

BOARD of SUPERVISORS



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

MEMORANDUM

TO: Tom Paulino, All City Departments via the Mayor's Office

FROM: Victor Young, Assistant Clerk *Victor Young*

DATE: September 27, 2022

SUBJECT: LEGISLATION INTRODUCED

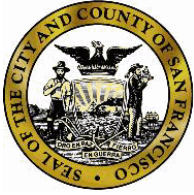
The Board of Supervisors' Rules Committee received the following proposed legislation:

File No. 221008

Motion discontinuing remote participation by members of the Board of Supervisors ("Board") at meetings of the Board and its committees for reasons related to COVID-19; and discontinuing remote public comment by members of the public at meetings of the Board and its committees, except as legally required to enable people with disabilities to participate in such meetings.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: victor.young@sfgov.org.

cc: Tyra Fennell, Mayor's Office
Andres Power, Mayor's Office



City and County of San Francisco
Master Report

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

File Number: 221008 **File Type:** Motion **Status:** Pending Committee Action

Enacted: **Effective:**

Version: 1 **In Control:** Rules Committee

File Name: Limiting Teleconferencing and Remote Public Comment at Meetings of the Board of Supervisors and its Committees **Date Introduced:** 09/20/2022

Requester: **Cost:** **Final Action:**

Comment: **Title:** Motion discontinuing remote participation by members of the Board of Supervisors (“Board”) at meetings of the Board and its committees for reasons related to COVID-19; and discontinuing remote public comment by members of the public at meetings of the Board and its committees, except as legally required to enable people with disabilities to participate in such meetings.

Sponsor: Mandelman

History of Legislative File 221008

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	09/20/2022	RECEIVED AND ASSIGNED	Rules Committee		

1 [Limiting Teleconferencing and Remote Public Comment at Meetings of the Board of
2 Supervisors and its Committees]

3 **Motion discontinuing remote participation by members of the Board of Supervisors**
4 **(“Board”) at meetings of the Board and its committees for reasons related to COVID-19;**
5 **and discontinuing remote public comment by members of the public at meetings of the**
6 **Board and its committees, except as legally required to enable people with disabilities**
7 **to participate in such meetings.**

8
9 WHEREAS, The COVID-19 pandemic has brought about enormous changes in the
10 way that public bodies meet; and

11 WHEREAS, Prior to the pandemic, members of the Board of Supervisors (“Board”) and
12 members of the public were required to participate in meetings of the Board and its
13 committees in person, except where federal or state law required the City to accommodate
14 people with disabilities by providing an opportunity for remote participation in such meetings;
15 and

16 WHEREAS, In March, 2020, the Governor of the State of California proclaimed a state
17 of emergency in California in connection with the COVID-19 pandemic; and

18 WHEREAS, On February 25, 2020, the Mayor of the City and County of San Francisco
19 (the “City”) declared a local emergency, and on March 6, 2020, the City’s Health Officer
20 declared a local health emergency; and

21 WHEREAS, On March 16, 2020, the Health Officer issued a Shelter-in-Place order, to
22 be operational at midnight the following day; and

23 WHEREAS, On March 17, 2020, just hours before the Health Officer’s Shelter-In-Place
24 Order went into effect, the Board unanimously approved a motion to allow remote
25 teleconferencing of future Board meetings and remote public comment; and

1 WHEREAS, At the outset of the COVID-19 emergency, allowing remote participation
2 by Supervisors at Board meetings was made possible by mayoral and gubernatorial
3 emergency orders suspending rules governing the conduct of open meetings; and

4 WHEREAS, The gubernatorial order ended on September 30, 2021, after the Governor
5 signed AB 361, which allows local policy bodies to continue to meet by teleconference during
6 a state of emergency, provided they permit remote public participation and make findings at
7 least once every 30 days that the body has considered the state of emergency, and that
8 public health officials continue to recommend physical distancing, or the state of emergency
9 continues to directly impact the ability of the members to meet safely in person; and

10 WHEREAS, Since September 2021, in light of numerous COVID-19 surges in San
11 Francisco that impacted the ability of individuals to attend crowded public meetings in person,
12 the Board has passed a series of motions making the required findings under AB 361, and
13 has allowed the public to provide remote public comment; and

14 WHEREAS, Maintaining an electronic system that allows every member of the public to
15 participate in Board meetings remotely requires the Clerk's office to staff Board and
16 committee meetings with at least four additional employees, which imposes significant
17 personnel costs on the City, and where Board meetings run long due to remote public
18 participation, meetings need to be double-staffed to ensure coverage for the entire duration of
19 the meeting; and

20 WHEREAS, As of June 15, 2021, the Governor lifted most limitations on indoor
21 gatherings in public settings; and

22 WHEREAS, As of September 7, 2021, the Board and its committees resumed in-
23 person hybrid meetings with remote public participation; and

24 WHEREAS, Effective March 1, 2022, the Health Officer updated the Safer Return
25 Together COVID-19 Order to lift indoor masking requirements for indoor public settings,

1 except for high-risk settings including public transportation, congregant living, and healthcare
2 facilities; and

3 WHEREAS, As of March 7, 2022, the Board and its committees have allowed in-person
4 public participation at public meetings; and

5 WHEREAS, As of March 18, 2022, the City Administrator lifted the indoor masking
6 requirement for City facilities, with the exception of hearing rooms while in session; and

7 WHEREAS, As of April 25, 2022, the City Administrator lifted indoor masking
8 requirements for City hearing rooms while in session; and

9 WHEREAS, The Office of the Clerk of the Board is responsible for facilitating the
10 Board's compliance with the Americans with Disabilities Act and other laws that ensure full
11 access to Board meetings by people with disabilities, and the Clerk of the Board regularly
12 consults with the Mayor's Office on Disability regarding those matters; and

13 WHEREAS, Meetings of the Board and its committees are real-time captioned and
14 cablecast open-captioned on SFGovTV, the Government Channel 26; Board and committee
15 meeting agendas and minutes are available on the Board's website and adhere to web
16 development guidelines based upon the Federal Access Board's Section 508 Guidelines, and
17 members of the public may request sign language interpreters, readers, large print agendas
18 and other accommodations by contacting the Office of the Clerk of the Board; and

19 WHEREAS, The Office of the Clerk of the Board has consulted the Mayor's Office on
20 Disability, and will continue to accommodate requests for reasonable accommodations where
21 necessary to ensure participation by people with disabilities, including requests to participate
22 in Board meetings remotely, provided that the request for accommodation is submitted to the
23 Office of the Clerk of the Board 72 hours in advance of the meeting where the accommodation
24 is sought; and

25

1 WHEREAS, In light of the improved health conditions, the significant costs associated
2 with allowing all members of the public to participate in Board meetings remotely, and the
3 Board's ongoing commitment to provide reasonable accommodations to people with
4 disabilities where their disabilities impair their ability to participate in Board meetings in-
5 person, the Board finds that the public interest is served by restoring the Board's prior practice
6 of limiting remote participation in Board and committee meetings both by Supervisors and by
7 members of the public; now, therefore, be it

8 MOVED, That the Board has considered the state of emergency, and finds that local
9 health orders and guidelines no longer limit indoor gatherings or require masking for indoor
10 public settings and that the state of emergency no longer precludes the ability of members
11 and the public to meet safely in person; and, be it

12 FURTHER MOVED, That the Board hereby rescinds its March 17, 2020 motion
13 allowing remote teleconferencing of Board meetings and remote public comment; and, be it

14 FURTHER MOVED, That effective immediately, members of the Board must
15 participate in Board meetings in person as required by Charter Section 2.104, except to the
16 extent remote participation is authorized by law; and, be it

17 FURTHER MOVED, That effective immediately, members of the public may comment
18 on items before the Board in writing for inclusion in the Board's files or by providing their
19 comment in-person at a meeting of the Board or a committee; and, be it

20 FURTHER MOVED, That the Board will continue to offer opportunities to provide
21 remote public comment to members of the public as necessary to enable the participation of
22 people with disabilities, to the extent required by law.

From: [Mchugh, Eileen \(BOS\)](#)
To: [BOS-Supervisors](#); [BOS-Legislative Aides](#)
Cc: [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [De Asis, Edward \(BOS\)](#); [Entezari, Mehran \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Subject: FW: The end of remote public comment
Date: Tuesday, September 20, 2022 12:46:41 PM

From: Evelyn Posamentier <eposamentier@yahoo.com>
Sent: Tuesday, September 20, 2022 10:00 AM
To: Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>
Cc: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: The end of remote public comment

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

Dear Supervisor Mandelman,

The idea that remote access will suddenly be cancelled is terrifying. Broadband is here and has opened participatory democracy such as never before. There is no going back.

Eliminating remote public comment would sever access to civic engagement for a large slice of San Francisco. Barriers will once again be placed before seniors and people living with disabilities.

Dianna Hu, chairperson of the Boston Center for Independent Living, put it this way:

"Remote participation is the latest manifestation of universal design—alongside curb cuts, elevators, closed captioning, audiobooks, and other accessibility features that expanded to universal popularity. We now have a remarkable opportunity to not only uphold but to also optimize accessibility, making remote participation a curb cut 2.0 for the modern day and age."

Let's move forward together.

Sincerely,

Evvy Posamentier

Sent from my iPad

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

From: [Somera, Alisa \(BOS\)](#)
To: [Bintliff, Jacob \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Cc: [PEARSON, ANNE \(CAT\)](#); [Mandelman, Rafael \(BOS\)](#); [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#)
Subject: RE: Introduction - motion limiting teleconferencing and remote public comment
Date: Wednesday, September 14, 2022 3:11:36 PM

Yes, we will definitely hold on to it for next week.

Alisa Somera

Legislative Deputy Director
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
415.554.7711 direct | 415.554.5163 fax
alisa.somera@sfgov.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.

Click [HERE](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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**From:** Bintliff, Jacob (BOS) <jacob.bintliff@sfgov.org>  
**Sent:** Wednesday, September 14, 2022 2:51 PM  
**To:** Somera, Alisa (BOS) <alisa.somera@sfgov.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>  
**Cc:** PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Mchugh, Eileen (BOS) <eileen.e.mchugh@sfgov.org>  
**Subject:** Re: Introduction - motion limiting teleconferencing and remote public comment

Thanks, Alisa. Sorry, that was my first time missing the deadline and I didn't know if there was

still a possibility of including before LI was published. Would you please hold it to list with LI next week?

Thank you,

Jacob

**Jacob Bintliff**

Legislative Aide

Office of Supervisor Rafael Mandelman  
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 284  
San Francisco, California 94102

(415) 554-7753 | [jacob.bintliff@sfgov.org](mailto:jacob.bintliff@sfgov.org)

*Pronouns: he, him, his*

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**From:** Somera, Alisa (BOS) <[alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org)>

**Sent:** Wednesday, September 14, 2022 2:42 PM

**To:** Bintliff, Jacob (BOS) <[jacob.bintliff@sfgov.org](mailto:jacob.bintliff@sfgov.org)>; BOS Legislation, (BOS) <[bos.legislation@sfgov.org](mailto:bos.legislation@sfgov.org)>

**Cc:** PEARSON, ANNE (CAT) <[Anne.Pearson@sfcityatty.org](mailto:Anne.Pearson@sfcityatty.org)>; Mandelman, Rafael (BOS) <[rafael.mandelman@sfgov.org](mailto:rafael.mandelman@sfgov.org)>; 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:** RE: Introduction - motion limiting teleconferencing and remote public comment

Hi Jacob,

As you know, the deadline for introductions going to committee was yesterday at 5:00 p.m. or the end of the meeting, whichever is later. So unfortunately we cannot accept this for introduction this week since those deadlines are non-negotiable. We can hold on to this and include it for introduction next week.

*Alisa Somera*

Legislative Deputy Director  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

415.554.7711 direct | 415.554.5163 fax  
[alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org)

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From: Bintliff, Jacob (BOS) <jacob.bintliff@sfgov.org>

Sent: Wednesday, September 14, 2022 2:19 PM

To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>

Cc: PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>

Subject: Introduction - motion limiting teleconferencing and remote public comment

Hi Alisa et al,

My apologies for failing to send the form and motion that Supervisor Mandelman spoke about at roll call yesterday. Here is the introduction form and motion as drafted by Anne, copied here for confirmation.

Thank you,

Jacob

Jacob Bintliff

Legislative Aide

Office of Supervisor Rafael Mandelman
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 284
San Francisco, California 94102

(415) 554-7753 | jacob.bintliff@sfgov.org

Pronouns: he, him, his

1 [Limiting Teleconferencing and Remote Public Comment at Meetings of the Board of
2 Supervisors and its Committees]

3 **Motion discontinuing remote participation by members of the Board of Supervisors**
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9 WHEREAS, The COVID-19 pandemic has brought about enormous changes in the
10 way that public bodies meet; and

11 WHEREAS, Prior to the pandemic, members of the Board of Supervisors (“Board”) and
12 members of the public were required to participate in meetings of the Board and its
13 committees in person, except where federal or state law required the City to accommodate
14 people with disabilities by providing an opportunity for remote participation in such meetings;
15 and

16 WHEREAS, In March, 2020, the Governor of the State of California proclaimed a state
17 of emergency in California in connection with the COVID-19 pandemic; and

18 WHEREAS, On February 25, 2020, the Mayor of the City and County of San Francisco
19 (the “City”) declared a local emergency, and on March 6, 2020, the City’s Health Officer
20 declared a local health emergency; and

21 WHEREAS, On March 16, 2020, the Health Officer issued a Shelter-in-Place order, to
22 be operational at midnight the following day; and

23 WHEREAS, On March 17, 2020, just hours before the Health Officer’s Shelter-In-Place
24 Order went into effect, the Board unanimously approved a motion to allow remote
25 teleconferencing of future Board meetings and remote public comment; and

1 WHEREAS, At the outset of the COVID-19 emergency, allowing remote participation
2 by Supervisors at Board meetings was made possible by mayoral and gubernatorial
3 emergency orders suspending rules governing the conduct of open meetings; and

4 WHEREAS, The gubernatorial order ended on September 30, 2021, after the Governor
5 signed AB 361, which allows local policy bodies to continue to meet by teleconference during
6 a state of emergency, provided they permit remote public participation and make findings at
7 least once every 30 days that the body has considered the state of emergency, and that
8 public health officials continue to recommend physical distancing, or the state of emergency
9 continues to directly impact the ability of the members to meet safely in person; and

10 WHEREAS, Since September 2021, in light of numerous COVID-19 surges in San
11 Francisco that impacted the ability of individuals to attend crowded public meetings in person,
12 the Board has passed a series of motions making the required findings under AB 361, and
13 has allowed the public to provide remote public comment; and

14 WHEREAS, Maintaining an electronic system that allows every member of the public to
15 participate in Board meetings remotely requires the Clerk's office to staff Board and
16 committee meetings with at least four additional employees, which imposes significant
17 personnel costs on the City, and where Board meetings run long due to remote public
18 participation, meetings need to be double-staffed to ensure coverage for the entire duration of
19 the meeting; and

20 WHEREAS, As of June 15, 2021, the Governor lifted most limitations on indoor
21 gatherings in public settings; and

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23 person hybrid meetings with remote public participation; and

24 WHEREAS, Effective March 1, 2022, the Health Officer updated the Safer Return
25 Together COVID-19 Order to lift indoor masking requirements for indoor public settings,

1 except for high-risk settings including public transportation, congregant living, and healthcare
2 facilities; and

3 WHEREAS, As of March 7, 2022, the Board and its committees have allowed in-person
4 public participation at public meetings; and

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6 requirement for City facilities, with the exception of hearing rooms while in session; and

7 WHEREAS, As of April 25, 2022, the City Administrator lifted indoor masking
8 requirements for City hearing rooms while in session; and

9 WHEREAS, The Office of the Clerk of the Board is responsible for facilitating the
10 Board's compliance with the Americans with Disabilities Act and other laws that ensure full
11 access to Board meetings by people with disabilities, and the Clerk of the Board regularly
12 consults with the Mayor's Office on Disability regarding those matters; and

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16 development guidelines based upon the Federal Access Board's Section 508 Guidelines, and
17 members of the public may request sign language interpreters, readers, large print agendas
18 and other accommodations by contacting the Office of the Clerk of the Board; and

19 WHEREAS, The Office of the Clerk of the Board has consulted the Mayor's Office on
20 Disability, and will continue to accommodate requests for reasonable accommodations where
21 necessary to ensure participation by people with disabilities, including requests to participate
22 in Board meetings remotely, provided that the request for accommodation is submitted to the
23 Office of the Clerk of the Board 72 hours in advance of the meeting where the accommodation
24 is sought; and

1 WHEREAS, In light of the improved health conditions, the significant costs associated
2 with allowing all members of the public to participate in Board meetings remotely, and the
3 Board's ongoing commitment to provide reasonable accommodations to people with
4 disabilities where their disabilities impair their ability to participate in Board meetings in-
5 person, the Board finds that the public interest is served by restoring the Board's prior practice
6 of limiting remote participation in Board and committee meetings both by Supervisors and by
7 members of the public; now, therefore, be it

8 MOVED, That the Board has considered the state of emergency, and finds that local
9 health orders and guidelines no longer limit indoor gatherings or require masking for indoor
10 public settings and that the state of emergency no longer precludes the ability of members
11 and the public to meet safely in person; and, be it

12 FURTHER MOVED, That the Board hereby rescinds its March 17, 2020 motion
13 allowing remote teleconferencing of Board meetings and remote public comment; and, be it

14 FURTHER MOVED, That effective immediately, members of the Board must
15 participate in Board meetings in person as required by Charter Section 2.104, except to the
16 extent remote participation is authorized by law; and, be it

17 FURTHER MOVED, That effective immediately, members of the public may comment
18 on items before the Board in writing for inclusion in the Board's files or by providing their
19 comment in-person at a meeting of the Board or a committee; and, be it

20 FURTHER MOVED, That the Board will continue to offer opportunities to provide
21 remote public comment to members of the public as necessary to enable the participation of
22 people with disabilities, to the extent required by law.