any agreement that
12 extends beyond the termination of the local emergency, authorizing the Mayor to appropriate
13 or transfer funds to cover the cost of such agreement, including during the portion of the term
14 that extends beyond the end of the emergency.

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**SECOND SUPPLEMENT TO MAYORAL PROCLAMATION DECLARING THE
EXISTENCE OF A LOCAL EMERGENCY DATED DECEMBER 17, 2021**

Drug Overdoses in the Tenderloin
Modifying Authorization to Enter Contracts

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 of San Francisco (the “City”) or its citizens; and

WHEREAS, On December 17, 2021, the Mayor issued a Proclamation (the “Proclamation”) declaring a local emergency to exist in connection with drug overdoses in the Tenderloin. On December 23, 2021, the Board of Supervisors concurred in the Proclamation. The Mayor issued the First Supplement to the Proclamation on December 27, 2021, authorizing the Director of Real Estate to enter leases necessary to respond to the emergency, with a term lasting the duration of the emergency and up to six months if the Director determines the City is unable to secure a suitable property without agreeing to a longer term. The Board of Supervisors concurred in the First Supplemental Proclamation on January 11, 2022; and

WHEREAS, To address the overdose crisis in the Tenderloin and mount an emergency response that will reduce the overdoses and deaths occurring on our streets, the City must quickly execute contracts with providers that can offer services to individuals in need. Among other activities, such providers will staff the linkage center where individuals will be connected to City services for mental health and substance abuse treatment, housing, and other benefits and for referral to medical attention; and

WHEREAS, To ensure the City is able to secure the necessary contractual services on a timely basis, it is in the public interest to waive provisions of City law to expedite the process of finding providers and executing contracts. Further, to the extent departments are unable to find providers willing and able to provide services effectively under a contract limited to the remaining duration of the declared emergency, it is in the public interest to allow departments flexibility to enter into contracts for longer period not to extend beyond June 30, 2022, the end of the current fiscal year; and



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 First Supplement to the Proclamation, it is further ordered that:

Section 3 of the Proclamation is revised and replaced as follows:

Notwithstanding any other restriction, procedural requirement, or approval requirement in local law except Charter Section 9.118, City departments entering agreements related to the City's response to the emergency, including contracts for the procurement of commodities or services, contracts for public works, and grant agreements, shall comply with the procedural requirements of Section 21.15 of the Administrative Code (for agreements that are otherwise subject to Chapter 21 or Chapter 21G) or Section 6.60 of the Administrative Code (for agreements that are otherwise subject to Chapter 6). Civil Service Commission approval of such agreements is waived. Within 30 days of execution of any such agreement, the department must report any agreement that would have required approval by the Civil Service Commission to the Civil Service Commission. City departments are authorized to enter into agreements under this Order for a period not to exceed the duration of local emergency, unless the department head determines in writing that the City is unable to secure the necessary services without agreeing to a longer term (including options to extend) not to extend beyond June 30, 2022. For any agreement that extends beyond the termination of the local emergency as provided in the preceding sentence, the Mayor is authorized to appropriate or transfer funds to cover the cost of such agreement including during the portion of the term that extends beyond the end of the emergency. This Order shall remain in place during the local emergency unless terminated earlier by the Mayor of the Board of Supervisors.

DATED: January 21, 2022

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):

Haney

Subject:

Motion Concurring in Actions to Meet Local Emergency - Drug Overdoses in the Tenderloin

The text is listed:

Motion concurring in actions taken by the Mayor in the Second Supplement to the Proclamation of Emergency to meet the ongoing local emergency related to the sudden increase in drug overdoses in the Tenderloin by authorizing City departments to use expedited procurement procedures to enter into agreements related to the City's response to the emergency, with terms not to extend beyond June 30, 2022, waiving Civil Service Commission approval of such agreements, and authorizing the Mayor to transfer funds to cover the costs of such agreements.

Signature of Sponsoring Supervisor: