

File No. 230270

Committee Item No. _____

Board Item No. 23

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: March 14, 2023

Cmte Board

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- Introduction Form
- Department/Agency Cover Letter and/or Report
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- Grant Budget
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OTHER

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Prepared by: Arthur Khoo

Date: March 9, 2023

Prepared by: _____

Date: _____

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.

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)



I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor inquiries..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: