

File No. 211211

Committee Item No. \_\_\_\_\_

Board Item No. 33

## COMMITTEE/BOARD OF SUPERVISORS

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Committee: \_\_\_\_\_

Date: \_\_\_\_\_

Board of Supervisors Meeting

Date: November 30, 2021

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Prepared by: Lisa Lew

Date: November 22, 2021

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 and consistent mask-wearing to prevent the spread of COVID-19,

1 the City's Health Officer has issued at least one order (Health Officer Order No. C19-07y,  
2 available online at [www.sfdph.org/healthorders](http://www.sfdph.org/healthorders)) and one directive (Health Officer Directive  
3 No. 2020-33i, available online at [www.sfdph.org/directives](http://www.sfdph.org/directives)) that continue to recommend  
4 measures to promote physical distancing and other social distancing measures, such as  
5 masking, in certain contexts; and

6 WHEREAS, The California Department of Industrial Relations Division of Occupational  
7 Safety and Health ("Cal/OSHA") has promulgated Section 3205 of Title 8 of the California  
8 Code of Regulations, which requires most employers in California, including in the City, to  
9 train and instruct employees about measures that can decrease the spread of COVID-19,  
10 including physical distancing and other social distancing measures; 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 (as required by Health Officer Order No. C19-07), using physical distancing  
17 where the vaccination status of attendees is not known, and considering holding the meeting  
18 remotely if feasible, especially for long meetings, with any attendees with unknown  
19 vaccination status and where ventilation may not be optimal; and

20 WHEREAS, On July 31, 2020, the Mayor issued an emergency order that, with limited  
21 exceptions, prohibited policy bodies other than the Board of Supervisors and its committees  
22 from meeting in person under any circumstances, so as to ensure the safety of policy body  
23 members, City staff, and the public; and

24 WHEREAS, The Board of Supervisors has met remotely during the COVID-19  
25 pandemic and can continue to do so in a manner that allows public participation and

1 transparency while minimizing health risks to members, staff, and the public that would be  
2 present with in-person meetings while this emergency continues; and

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

6 WHEREAS, On November 2, 2021, the Board of Supervisors approved Motion No.  
7 M21-153 making findings to allow teleconferenced meetings for 30 days, expiring on  
8 December 1, 2021; 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 with public access to such meetings would present  
17 imminent risks to the safety of attendees, and the state of emergency continues to directly  
18 impact the ability of members to meet safely in person; and, be it

19 FURTHER MOVED, That for at least the next 30 days, meetings of the Board of  
20 Supervisors and its committees may continue to occur by teleconferencing technology (and  
21 not by any in-person meetings with public access to the places where any policy body  
22 member is present for the meeting); such meetings of the Board of Supervisors and its  
23 committees that occur by teleconferencing technology will provide an opportunity for members  
24 of the public to address this body and its committees and will otherwise occur in a manner that  
25

1 protects the statutory and constitutional rights of parties and the members of the public  
2 attending the meeting via teleconferencing; and, be it

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

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## Somera, Alisa (BOS)

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**From:** Sue Hestor <hestor@earthlink.net>  
**Sent:** Thursday, November 18, 2021 2:03 PM  
**Subject:** Further on Resolution allowing remote hearings

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please include in the file - although I do not believe the Supes read them.

Mostly want at least one Supe introduces request for hearing at Rules so that it is BEFORE Christmas break or in first week of January. So opportunity to **inform** 1/11 BOS meeting.

There REALLY needs to be a PUBLIC discussion of how City Hall will (ever) open to the public. Information that is solid provided re issues such as how spaces will be cleaned, access to City Hall itself, what are best practices City wants public to follow.

Air circulation, seating in Room 400, Board chambers, committee rooms, etc. Use of bathrooms etc

Thank you.

Sue Hestor

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**From:** Sue Hestor <[hestor@earthlink.net](mailto:hestor@earthlink.net)>  
**Sent:** Thursday, November 18, 2021 1:17 PM  
**To:** Calvillo, Angela (BOS) <[angela.calvillo@sfgov.org](mailto:angela.calvillo@sfgov.org)>; Mchugh, Eileen (BOS) <[eileen.e.mchugh@sfgov.org](mailto:eileen.e.mchugh@sfgov.org)>  
**Subject:** Resolution allowing remote hearings - November 30?

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Is the BOS slated to have on its **November 30 agenda a motion allowing teleconferenced meetings for the next 30 days?** Teleconferenced, with NO ability for public to participate live?

Assuming that on November 30, the Board votes to allow teleconferenced meetings for another 30 days, will the BOS consider this again on **December 14**, then again on **January 11**?

**When** will members of the Board be notified that virtual meetings item will be calendared for November 30? So that Supervisors have a meaningful chance to have the matter heard as calendared item, with input by the public AND DISCUSSED in committee.

At **11/2/21** BOS meeting, allowing virtual Board meetings for another 30 days, was agenda **item 30** under **For Adoption without Committee Reference**, which states:

A *unanimous* vote is required for adoption of these resolutions today. Any Supervisor may require any resolution to go to committee.

AND

**(PUBLIC COMMENT for Items 29 and 30 will be taken during Item 28 - General Public Comment.)**

November 2 General Public Comment was about a dozen persons commenting on taxi medallions, one person on affordable housing. *No one* commented on Item 30 regarding teleconferenced meetings.

When items 29 and 30 were called up as the last item on agenda, the ENTIRE time span from calling up the items, to voting on 29 and 30 was approximately 20 seconds. There was ZERO discussion by Supervisors or anyone else.

Whether the Board conducts virtual hearings would appropriately be considered by the **Rules** Committee on November 29, or a Monday in December. If a supervisor wishes to allow **the public** to have a realistic opportunity to speak, the supervisor must have time to request this issue first be considered in committee.

I request that members of the public have a REAL opportunity to discuss further continuance of remote meetings at a NOTICED public meeting where this is calendared item.

Thank you.

Sue Hestor

Current BOS agendas include following language -

On March 17, 2020, the Board of Supervisors (Board) authorized their Board and Committee meetings to convene remotely and will allow remote public comment via teleconference. Effective June 29, 2021, the Board and staff began to reconvene for in-person Board proceedings. Committee meetings will continue to convene remotely until further notice. Visit the SFGovTV website at (<https://avanan.url-protection.com/v1/url?o=www.sfgovtv.org&g=NDQxOTEzYjcyNTQ2ZWl2Yg==&h=MDFiNDg0N2l5YjQ0YmEwMjdlZTA0OTgxMjgwNjJjY2Q4MGYyYmU5NzY5ZjUwOTg3YTRhMWEzMjFkYjc1YjRhNw==&p=YXAzOnNmZHQyOmF2YW5hbGpvOmJkMDg5MWE4NW NINTE5OTk5ZjQxYTg5Nzg3Yjk3N2lwOnYxOnQ=>) to stream the live meetings, or to watch meetings on demand.

# Introduction Form

By a Member of the Board of Supervisors or the 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  inquires"
- 5. City Attorney request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Question(s) 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 a Imperative Form.**

**Sponsor(s):**

**Subject:**

**The text is listed below or attached:**

Signature of Sponsoring Supervisor: \_\_\_\_\_

For Clerk's Use Only: