

File No. 201018

Committee Item No. _____

Board Item No. 84

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: September 15, 2020

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OTHER

- Mayoral Proclamation 26th Supplement - 8/26/20
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Prepared by: Lisa Lew

Date: September 11, 2020

Prepared by: _____

Date: _____

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

3 **Motion concurring in actions taken by the Mayor in the Twenty-Sixth Supplement to the**
4 **Proclamation of Emergency to meet the ongoing local emergency related to the novel**
5 **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 August 26, 2020, the Mayor took additional steps to meet the
15 emergency by issuing the Twenty-Sixth Supplement to the Proclamation, ordering three
16 actions to meet the emergency; the Twenty-Sixth Supplement is on file with the Clerk of the
17 Board of Supervisors in Board File No. 201018;

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 such emergency
20 declaration and in action taken by the Mayor to meet the emergency; and 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 Twenty-Sixth Supplement to the
23 Proclamation, dated August 26, 2020, as that action is described in full in the Twenty-Sixth
24 Supplement and summarized as follows:

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Action #1: Authorizing the Director of Transportation to create a streamlined process outside the normal ISCOTT process for issuing permits to close streets for outdoor dining, retail and services. The Director of Transportation must issue rules and regulations to implement the program.

Action #2: Modifying the April 10, 2020, mayoral order allowing the Controller to accept and expend donations of goods or services to support the emergency response to specifically authorize acceptance and expenditure of funds, facilities, and goods for purposes of supporting learning hubs and other youth programs.

Action #3: Extending the March 17, 2020, mayoral order authorizing the paid furlough program for City employees through September 30, 2020.

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**TWENTY-SIXTH 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 over 9,000 confirmed cases of COVID-19 within the City and 80 COVID-19-related deaths in the City; there have been more than 680,000 confirmed cases in California and more than 12,400 COVID-19-related deaths in California; and



WHEREAS, In the Eighteenth Supplement to the Emergency Proclamation, the Mayor authorized the creation of a program to facilitate restaurant and retail use of outdoor spaces including streets and sidewalks to safely comply with the orders and directives of the Health Officer. The City refers to this program as “Shared Spaces.” With regard to the use of sidewalks and parking lanes, the Director of Public Works was authorized to issue rules and regulations to implement the permit program, and the Director of Transportation or the Director’s designee must approve any permit authorizing the occupancy of a parking lane. On June 9, 2020, the Planning Department found the Shared Spaces program statutorily exempt from the California Environmental Quality Act; and

WHEREAS, The Eighteenth Supplement authorized a department head or department head’s designee for any department with authority to impose fees in connection with permits issued by the Interdepartmental Staff Committee on Traffic and Transportation (“ISCOTT”) under Article 6 of the Transportation Code to waive such fees for permits issued by ISCOTT to retail businesses or restaurants to temporarily close a street, or portion of the street, for purposes of outdoor retail or dining. To respond to the demand for permits and limits on staff resources, it is necessary to modify this authorization to also allow a streamlined process for review and issuance of temporary street closure permits, including waiving any fees associated with permits issued under this program; and

WHEREAS, The Stay Safe At Home Order currently prohibits restaurants from offering indoor dining service, places certain restrictions on retail sales, and prohibits most personal services from operating. The threat of continued spread of the virus persists, and there is an ever-present risk that relaxation of some health restrictions will result in an increase in cases and strain our public health system. Authorizing a streamlined program to allow for the closure of streets in certain circumstances will allow restaurants and retail to expand their outdoor operations to safely comply with the physical distancing requirements that the Health Officer’s directives or orders require so the City can continue to control the public health emergency; and

WHEREAS, The emergency has also caused a severe economic impact on restaurants and businesses and their employees. Temporarily allowing restaurants and businesses to use more outdoor spaces and take greater advantage of the reopening authorizations will ease the economic burden on these businesses and allow some employees to return to work, thus promoting the housing and health stability of these workers; and



WHEREAS, On July 15, 2020, the San Francisco Unified School District announced that its schools would open on August 17 with distance learning only. Distance learning is difficult or impossible for many San Francisco families including the 1 in 7 that do not have an internet-connected computer in the home, according to the 2019 Digital Equity Strategic Plan, and for the 30% of families that reported they did not have what they needed to support distance learning at the end of the last school year; and

WHEREAS, A lack of resources to support distance learning threatens to increase educational and other inequalities between wealthier and low-income families. For many San Francisco families, particularly among the City’s most vulnerable populations, parents and caregivers must leave their homes to work, potentially leaving young children home alone unsupervised; and

WHEREAS, The City is committed to providing for its most vulnerable children during the COVID-19 crisis and supporting their learning and social-emotional needs, particularly for residents of public housing, and single-room occupancy hotels, youth experiencing homelessness, foster youth and English language learners. To meet this commitment, the City’s Department of Children, Youth and Their Families in partnership with the Recreation and Park Department (“RPD”), and numerous community organizations are creating Community Hubs to provide safe, supervised spaces for up to approximately 5,000 to 6,000 San Francisco children and youth starting in September; and

WHEREAS, Additionally, RPD is continuing to offer Emergency Child & Youth Care spaces at five recreation centers around the City to care for the children of healthcare workers and City employees serving as activated Disaster Service Workers; and

WHEREAS, Private donors have expressed an interest in donating facilities, goods, and funds to support these child- and youth-oriented elements of the City’s COVID-19 response efforts and the City intends to use such goods and funds to fill the gap between available City funds and the costs of these programs and for other purposes related to serving youth during the emergency response; 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 through August 31, 2020 through further orders in the Seventh, Twelfth, Sixteenth, Twenty-First, and Twenty-Fourth 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;

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) This Order creates a temporary program for one or more businesses, a neighborhood merchant association or other organization representing local businesses to apply for authorization to temporarily close and occupy streets, or portions of streets, including traffic lanes, for purposes of Retail Sales and Service uses, as defined by the Planning Code, such as outdoor sales of goods and services, outdoor dining, and similar outdoor uses, to facilitate compliance with the orders or guidance of public health officials. The Director of Transportation (the "Director") is authorized to implement this temporary permit program, and shall issue rules and regulations to implement the program consistent with this Order. The rules and regulations shall ensure that in reviewing all applications for street closure, the City will consider the impact of the street closure on traffic, security, health, and safety of the public and the shall require the Director or the Director's designee to find that the closure is necessary for the safety and protection of the public using the street. The Director or the Director's designee may not approve any permit application under the program unless the application has been approved by the Fire Department. The rules and regulations shall further include insurance and indemnity requirements, public noticing requirements, penalty and enforcement provisions, and appeal rights for any applicant whose permit is denied, suspended, or revoked. The rules and regulations may also impose other requirements the Director or the Director's designee deems appropriate to further the program. The Director of the Director's designee shall consult with the Department of Public Works, Police Department, Fire Department, Department of Public Health, and the Entertainment Commission in developing the rules and regulations for matters within such departments' expertise.



Any provision of City law that would conflict with this program, including but not limited to portions of Article 6 of the Transportation Code, Section 94A of the Administrative Code, and Section 793 of Public Works Code is waived. The City shall not charge a fee for permits issued under this program. Section 4 of the 18th Supplement to the Emergency Proclamation, dated June 9, 2020, concerning the waiver of fees for certain permits issued by the Interdepartmental Staff Committee on Traffic and Transportation is hereby terminated.

Any street closure previously approved during the local emergency for COVID-19 that would have been eligible for review under the program created by this Order may continue if approved by the Director or the Director's designee and the Fire Department. This Order shall not authorize conduct that is prohibited by orders or directives of the Health Officer. This Order shall remain in effect during the local emergency unless terminated earlier by the Mayor or the Board of Supervisors. Permits issued under this Order shall not survive the termination of this Order or the termination of the local emergency, whichever occurs earlier, except that the Director or the Director's designee may authorize a reasonable wind down period not to exceed sixty days.

(2) Section 2 of the Ninth Supplement to the Emergency Proclamation, dated April 10, 2020, is revised and replaced as follows

The Controller is authorized to accept and expend funds in any amount and accept, distribute and use goods and facilities valued at any amount contributed by individuals or entities for the purposes of assisting the City's efforts to respond to the COVID-19 emergency. Notwithstanding any authorization in the Administrative Code or other City laws to accept and expend funds or accept, distribute and use goods, all donations, grants, gifts and bequests of money, goods, and facilities to the City for the purpose of responding to the emergency shall be accepted by the Controller, and expenditures of such funds and the distribution and use of such goods and facilities shall be subject to the Controller's direction. Funds and goods accepted by the Controller may be expended or used by the City to provide shelter, food, financial assistance including but not limited to loans, grants, or rent, mortgage and utility payments, and other assistance to individuals and families in the City who are impacted by the emergency; to replace, repair, and rebuild public buildings, infrastructure, and other assets for use in the City's efforts to respond to the emergency; to issue and administer grants and/or interest-free loans to small businesses in the City to compensate for economic harms resulting from COVID-



19; and for other City efforts to address the impacts of COVID-19. Funds, facilities and goods accepted by the Controller may also be expended or used by the City to support youth programs including but not limited to Community Hub and Emergency Child & Youth Care spaces that ensure professional supervision and access to educational and technological resources, physical activity, food, social and emotional development and other support for the most vulnerable children and youth. These students include but are not limited to residents of HOPE SF, public housing, and single room occupancy hotels, youth experiencing homelessness, foster youth, English language learners and those who qualify for free or reduced-price school meals. Goods accepted by the Controller may be distributed by the City or used for any City effort to address the impacts of COVID-19. The Controller may coordinate with or delegate responsibility to any other department or agency to develop criteria for and administer the expenditure of funds and the distribution or use of goods and facilities. Provisions of existing agreements and of local law are suspended to the extent they would impede the disbursement of funds or the distribution or use of goods and facilities to outside entities for the purposes described above.

(3) 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 September 30, 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 in the Third Supplement to the Emergency Proclamation, through September 30, 2020. As described in the Third, Seventh, Twelfth, Sixteenth, Twenty-First, and Twenty-Fourth 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.

DATED: August 26, 2020

A handwritten signature in blue ink that reads "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-Sixth Supplement to the Proclamation of Emergency to meet the ongoing local emergency related to the novel coronavirus COVID-19 pandemic.

Signature of Sponsoring Supervisor: /s/Norman Yee