

File No. 200716

Committee Item No. _____

Board Item No. 12

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: July 7, 2020

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OTHER

- Twenty-first Supplement - June 29, 2020
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Prepared by: Jocelyn Wong

Date: July 2, 2020

Prepared by: _____

Date: _____

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

3

4 **Motion concurring in actions taken by the Mayor in the Twenty-First Supplement to the**
5 **Proclamation of Emergency, released on June 29, 2020, to meet the ongoing local**
6 **emergency related to the novel coronavirus COVID-19 pandemic.**

7

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

10

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

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

23

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

1 WHEREAS, On March 27, 2020 and March 31 2020, the Mayor took additional steps to
2 meet the local emergency by issuing the Sixth and Seventh Supplements to the Proclamation
3 and on April 7, 2020, the Board of Supervisors concurred in the actions taken in those
4 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, ordering three actions to meet the
7 emergency; the Twenty-first Supplement is on file with the Clerk of the Board of Supervisors
8 in Board File No. 200714;

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

12 MOVED, That the Board of Supervisors concurs with the following actions taken by the
13 Mayor to meet the local emergency included in the Mayor's Twenty-first Supplement to the
14 Proclamation, dated June 29, 2020, as those actions are described in full in the Twenty-first
15 Supplement and summarized as follows:

16 Action #1: Waiving barriers and fees under the Planning Code to allow K-12
17 schools to temporarily expand their space to comply with physical distancing requirements
18 and/or accommodate increases in enrollment due to closures of other schools.

19 Action #2: Extending the paid furlough program for City employees through
20 July 31, 2020.

21 Action #3: Extending for an additional 30 days through August 10, 2020, the
22 moratorium on San Francisco Public Utility Commission water and power shutoffs and the
23 imposition of late penalties.

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**TWENTY-FIRST 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 3,561 confirmed cases of COVID-19 within the City and 50 COVID-19-related deaths in the City; there have been more than 215,375 confirmed cases in California and more than 5,933 COVID-19-related deaths in California; and

WHEREAS, To safely open to students in compliance with health directives and guidance requiring physical distancing and to accommodate potential increases in enrollment due to school closures, schools may need to temporarily expand into



additional space and make other modifications to their operations; suspending City laws to facilitate such temporary expansion and modifications will allow schools to quickly make necessary changes so that students are protected from undue risk and able to continue their educations during the emergency; and

WHEREAS, In the Third Supplement to the Emergency Proclamation dated March 17, 2020, recognizing that many City employees affected by the Stay Safe At Home Order cannot perform their duties remotely and must stay home and that it is in the public interest to support such employees with paid leave, the Mayor authorized a paid leave program through April 17, 2020, to mitigate financial impacts of the emergency on City employees; the Mayor extended the program to June 30, 2020 through a further orders in the Seventh, Twelfth, and Sixteenth Supplements to the Emergency Proclamation; due to the ongoing restrictions of the Stay Safe At Home Order, it is in the public interest to further extend this paid leave program; and

WHEREAS, In the Second Supplement to the Emergency Proclamation, dated March 13, 2020, and in the Thirteenth Supplement to the Emergency Proclamation, dated May 11, 2020, the Mayor directed the San Francisco Public Utilities Commission to suspend water and power shutoffs and imposition of late penalties; it continues to be in the public interest to prevent the disruption of these services and the collection of penalties for late payments due to the ongoing public health and economic concerns;

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 dated March 11, March 13, March 17, March 18, March 23, March 27, March 31, April 1, April 10, April 14, April 23, April 30, May 11, May 13, May 18, May 29, June 2, June 9, June 13, and June 19, 2020, it is further ordered that:

(1) In order to accommodate proper social distancing of students, staff, and faculty and/or to accommodate increases in enrollment at certain schools in response to anticipated closures of other schools as a result of COVID-19 economic impacts, any School may



apply for a building or other permit to temporarily expand, intensify and/or adjust operations to accommodate the needs described above, without being subject to the limitations or restrictions of the Planning Code, including but not limited to any requirements for a new or amended Conditional Use authorization, public notification, or street frontage. Temporary expansion, intensification, or adjustment may occur at a School's current location (e.g. modular trailers) or may involve the use of additional locations, which may or may not be contiguous with the School's current location, provided no portion of the space to be occupied as an additional location is used as a dwelling unit or group housing unit. Any expansion to a different premises will occur without that premises losing its current land use designation. Any City fees required in connection with the expansion, intensification, adjustment or related alterations, including but not limited to those imposed under Articles 3.5 or 4 of the Planning Code, are hereby waived. Any provision of the Charter or Municipal Code that would allow an appeal to the Board of Appeals regarding such temporary permit or authorization is waived except in cases where a permit or authorization is denied and the School seeks to appeal the denial. For the purpose of this Order, "School" shall mean a school that provides educational instruction to students in kindergarten through twelfth grade that is accredited by the Western Association of Schools and Colleges, the California Association of Independent Schools, or another established accrediting body. The suspension of requirements and fees is subject to the following provisions:

(a) Any School which is subject to a student enrollment limit may exceed that limit by no more than ten percent.

(b) The Director of Planning or the Director's designee is authorized to issue rules, regulations, or guidance to implement this Order.

(c) Within 30 days of the end of the local emergency or termination of this Order by the Mayor or Board of Supervisors, any such expansion, intensification and/or adjustment shall terminate and be removed. Notwithstanding the foregoing, if the local emergency ends or this Order is terminated during the school year (defined for the purposes of this Order as August 15 through June 15, inclusive), then such 30-day period shall not commence until the end of the school year.

(2) The Human Resources Director is authorized, with the concurrence of the Controller, to extend the existing paid leave program for City employees, first authorized on March 17, 2020 in the Third Supplement to the Emergency Proclamation, through July 31, 2020,



to mitigate the financial impacts of the emergency on these City employees. The Director of Transportation is authorized, with the concurrence of the Controller, to extend the existing paid leave program for service critical employees of the San Francisco Municipal Transportation Agency first authorized on March 17, 2020 by the Third Supplement to the Emergency Proclamation, through July 31, 2020. As described in the Third, Seventh, Twelfth, and Sixteenth Supplements to the Emergency Proclamation, this paid leave program is for employees who are available to work, but not working, including working from home, due to the Stay Safe At Home Order.

(3) Section 2 of the Second Supplement to the Emergency Proclamation, dated March 13, 2020, and extended in the Thirteenth Supplement to the Emergency Proclamation, dated May 11, 2020, authorizing the San Francisco Public Utilities Commission (“SFPUC”) to suspend, (a) the discontinuation or shut off of water service for residents and businesses in the City for non-payment of water and sewer bills, (b) the imposition of late payment penalties or fees for delinquent water and/or sewer bills, (c) the discontinuation or shut off of power service for SFPUC Hetch Hetchy Power Customers in San Francisco for non-payment of power bills, (d) the imposition of late payment penalties or fees for delinquent Hetch Hetchy Power Customer accounts, and (e) the return of delinquent CleanPowerSF Customers to PG&E generation service for failure to pay CleanPowerSF charges, is extended for an additional 30 days through August 10, 2020.

DATED: June 29, 2020

A handwritten signature in blue ink, reading "London 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-first Supplement to the Proclamation of Emergency, released on June 29, 2020, to meet the ongoing local emergency related to the novel coronavirus COVID-19 pandemic.

Signature of Sponsoring Supervisor: /s/Norman Yee