

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

April 12, 2023

The Honorable Gavin Newsom
Governor of the State of California
1020 O Street, Suite 9000
Sacramento, CA 95814

Re: Board of Supervisors Resolution No. 124-23

Dear Governor Newsom:


On March 14, 2023, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 124-23 (Urging Amendments to the Brown Act to Allow for Remote Participation Accommodations on Boards and Commissions Due to Pregnancy, Childbirth, Breastfeeding, and Other Related Medical Conditions), which was enacted on March 24, 2023.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

- One copy of Resolution No. 124-23 (File No. 230270)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: board.of.supervisors@sfgov.org.

Sincerely,


f Angela Calvillo
Clerk of the Board

ll:jw:ak:ams

- c. Members of the Board of Supervisors; Supervisors Myrna Melgar, Catherine Stefani, Shamann Walton, Connie Chan, Rafael Mandelman, Hillary Ronen, Dean Preston Tom Paulino, Mayor's Liaison to the Board of Supervisors Sarah Owens, Mayor's Manager of State and Federal Legislative Affairs Andres Power, Mayor's Policy Director Susanna Conine-Nakano, Mayor's Office Paul Yoder, Karen Lange, Erica Smith, City Lobbyists - Shaw/Yoder/Antwih Inc.

1 [Urging Amendments to the Brown Act to Allow for Remote Participation Accommodations on
2 Boards and Commissions Due to Pregnancy, Childbirth, Breastfeeding, and Other Related
3 Medical Conditions]

4 **Resolution urging Governor Gavin Newsom, State Senator Scott Wiener, Assembly**
5 **Members Phil Ting, and Matt Haney to amend the Brown Act to allow for remote**
6 **participation accommodations on boards and commissions due to pregnancy,**
7 **childbirth, breastfeeding, and other related medical conditions.**

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9 WHEREAS, The Ralph M. Brown Act (Brown Act), passed in 1953, requires local
10 government business to be conducted at open and public meetings with certain limited
11 exceptions; and

12 WHEREAS, The Brown Act allows for meetings to occur through teleconference
13 subject to specific requirements, including that each physical location in which members are
14 teleconferencing from must be identified in the public meeting and agenda of the meeting, as
15 well as be accessible to the public; and that at least a quorum of the legislative body
16 participate from locations within the boundaries of the local agency's jurisdiction.

17 WHEREAS, New state law provides that during the current declared state of
18 emergency or in other situations related to public health, local agencies may use
19 teleconferencing without complying with existing requirements within the Brown Act until
20 January 1, 2024, as long as legislative bodies take a majority vote every 30 days to allow for
21 members to participate virtually without meeting existing Brown Act requirements; and

22 WHEREAS, Teleconferencing offers the ability for members of a public body and
23 members of the public to participate in meetings without having to physically be in the same
24 location, which has proven to be possible and successful during the pandemic and the
25 ongoing state of emergency; and

1 WHEREAS, There are circumstances other than a declared state of emergency which
2 warrant the need for a member of a local body to teleconference from their home residence or
3 medical facility including, but not limited to, following quarantine or isolation guidance due to
4 exposure of an infectious disease, adhering to bedrest as advised by a medical professional
5 for treatment, or caring for a newborn child during parental leave; and

6 WHEREAS, The Brown Act teleconferencing provisions have been a source of concern
7 due to its limitations on allowing members of a body on medical leave or parental leave the
8 ability to continue participation during meetings; and

9 WHEREAS, In 2006, the voters of San Francisco passed a Charter Amendment
10 authored by Supervisor Alioto-Pier to require the Board of Supervisors to adopt parental leave
11 policies for its members and for members of other boards and commissions, which included
12 authorization to participate in meetings by teleconferencing when the member is physically
13 unable to attend due to pregnancy or childbirth as long as it met Brown Act requirements; and

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15 of the physical locations in which members are teleconferencing deterred anyone going on
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21 representation of voting members that are elected or appointed to serve their constituents;
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23 WHEREAS, The COVID-19 vaccine is not available to infants until they reach six
24 months of age, posing health concerns for breastfeeding parents and their families, especially
25 when a parent is required to attend public meetings in-person; and

1 WHEREAS, Accommodating remote participation for new and breastfeeding parents
2 on boards and commissions actively removes barriers for women in professional spaces, and
3 benefits the city as a whole; and

4 WHEREAS, During the COVID-19 public health emergency, it has witnessed the
5 successful implementation of remote practices for boards and commissions across the City
6 and County of San Francisco; and

7 WHEREAS, In February 2023, the State of California lifted the public health State of
8 Emergency declaration thus removing Boards and Commission members the option for
9 remote participation; now, therefore be it,

10 RESOLVED, That the San Francisco Board of Supervisors urges Governor Gavin
11 Newsom, State Senator Scott Wiener, Assembly Members Phil Ting, and Matt Haney to
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13 commissions due to pregnancy, childbirth, breastfeeding, and other related medical
14 conditions; and, be it,

15 FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby directs
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City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 230270

Date Passed: March 14, 2023

Resolution urging Governor Gavin Newsom, State Senator Scott Wiener, Assembly Members Phil Ting, and Matt Haney to amend the Brown Act to allow for remote participation accommodations on boards and commissions due to pregnancy, childbirth, breastfeeding, and other related medical conditions.

March 14, 2023 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 230270

I hereby certify that the foregoing Resolution was ADOPTED on 3/14/2023 by the Board of Supervisors of the City and County of San Francisco.

f Angela Calvillo
Clerk of the Board

Unsigned

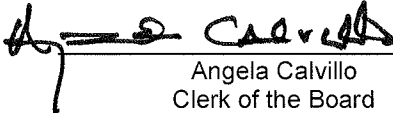
London N. Breed
Mayor

3/24/2023

Date Approved

File No. 230270

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.



Angela Calvillo
Clerk of the Board

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April 12, 2023

The Honorable Scott Wiener
California State Senator
California State Capitol
1021 O Street, Suite 6630
Sacramento, CA 95814-4900

Re: Board of Supervisors Resolution No. 124-23

Dear Senator Wiener:

On March 14, 2023, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 124-23 (Urging Amendments to the Brown Act to Allow for Remote Participation Accommodations on Boards and Commissions Due to Pregnancy, Childbirth, Breastfeeding, and Other Related Medical Conditions), which was enacted on March 24, 2023.

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Sincerely,

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A Angela Calvillo
Clerk of the Board

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Resolution

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1 Dr. Carlton B. Goodlett Place
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File Number: 230270

Date Passed: March 14, 2023

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Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 230270

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Clerk of the Board

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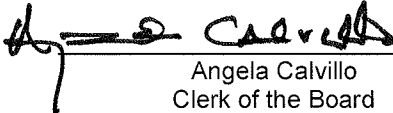
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Mayor

3/24/2023

Date Approved

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3/24/2023
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April 12, 2023

The Honorable Phil Ting
California State Assembly Member
California State Capitol, Suite 8230
P.O. Box 942849
Sacramento, CA 94249-0019

Re: Board of Supervisors Resolution No. 124-23

Dear Assembly Member Ting:

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Jessica Duong, Assembly Member Phil Ting Chief of Staff
Tom Paulino, Mayor's Liaison to the Board of Supervisors
Sarah Owens, Mayor's Manager of State and Federal Legislative Affairs
Andres Power, Mayor's Policy Director
Susanna Conine-Nakano, Mayor's Office
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City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
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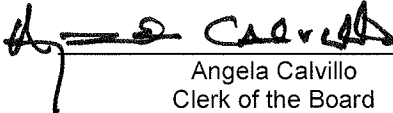
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March 14, 2023 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 230270

I hereby certify that the foregoing Resolution was ADOPTED on 3/14/2023 by the Board of Supervisors of the City and County of San Francisco.

f Angela Calvillo
Clerk of the Board

Unsigned

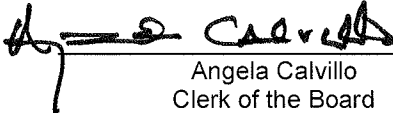
London N. Breed
Mayor

3/24/2023

Date Approved

File No. 230270

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.



Angela Calvillo
Clerk of the Board

3/24/2023
Date

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place
Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

April 12, 2023

The Honorable Cecilia Aguiar-Curry
California State Assembly Member
Local Government Committee, Chair
California State Capitol
P.O. Box 942849
Sacramento, CA 94249-0004

Re: Board of Supervisors Resolution No. 124-23

Dear Chair Aguiar-Curry:

On March 14, 2023, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 124-23 (Urging Amendments to the Brown Act to Allow for Remote Participation Accommodations on Boards and Commissions Due to Pregnancy, Childbirth, Breastfeeding, and Other Related Medical Conditions), which was enacted on March 24, 2023.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

- One copy of Resolution No. 124-23 (File No. 230270)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: board.of.supervisors@sfgov.org.

Sincerely,

A handwritten signature in blue ink that reads "Angela Calvillo".

f Angela Calvillo
Clerk of the Board

ll:jw:ak:ams

- c. Members of the Board of Supervisors; Supervisors Myrna Melgar, Catherine Stefani, Shamann Walton, Connie Chan, Rafael Mandelman, Hillary Ronen, Dean Preston
Tom Paulino, Mayor's Liaison to the Board of Supervisors
Sarah Owens, Mayor's Manager of State and Federal Legislative Affairs
Andres Power, Mayor's Policy Director
Susanna Conine-Nakano, Mayor's Office
Paul Yoder, Karen Lange, Erica Smith, City Lobbyists - Shaw/Yoder/Antwih Inc.

1 [Urging Amendments to the Brown Act to Allow for Remote Participation Accommodations on
2 Boards and Commissions Due to Pregnancy, Childbirth, Breastfeeding, and Other Related
3 Medical Conditions]

4 **Resolution urging Governor Gavin Newsom, State Senator Scott Wiener, Assembly**
5 **Members Phil Ting, and Matt Haney to amend the Brown Act to allow for remote**
6 **participation accommodations on boards and commissions due to pregnancy,**
7 **childbirth, breastfeeding, and other related medical conditions.**

8
9 WHEREAS, The Ralph M. Brown Act (Brown Act), passed in 1953, requires local
10 government business to be conducted at open and public meetings with certain limited
11 exceptions; and

12 WHEREAS, The Brown Act allows for meetings to occur through teleconference
13 subject to specific requirements, including that each physical location in which members are
14 teleconferencing from must be identified in the public meeting and agenda of the meeting, as
15 well as be accessible to the public; and that at least a quorum of the legislative body
16 participate from locations within the boundaries of the local agency's jurisdiction.

17 WHEREAS, New state law provides that during the current declared state of
18 emergency or in other situations related to public health, local agencies may use
19 teleconferencing without complying with existing requirements within the Brown Act until
20 January 1, 2024, as long as legislative bodies take a majority vote every 30 days to allow for
21 members to participate virtually without meeting existing Brown Act requirements; and

22 WHEREAS, Teleconferencing offers the ability for members of a public body and
23 members of the public to participate in meetings without having to physically be in the same
24 location, which has proven to be possible and successful during the pandemic and the
25 ongoing state of emergency; and

1 WHEREAS, There are circumstances other than a declared state of emergency which
2 warrant the need for a member of a local body to teleconference from their home residence or
3 medical facility including, but not limited to, following quarantine or isolation guidance due to
4 exposure of an infectious disease, adhering to bedrest as advised by a medical professional
5 for treatment, or caring for a newborn child during parental leave; and

6 WHEREAS, The Brown Act teleconferencing provisions have been a source of concern
7 due to its limitations on allowing members of a body on medical leave or parental leave the
8 ability to continue participation during meetings; and

9 WHEREAS, In 2006, the voters of San Francisco passed a Charter Amendment
10 authored by Supervisor Alioto-Pier to require the Board of Supervisors to adopt parental leave
11 policies for its members and for members of other boards and commissions, which included
12 authorization to participate in meetings by teleconferencing when the member is physically
13 unable to attend due to pregnancy or childbirth as long as it met Brown Act requirements; and

14 WHEREAS, The existing Brown Act provisions requiring disclosure and public access
15 of the physical locations in which members are teleconferencing deterred anyone going on
16 parental leave from utilizing this option and resulted in members opting to take leaves of
17 absences instead; and

18 WHEREAS, The restrictive nature of the Brown Act's teleconferencing requirements
19 impacts the ability for persons physically unable to attend meetings due to pregnancy,
20 childbirth, or other medical conditions, which has the unintended consequence of hindering
21 representation of voting members that are elected or appointed to serve their constituents;
22 and

23 WHEREAS, The COVID-19 vaccine is not available to infants until they reach six
24 months of age, posing health concerns for breastfeeding parents and their families, especially
25 when a parent is required to attend public meetings in-person; and

1 WHEREAS, Accommodating remote participation for new and breastfeeding parents
2 on boards and commissions actively removes barriers for women in professional spaces, and
3 benefits the city as a whole; and

4 WHEREAS, During the COVID-19 public health emergency, it has witnessed the
5 successful implementation of remote practices for boards and commissions across the City
6 and County of San Francisco; and

7 WHEREAS, In February 2023, the State of California lifted the public health State of
8 Emergency declaration thus removing Boards and Commission members the option for
9 remote participation; now, therefore be it,

10 RESOLVED, That the San Francisco Board of Supervisors urges Governor Gavin
11 Newsom, State Senator Scott Wiener, Assembly Members Phil Ting, and Matt Haney to
12 author amendments to the Brown Act to accommodate remote participation on boards and
13 commissions due to pregnancy, childbirth, breastfeeding, and other related medical
14 conditions; and, be it,

15 FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby directs
16 the Clerk of the Board of Supervisors to transmit a copy of this Resolution to Governor Gavin
17 Newsom, Senator Scott Wiener, Assembly Member Phil Ting, Assembly Member Matt Haney,
18 Assembly Member Cecillia M. Aguiar-Curry, Chair of the Local Government Committee;
19 Assembly Member Tom Lackey, Vice Chair of the Local Government Committee.



City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 230270

Date Passed: March 14, 2023

Resolution urging Governor Gavin Newsom, State Senator Scott Wiener, Assembly Members Phil Ting, and Matt Haney to amend the Brown Act to allow for remote participation accommodations on boards and commissions due to pregnancy, childbirth, breastfeeding, and other related medical conditions.

March 14, 2023 Board of Supervisors - ADOPTED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

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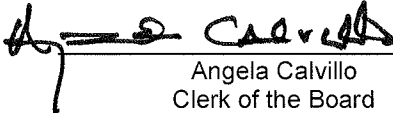
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Date Approved

File No. 230270

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Angela Calvillo
Clerk of the Board

3/24/2023
Date

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April 10, 2023

The Honorable Tom Lackey
California State Assembly Member
Local Government Committee, Vice Chair
California State Capitol
P.O. Box 942849
Sacramento, CA 94249-0034

Re: Board of Supervisors Resolution No. 124-23

Dear Vice Chair Lackey:

On March 14, 2023, the Board of Supervisors of the City and County of San Francisco adopted Resolution No. 124-23 (Urging Amendments to the Brown Act to Allow for Remote Participation Accommodations on Boards and Commissions Due to Pregnancy, Childbirth, Breastfeeding, and Other Related Medical Conditions), which was enacted on March 24, 2023.

The Board of Supervisors directs the Clerk of the Board to forward the following document to your attention:

- One copy of Resolution No. 124-23 (File No. 230270)

If you have any questions or require additional information, please contact the Office of the Clerk of the Board at (415) 554-5184, or by e-mail: board.of.supervisors@sfgov.org.

Sincerely,

A handwritten signature in blue ink that reads "Angela Calvillo".

f Angela Calvillo
Clerk of the Board

ll:jw:ak:ams

- c. Members of the Board of Supervisors; Supervisors Myrna Melgar, Catherine Stefani, Shamann Walton, Connie Chan, Rafael Mandelman, Hillary Ronen, Dean Preston
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Sarah Owens, Mayor's Manager of State and Federal Legislative Affairs
Andres Power, Mayor's Policy Director
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City and County of San Francisco
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City Hall
1 Dr. Carlton B. Goodlett Place
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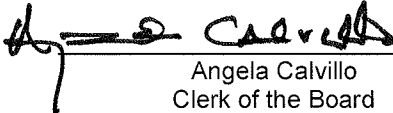
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Clerk of the Board

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Date