[Findings to Allow Teleconferenced Meetings During Declared Emergency]

Motion making findings to allow teleconferenced meetings under California Government Code, Section 54953(e).

WHEREAS, California Government Code, Section 54953(e), empowers local policy bodies to convene by teleconferencing technology during a proclaimed state of emergency under the State Emergency Services Act so long as certain conditions are met; and

WHEREAS, In March, 2020, the Governor of the State of California proclaimed a state of emergency in California in connection with the Coronavirus Disease 2019 ("COVID-19") pandemic, and that state of emergency remains in effect; and

WHEREAS, In February 25, 2020, the Mayor of the City and County of San Francisco (the "City") declared a local emergency, and on March 6, 2020, the City's Health Officer declared a local health emergency, and both those declarations also remain in effect; and

WHEREAS, On March 11 and March 23, 2020, the Mayor issued emergency orders suspending select provisions of local law, including sections of the City Charter, that restrict teleconferencing by members of policy bodies; those orders remain in effect, so City law currently allows policy bodies to meet remotely if they comply with restrictions in State law regarding teleconference meetings; and

WHEREAS, On September 16, 2021, the Governor signed AB 361, a bill that amends the Brown Act to allow local policy bodies to continue to meet by teleconferencing during a state of emergency without complying with restrictions in State law that would otherwise apply, provided that the policy bodies make certain findings at least once every 30 days; and

WHEREAS, While federal, State, and local health officials emphasize the critical importance of vaccination (including a booster once eligible) and consistent mask-wearing,

regardless of vaccination status, to prevent the spread of COVID-19, the City's Health Officer has issued at least one order (Health Officer Order No. C19-07y, available online at www.sfdph.org/healthorders) and one directive (Health Officer Directive No. 2020-33i, available online at www.sfdph.org/directives) that continue to recommend measures to promote safety for indoor gatherings, including vaccination, masking, improved ventilation, and other measures, in certain contexts; and

WHEREAS, The California Department of Industrial Relations Division of Occupational Safety and Health ("Cal/OSHA") has promulgated Section 3205 of Title 8 of the California Code of Regulations, which requires most employers in California, including in the City, to train and instruct employees about measures that can decrease the spread of COVID-19; and

WHEREAS, Without limiting any requirements under applicable federal, state, or local pandemic-related rules, orders, or directives, the City's Department of Public Health, in coordination with the City's Health Officer, has advised that for group gatherings indoors, such as meetings of boards and commissions, people can increase safety and greatly reduce risks to the health and safety of attendees from COVID-19 by maximizing ventilation, wearing well-fitting masks regardless of vaccination status (and as required for unvaccinated people by the State of California's indoor masking order), encouraging vaccination (including a booster as soon as eligible), staying home when sick or when experiencing any COVID-19 symptom, discouraging consumption of food or beverages in the meeting, following good hand hygiene practices, and making informed choices when gathering with people whose vaccination status is not known; and

WHEREAS, On February 10, 2022, the Mayor issued an emergency order that (1) requires decision-making boards and commissions established in the Charter (with the exception of the Board of Supervisors) to hold meetings in person at a physical location where members of the public may attend and provide comment, (2) allows members of those boards

and commissions to participate remotely in the in-person meetings for COVID-related health reasons, (3) allows but does not require subcommittees of those boards and commissions to meet in person at a physical location where members of the public may attend and provide comment, and (4) prohibits all other policy bodies (with the exception of the Board of Supervisors and its committees) from meeting in person under any circumstances, with limited exceptions; and

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

WHEREAS, On November 2, 2021, the Board of Supervisors approved Motion No. M21-153 making findings to allow teleconferenced meetings for 30 days, expiring on December 1, 2021; and

WHEREAS, On November 30, 2021, the Board of Supervisors approved Motion No. M21-165 making findings to allow teleconferenced meetings for 30 days, expiring on December 30, 2021; and

WHEREAS, On December 14, 2021, the Board of Supervisors approved Motion No. M21-174 making findings to allow teleconferenced meetings for 30 days, expiring on January 13, 2022; and

WHEREAS, On January 11, 2022, the Board of Supervisors approved Motion No. M22-005 making findings to allow teleconferenced meetings for 30 days, expiring on February 10, 2022; and

WHEREAS, On February 8, 2022, the Board of Supervisors approved Motion No. M22-018 making findings to allow teleconferenced meetings for 30 days, expiring on March 10, 2022; and

WHEREAS, On March 8, 2022, the Board of Supervisors approved Motion No. M22-036 making findings to allow teleconferenced meetings for 30 days, expiring on April 7, 2022; and

WHEREAS, On April 5, 2022, the Board of Supervisors approved Motion No. M22-050 making findings to allow teleconferenced meetings for 30 days, expiring on May 5, 2022; and

WHEREAS, On May 3, 2022, the Board of Supervisors approved Motion No. M22-074 making findings to allow teleconferenced meetings for 30 days, expiring on June 23, 2022; and

WHEREAS, On May 24, 2022, the Board of Supervisors approved Motion No. M22-095 making findings to allow teleconferenced meetings for 30 days, expiring on June 2, 2022; and

WHEREAS, On June 14, 2022, the Board of Supervisors approved Motion No. M22-106 making findings to allow teleconferenced meetings for 30 days, expiring on July 14, 2022; and

WHEREAS, On July 12, 2022, the Board of Supervisors approved Motion No. M22-121 making findings to allow teleconferenced meetings for 30 days, expiring on August 12, 2022; and

WHEREAS, On August 8, 2022, the Board of Supervisors approved Motion No. M22-139 making findings to allow teleconferenced meetings for 30 days, expiring on September 7, 2022; and

WHEREAS, On September 6, 2022, the Board of Supervisors approved Motion No. M22-142 making findings to allow teleconferenced meetings for 30 days, expiring on October 6, 2022; and

WHEREAS, The Board of Supervisors has begun holding some meetings in person, and will begin holding additional meetings, including committee meetings, in person, while allowing members to participate by video from a separate location for COVID-related health

reasons and providing members of the public an opportunity to observe and provide public comment either in person or remotely; now, therefore, be it

MOVED, That the Board of Supervisors finds as follows:

1. As described above, the State of California and the City remain in a state of emergency due to the COVID-19 pandemic. At this meeting, the Board of Supervisors has considered the circumstances of the state of emergency.

2. As described above, State and City officials continue to recommend measures to promote physical distancing and other social distancing measures, in some settings.

3. As described above, because of the COVID-19 pandemic, conducting meetings of this body and its committees in person without allowing certain members of this body to attend remotely due to COVID-related health reasons would present imminent risks to the health or safety of certain attendees due to COVID-19, and the state of emergency continues to directly impact the ability of those members to meet safely in person; and, be it

FURTHER MOVED, That for at least the next 30 days, the Board of Supervisors and its committees will hold in-person meetings, with some members possibly appearing remotely for COVID-health related reasons. If all members of the Board of Supervisors or a committee of the Board are unable to attend in person for COVID-related health reasons, then the Board of Supervisors or committee will hold the meeting remotely without providing an in-person meeting location. All meetings of the Board of Supervisors and its committees will provide an opportunity for members of the public to address this body and its committees and will otherwise occur in a manner that protects the statutory and constitutional rights of parties and the members of the public attending the meeting via teleconferencing; and, be it

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

30 days, the Clerk of the Board of Supervisors is directed to place a such Motion on the agenda of the next meeting of Board of Supervisors.

City and County of San Francisco
Tails
Motion: M22-157

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

File Number: 221012 **Date Passed:** September 27, 2022

Motion making findings to allow teleconferenced meetings under California Government Code, Section 54953(e).

September 27, 2022 Board of Supervisors - APPROVED

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

File No. 221012

I hereby certify that the foregoing Motion was APPROVED on 9/27/2022 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board