

File No. 201071

Committee Item No. _____

Board Item No. 114

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: September 22, 2020

Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

OTHER

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Prepared by: Lisa Lew

Date: September 18, 2020

Prepared by: _____

Date: _____

1 [Urging City Attorney and District Attorney to Investigate the Burning Man Party at Ocean
2 Beach]

3 **Resolution urging the City Attorney and the District Attorney to investigate the Burning**
4 **Man Party at Ocean Beach; and to file charges against organizers for violating**
5 **applicable health orders.**

6
7 WHEREAS, In response to the COVID-19 pandemic, Mayor London N. Breed issued a
8 Local Emergency Declaration on February 25, 2020, and the County Health Officer declared a
9 local health emergency on March 6, 2020; and

10 WHEREAS, The County Health Officer issued a Stay-Safer-At-Home Order on March
11 16, 2020, and, while the order has since been revised seven times, San Franciscans have
12 been required to shelter-in-place in some form since that date; and

13 WHEREAS, As of September 2020, more than 6.3 million Americans have tested
14 positive for COVID-19, of which more than 190,000 Americans have died; and

15 WHEREAS, Locally, more than 10,000 San Franciscans have contracted the disease
16 and 91 have died, as of September 14, 2020; and

17 WHEREAS, The toll of this pandemic is disproportionately borne by communities of
18 color, as more than 51 percent of positive cases are in the Latinx community and more than
19 34 percent of deaths have occurred among the Asian population; and

20 WHEREAS, Despite this tragic loss of life, San Francisco has experienced better
21 health outcomes than its peer cities because of early and decisive action to expand testing
22 and hospital capacity, and because individual San Franciscans rose to the occasion by
23 wearing masks, practicing social distancing and sheltering in place; and

24
25

1 WHEREAS, These critical measures have saved the lives of hundreds, if not
2 thousands of San Franciscans, but the social, cultural, and economic costs have been
3 tremendous; and

4 WHEREAS, More than 120,000 San Franciscans have filed for unemployment and the
5 local unemployment rate is over 10 percent; and

6 WHEREAS, 62 percent of restaurants surveyed have reported that they are making
7 less than 50 percent of their revenue prior to shelter-in-place; and

8 WHEREAS, 36 percent of restaurants surveyed have reported that they are not
9 planning on reopening their restaurants, regardless of the future capacity allowances; and

10 WHEREAS, Important cultural festivals and historic celebrations, including PRIDE’s
11 50th anniversary celebration, the AIDS 2020 conference, Lunar New Year, API Month, the
12 St. Patrick’s Day Parade, and the Italian-American Heritage Day Parade, have all been
13 canceled, curtailed, or moved online in order to mitigate the spread of COVID-19; and

14 WHEREAS, School campuses have been closed and San Francisco Unified School
15 District has implemented distance learning, which puts childcare responsibilities on
16 parents who also have to work; and

17 WHEREAS, Life in San Francisco cannot return to normal until the COVID-19
18 transmission rate declines; and

19 WHEREAS, Despite the incalculable harm the pandemic has caused, and the
20 incredible sacrifices our fellow San Franciscans have made, a group called “The
21 Collective Conscious & Trap Home Productions” organized the “SF Burning Man Party” at
22 Ocean Beach on September 5, 2020; and

23 WHEREAS, More than 1,000 individuals attended the SF Burning Man Party’s 10
24 hours of musical performances and group exercises at a time when gatherings of more
25 than 12 individuals are prohibited; and

1 WHEREAS, Photographs of the event featured large bonfires during a period of
2 such dangerously poor air quality that a “Spare the Air” alert was in effect, which prohibits
3 the burning of wood; and

4 WHEREAS, The organizers of the Burning Man Project (the event held in Nevada
5 each year) event held their event online this year, and denounced the gathering at Ocean
6 Beach in San Francisco, stating, “One of the central tenants of Burning Man is to leave
7 the celebration area exactly as you found it , which is hard to do if you accidentally end up
8 spreading a deadly pandemic-level virus around;” and

9 WHEREAS, The Department of Public Health believes the most recent surges of
10 COVID-19 were tied to gatherings held during the long Labor Day and Fourth of July
11 weekends; and

12 WHEREAS, The SF Burning Man Party was organized during the long Memorial
13 Day weekend, when similar gatherings could likewise generate another surge of COVID-
14 19; and

15 WHEREAS, The City and County of San Francisco has been lenient in its enforcement
16 of these health orders as a matter of policy, but, in the face of flagrant, large-scale, and
17 organized violations, the City has the right to bring legal action against those who willfully
18 violated the law; now, therefore, be it

19 RESOLVED, That San Francisco Board of Supervisors condemns the organizers of the
20 SF Burning Man Party for their egregious and flagrant violation of the local Health Orders;
21 and, be it

22 FURTHER RESOLVED, That the San Francisco Board of Supervisors urges the City
23 Attorney and the District Attorney to investigate the actions taken by the organizers of the SF
24 Burning Man Party and hold them accountable for any applicable violations of the health
25 orders.

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):

Stefani

Subject:

Urging the City Attorney and the District Attorney to Investigate the Burning Man Party at Ocean Beach and File Charges Against Organizers for Violating Applicable Health Orders

The text is listed:

Resolution urging the City Attorney and the District Attorney to investigate the Burning Man Party at Ocean Beach and file charges against organizers for violating applicable health orders

Signature of Sponsoring Supervisor: /s/ Catherine Stefani

For Clerk's Use Only