

File No. 221155

Committee Item No. _____

Board Item No. 33

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: November 15, 2022

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- Motion
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Prepared by: Arthur Khoo

Date: November 10, 2022

Prepared by: _____

Date: _____

1 [Findings to Allow Teleconferenced Meetings During Declared Emergency]

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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 (including a booster once eligible) and consistent mask-wearing,

1 regardless of vaccination status, to prevent the spread of COVID-19, the City’s Health Officer
2 has issued at least one order (Health Officer Order No. C19-07y, available online at
3 www.sfdph.org/healthorders) and one directive (Health Officer Directive No. 2020-33i,
4 available online at www.sfdph.org/directives) that continue to recommend measures to
5 promote safety for indoor gatherings, including vaccination, masking, improved ventilation,
6 and other measures, in certain contexts; and

7 WHEREAS, The California Department of Industrial Relations Division of Occupational
8 Safety and Health (“Cal/OSHA”) has promulgated Section 3205 of Title 8 of the California
9 Code of Regulations, which requires most employers in California, including in the City, to
10 train and instruct employees about measures that can decrease the spread of COVID-19; 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 regardless of vaccination status (and as required for unvaccinated people by the
17 State of California’s indoor masking order), encouraging vaccination (including a booster as
18 soon as eligible), staying home when sick or when experiencing any COVID-19 symptom,
19 discouraging consumption of food or beverages in the meeting, following good hand hygiene
20 practices, and making informed choices when gathering with people whose vaccination status
21 is not known; and

22 WHEREAS, On February 10, 2022, the Mayor issued an emergency order that (1)
23 requires decision-making boards and commissions established in the Charter (with the
24 exception of the Board of Supervisors) to hold meetings in person at a physical location where
25 members of the public may attend and provide comment, (2) allows members of those boards

1 and commissions to participate remotely in the in-person meetings for COVID-related health
2 reasons, (3) allows but does not require subcommittees of those boards and commissions to
3 meet in person at a physical location where members of the public may attend and provide
4 comment, and (4) prohibits all other policy bodies (with the exception of the Board of
5 Supervisors and its committees) from meeting in person under any circumstances, with limited
6 exceptions; and

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

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

13 WHEREAS, On November 30, 2021, the Board of Supervisors approved Motion
14 No. M21-165 making findings to allow teleconferenced meetings for 30 days, expiring on
15 December 30, 2021; and

16 WHEREAS, On December 14, 2021, the Board of Supervisors approved Motion
17 No. M21-174 making findings to allow teleconferenced meetings for 30 days, expiring on
18 January 13, 2022; and

19 WHEREAS, On January 11, 2022, the Board of Supervisors approved Motion
20 No. M22-005 making findings to allow teleconferenced meetings for 30 days, expiring on
21 February 10, 2022; and

22 WHEREAS, On February 8, 2022, the Board of Supervisors approved Motion
23 No. M22-018 making findings to allow teleconferenced meetings for 30 days, expiring on
24 March 10, 2022; and

25

1 WHEREAS, On March 8, 2022, the Board of Supervisors approved Motion
2 No. M22-036 making findings to allow teleconferenced meetings for 30 days, expiring on
3 April 7, 2022; and

4 WHEREAS, On April 5, 2022, the Board of Supervisors approved Motion No. M22-050
5 making findings to allow teleconferenced meetings for 30 days, expiring on May 5, 2022; and

6 WHEREAS, On May 3, 2022, the Board of Supervisors approved Motion No. M22-074
7 making findings to allow teleconferenced meetings for 30 days, expiring on June 23, 2022;
8 and

9 WHEREAS, On May 24, 2022, the Board of Supervisors approved Motion No. M22-095
10 making findings to allow teleconferenced meetings for 30 days, expiring on June 2, 2022; and

11 WHEREAS, On June 14, 2022, the Board of Supervisors approved Motion
12 No. M22-106 making findings to allow teleconferenced meetings for 30 days, expiring on
13 July 14, 2022; and

14 WHEREAS, On July 12, 2022, the Board of Supervisors approved Motion No. M22-121
15 making findings to allow teleconferenced meetings for 30 days, expiring on August 12, 2022;
16 and

17 WHEREAS, On August 8, 2022, the Board of Supervisors approved Motion
18 No. M22-139 making findings to allow teleconferenced meetings for 30 days, expiring on
19 September 7, 2022; and

20 WHEREAS, On September 6, 2022, the Board of Supervisors approved Motion
21 No. M22-142 making findings to allow teleconferenced meetings for 30 days, expiring on
22 October 6, 2022; and

23 WHEREAS, On September 27, 2022, the Board of Supervisors approved Motion
24 No. M22-157 making findings to allow teleconferenced meetings for 30 days, expiring on
25 October 27, 2022; and

1 WHEREAS, On October 25, 2022, the Board of Supervisors approved Motion
2 No. M22-169 making findings to allow teleconferenced meetings for 30 days, expiring on
3 November 24, 2022; and

4 WHEREAS, The Board of Supervisors has begun holding some meetings in person,
5 and will begin holding additional meetings, including committee meetings, in person, while
6 allowing members to participate by video from a separate location for COVID-related health
7 reasons and providing members of the public an opportunity to observe and provide public
8 comment either in person or remotely; now, therefore, be it

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

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

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

15 3. As described above, because of the COVID-19 pandemic, conducting meetings
16 of this body and its committees in person without allowing certain members of this body to
17 attend remotely due to COVID-related health reasons would present imminent risks to the
18 health or safety of certain attendees due to COVID-19, and the state of emergency continues
19 to directly impact the ability of those members to meet safely in person; and, be it

20 FURTHER MOVED, That for at least the next 30 days, the Board of Supervisors and its
21 committees will hold in-person meetings, with some members possibly appearing remotely for
22 COVID-health related reasons. If all members of the Board of Supervisors or a committee of
23 the Board are unable to attend in person for COVID-related health reasons, then the Board of
24 Supervisors or committee will hold the meeting remotely without providing an in-person
25 meeting location. All meetings of the Board of Supervisors and its committees will provide an

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

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

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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:

Signature of Sponsoring Supervisor:

For Clerk's Use Only