

File No. 211319

Committee Item No. _____

Board Item No. 17

COMMITTEE/BOARD OF SUPERVISORS

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Date: _____

Board of Supervisors Meeting

Date: January 4, 2022

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- Mayor's Forty-First Supplement - 12/17/21
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Prepared by: Jocelyn Wong

Date: December 30, 2021

Prepared by: _____

Date: _____

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

3 **Motion concurring in actions taken by the Mayor in the Forty-First Supplement to the**
4 **Proclamation of Emergency to meet the ongoing local emergency related to the novel**
5 **coronavirus COVID-19 pandemic by requiring City policy bodies to hold meetings by**
6 **teleconference or other remote technology, subject to exceptions for: 1) City policy**
7 **bodies that receive permission to meet in person to act on personnel matters; 2)**
8 **beginning on January 8, 2022, the Redistricting Task Force; and 3) City policies bodies**
9 **that receive permission to meet in person based on a finding that holding an in-person**
10 **meeting would provide a significant benefit to the public; and requiring members of**
11 **City policy bodies to be fully vaccinated by January 31, 2022.**

12
13 WHEREAS, On February 25, 2020, Mayor London N. Breed declared a local
14 emergency to exist in connection with the spread of the novel coronavirus COVID-19; and

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

20 WHEREAS, The Twenty-Fourth Supplement to the Mayor's Proclamation, issued July
21 31, 2020, required that public meetings of City commissions, boards, and advisory bodies
22 other than the Board of Supervisors and its committees occur by teleconference or other
23 electronic means without providing a physical meeting place, and authorized the Mayor to
24 waive the requirement and allow members of such a body to convene at a physical location
25

1 for the sole purpose of discussing and/or taking action on an item concerning a personnel
2 matter; and

3 WHEREAS, The Thirty-Eighth Supplement to the Mayor’s Proclamation required
4 members of City Policy Bodies to submit to the City proof of their vaccination status by
5 December 15, 2021, and prohibited members of City Policy Bodies from attending or
6 participating in any in-person meetings unless they are fully vaccinated; and

7 WHEREAS, Although it is difficult to predict how the pandemic will progress in the
8 coming months, the Mayor anticipates that the City will likely be in a position to allow City
9 commissions, boards, and advisory bodies to begin meeting in person again on February 28,
10 2022, and to ensure that the City is fully prepared for City policy bodies to begin meeting
11 safely in person on February 28, 2022, it is critical that policy body members be fully
12 vaccinated by no later than January 31, 2022; and

13 WHEREAS, On December 17, 2021, the Mayor took additional steps to meet the
14 emergency by issuing the Forty-First Supplement to the Proclamation, ordering two actions to
15 meet the emergency; the Forty-First Supplement is on file with the Clerk of the Board of
16 Supervisors in Board File No. 211319; and

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

20 MOVED, That the Board of Supervisors concurs with the following actions taken by the
21 Mayor to meet the local emergency included in the Mayor’s Forty-First Supplement to the
22 Proclamation, dated December 17, 2021, as such actions are described in full in the Forty-
23 First Supplement and summarized as follows:

24 Action 1: Amending Section 2 of the Twenty-Fourth Supplement to the
25 Emergency Proclamation to require that public meetings of City commissions, boards, and

1 advisory bodies other than the Board of Supervisors and its committees occur by
2 teleconference or other electronic means, provided, however, that: 1) a City policy body may
3 meet in person with written permission from the Mayor or Mayor’s designee to allow
4 discussion of or action on an item concerning a personnel matter, subject to compliance with
5 vaccination requirements and other applicable orders; 2) beginning January 8, 2022, the
6 Redistricting Task Force may convene at a physical location for regular or special meetings,
7 without advance permission from the Mayor, subject to compliance with vaccination
8 requirements and other applicable orders; and 3) a City policy body may meet in person with
9 written permission from the Mayor upon a showing that holding an in-person meeting would
10 provide significant benefits to the public, subject to compliance with vaccination requirements;

11 Action 2: In addition to the requirements imposed in the Thirty-Eighth
12 Supplement to the Mayor’s Proclamation, requiring all members of City Policy Bodies to be
13 fully vaccinated by no later than January 31, 2022, deeming any member of a City policy Body
14 who is not fully vaccinated on February 1, 2022 to be unqualified for office, and providing that
15 failure of a City policy body member to be fully vaccinated on or after February 1, 2022, shall
16 be official misconduct. For purposes of this Order, “fully vaccinated” means two weeks after
17 completing the entire recommended series of vaccination with a vaccine authorized to prevent
18 COVID-19 by the FDA, and “City policy body” means a City board, commission, committee,
19 task force, or other legislative or policy body established by the Charter, City Ordinance, or
20 California statute and that is subject to the open meeting requirements of the Ralph M. Brown
21 Act, and all subcommittees of such bodies.

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**FORTY-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, During the local emergency, as authorized by State and local law, City boards, commissions, and advisory bodies have met remotely with very limited exceptions, and members of the public have observed and participated in meetings by phone or through online platforms. The Twenty-Fourth Supplement to the Mayor’s Proclamation, issued July 31, 2020, required that public meetings of City commissions, boards, and advisory bodies other than the Board of Supervisors and its committees occur by teleconference or other electronic means without providing a physical meeting place. That order authorized the Mayor to waive the requirement and allow members of such a body to convene at a physical location for the sole purpose of discussing and/or taking action on an item concerning a personnel matter. The order has remained in effect since July 31, 2020; and

WHEREAS, Although it is difficult to predict how the pandemic will progress in the coming months, the Mayor anticipates that the City will likely be in a position to allow City commissions, boards, and advisory bodies to begin meeting in person again on February 28, 2022, and that members of the public will be invited to observe and participate in those meetings in person, and by phone or through online platforms as well for many of those meetings; and

WHEREAS, Despite the well-documented public health justifications for most commissions, boards, and advisory bodies to continue meeting remotely during the



months of January and February, there are some situations in which the public interest would be best served by allowing a body to meet in person, either with or without members of the public present at the same location, with appropriate health precautions. For example, in some circumstances a board or commission conducting a quasi-adjudicatory hearing may be able to more effectively take evidence or testimony from witnesses in person. And for some boards and commissions, in-person meetings in the community serve a critical and necessary function. Most notably, the Charter requires the Redistricting Task Force (“Task Force”) to convene once every ten years to consider and redraw Supervisorial district lines. The Task Force must approve final district maps before April 15, 2022. Historically, the Task Force and the public have benefitted tremendously from the Task Force holding in-person meetings in neighborhoods to hear directly from residents where they live; and

WHEREAS, As set forth in the Thirty-Eighth Supplement to the Mayor’s Proclamation, to protect City employees and members of the public participating in in-person meetings from the risk of COVID-19 transmission, it is in the public interest to require members of City boards, commissions, and advisory bodies to be fully vaccinated against COVID-19 before they begin to meet in person. For that reason, the Thirty-Eighth Supplement required members of City Policy Bodies (as defined below in Section 2 of this Order) to submit to the City proof of their vaccination status by December 15, 2021, and prohibited members of City Policy Bodies from attending or participating in any in-person meetings unless they are fully vaccinated; and

WHEREAS, To ensure that the City is fully prepared for City Policy Bodies to begin meeting safely in person on February 28, 2022, it is critical that policy body members be fully vaccinated by no later than January 31, 2022. The January 31, 2022 deadline will provide adequate time for the Mayor, Board of Supervisors, or other appointing authorities to decide to remove unvaccinated policy body members from office and to replace them with qualified members who are fully vaccinated; and

WHEREAS, Consistent with recommendations from the San Francisco Health Officer and other public health authorities, policy body members are strongly urged to receive a booster vaccination as soon as they are eligible to do so;



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) Section 2 of the Twenty-Fourth Supplement to the Emergency Proclamation is revised and replaced as follows:

Public meetings of City commissions, boards, and advisory bodies other than the Board of Supervisors and its committees must comply with the following conditions for all public meetings:

(a) Except as provided in sections (b), (c) and (d) below, the meetings must occur by teleconference or other electronic means without providing a physical meeting place, and the commission, board, or advisory body must comply with all applicable laws governing public meetings during the emergency, including allowing public observation and participation.

(b) Upon written request from the chairperson of a board or commission, the Mayor or the Mayor's designee may, by a written notice or letter provided to the chairperson, waive the requirement in subsection (a) and allow members of the board or commission to convene at a physical location for the sole purpose of discussing and/or acting on an item concerning a personnel matter. But, the board or commission must not provide a physical location for members of the public to attend and must comply with all applicable requirements concerning public observation and participation.

For any meeting allowed by the Mayor under this subsection (b), all of the following conditions apply: All members of the board or commission attending the meeting must be Fully Vaccinated, as defined in Section 2 of this Supplement. The board or commission members and other participants must comply with all applicable health orders, guidance or directives from the Department of Human Resources, and rules governing the use of the facility in which the meeting occurs.



(c) Beginning January 8, 2022, the Redistricting Task Force may convene at a physical location for regular or special meetings, without advance permission from the Mayor. All Task Force members attending an in-person meeting must be Fully Vaccinated, as defined in Section 2 of this Supplement. No members of the Task Force may attend an in-person meeting remotely by teleconference or other electronic means. The Task Force shall ensure that members of the public may observe the meeting remotely by electronic means and shall offer an opportunity for members of the public to provide public comment remotely by phone or through online platforms. The Task Force may also allow members of the public to attend meetings in person and provide public comment at the same location. The Task Force members, City staff and consultants, and members of the public attending in-person meetings shall comply with all applicable health orders, guidance or directives from the Department of Human Resources, and rules governing the use of the facility in which the meeting occurs.

(d) Upon written request from the chairperson of a board, commission, or advisory body demonstrating that holding an in-person meeting would provide a significant benefit to the public, the Mayor may, by a written notice or letter provided to the chairperson, waive the requirement in subsection (a) and allow members of the board, commission, or advisory body to convene at a physical location for a specific meeting. The chairperson must submit the written request at least 14 calendar days before the date of the proposed in-person meeting, and the written request must (i) include an explanation of the special need for an in-person meeting and the reasons an in-person meeting would provide a significant benefit to the public, (ii) describe the proposed meeting location, (iii) state whether members of the public will be permitted to attend the in-person meeting, and (iv) describe measures the board, commission, or advisory body will take to minimize the risk of COVID-19 transmission at the meeting.

For any meeting allowed by the Mayor under this subsection (d), all of the following conditions apply: All members of the board, commission, or advisory body attending the meeting must be Fully Vaccinated, as defined in Section 2 of this Supplement. No members of the body may attend the meeting remotely by teleconference or other electronic means. The board, commission, or advisory body must ensure that members of the public may observe the meeting remotely and must offer an opportunity for members of the public to provide public comment remotely by phone or through online platforms. With the written consent of the Mayor, the board, commission, or advisory body may also allow members of the public to attend the meeting in person and provide public comment at the same location. The body's members and other



participants and members of the public must comply with all applicable health orders, guidance or directives from the Department of Human Resources, and rules governing the use of the facility in which the meeting will occur.

(e) This Order shall remain in place during the local emergency, unless terminated earlier by the Mayor or the Board of Supervisors.

(2) Vaccination Deadline for Members of City Policy Bodies.

(a) For purposes of this Order, the following definitions apply, consistent with the definitions in the Thirty-Eighth Supplement to the Mayor's Proclamation:

“Fully Vaccinated” and “Full Vaccination” mean two weeks after completing the entire recommended series of vaccination (usually one or two doses) with a vaccine authorized to prevent COVID-19 by the FDA, including by way of an emergency use authorization, or by the World Health Organization. For example, as of the date of issuance of this Order, an individual would be fully vaccinated at least two weeks after receiving a second dose of the Pfizer or Moderna COVID-19 vaccine or two weeks after receiving the single dose Johnson & Johnson's Janssen COVID-19 vaccine. A list of FDA authorized vaccines is available at <https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19-vaccines>. A list of WHO authorized vaccines is available at <https://extranet.who.int/pqweb/vaccines/covid-19-vaccines>.

“City Policy Body” means a City board, commission, committee, task force, or other legislative or policy body established by the Charter, City ordinance, or California statute and that is subject to the open meeting requirements of the Ralph M. Brown Act (Cal. Govt. Code §§ 54950 et seq.). “City Policy Body” also means all subcommittees of bodies described in the preceding sentence. “City Policy Body” does not include passive meeting bodies under Administrative Code Section 67.4, other City bodies that were not established through legislation, bodies whose jurisdiction is not limited to the City (e.g., Association of Bay Area Governments Executive Board, Bay Area Air Quality Management District Board, Transbay Joint Powers Authority Board, and Metropolitan Transportation Commission), and bodies that govern agencies distinct from the City (e.g., Board of Education, Governing Board of the Community College District, Housing Authority Commission, Law Library Board of Trustees, Parking Authority, Health Authority, Local Agency Formation Commission, Commission on Community



Investment and Infrastructure, and Oversight Board of the Successor Agency to the San Francisco Redevelopment Agency).

(b) In addition to the requirements imposed in the Thirty-Eighth Supplement to the Mayor's Proclamation, all members of City Policy Bodies must be Fully Vaccinated by no later than January 31, 2022. Any member of a City Policy Body who is not Fully Vaccinated on February 1, 2022 will be deemed unqualified for office. Failure of a City Policy Body member to be Fully Vaccinated on or after February 1, 2022 shall be official misconduct.

(c) This Order shall remain in place during the local emergency unless terminated earlier by the Mayor or the Board of Supervisors.

DATED: December 17, 2021

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):

Subject:

The text is listed:

Motion concurring in actions taken by the Mayor in the Forty-First Supplement to the Proclamation of Emergency to meet the ongoing local emergency related to the novel coronavirus COVID-19 pandemic by requiring City policy bodies to hold meetings by teleconference or other remote technology, subject to exceptions for: 1) City policy bodies that receive permission to meet in person to act on personnel matters; 2) beginning on January 8, 2022, the Redistricting Task Force; and 3) City policies bodies that receive permission to meet in person based on a finding that holding an in-person meeting would provide a significant benefit to the public; and requiring members of City policy bodies to be fully vaccinated by January 31, 2022.

Signature of Sponsoring Supervisor:

For Clerk's Use Only