

File No. 230347

Committee Item No. _____

Board Item No. 48

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: April 4, 2023

Cmte Board

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER

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|--------------------------|-------------------------------------|------------------------------|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Mayor Proclamation - 3/27/23 |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: Lisa Lew

Date: March 31, 2023

Prepared by: _____

Date: _____

1 [Concurring in Proclamation of Local Emergency - Severe Winter Storms]

2
3 **Motion concurring in the March 30, 2023, Proclamation by the Mayor Declaring the**
4 **Existence of a Local Emergency in connection with the sudden and severe winter**
5 **storms that began on March 8, 2023, causing high winds, substantial precipitation, and**
6 **flooding in the City; and concurring in actions taken to meet the emergency to: 1)**
7 **require City employees and officers to take all steps requested by the Executive**
8 **Director of the Department of Emergency Management (“DEM”) to address the**
9 **emergency conditions caused by the storms; 2) require all City employees and officers**
10 **to take all steps requested by the Executive Director of DEM to qualify the City for**
11 **funding as may be available to reimburse the City for the expenses it incurs in**
12 **addressing this emergency; 3) expedite the procurement of services, goods, and public**
13 **works relating to the emergency by exempting contracts and grants for such services**
14 **from specific contract requirements, waiving Civil Service Commission approval of**
15 **such contracts and grants, authorizing departments to purchase professional services**
16 **through the issuance of a stand-alone purchase order, authorizing department heads**
17 **or their designees to deviate from the City’s standard terms and conditions where**
18 **necessary to effectively respond to the emergency, and authorizing the procurement of**
19 **public works as provided in Administrative Code, Section 6.60; and 4) authorize the**
20 **Director of the Department of Building Inspection to require a façade inspection and/or**
21 **inspection report regarding any building at a time or interval that the Director deems**
22 **necessary to address the risk of unsafe conditions caused by winter storms.**

1 WHEREAS, On March 30, 2023, Mayor London N. Breed declared a local emergency
2 to exist in connection with the severe winter storms that began on March 8, 2023, causing
3 high winds, substantial precipitation, and flooding in the City; and

4 WHEREAS, The Mayor has transmitted a copy of that Proclamation Declaring the
5 Existence of a Local Emergency ("Proclamation") to the Board of Supervisors, and such copy
6 is on file with the Clerk of the Board of Supervisors in File No. 230347; and

7 WHEREAS, Government Code, Sections 8550 et seq. and Charter, Section 3.100
8 provide for the concurrence by members of the Board of Supervisors in such emergency
9 declaration and in actions taken by the Mayor to meet the emergency; and

10 WHEREAS, The Mayor has found the conditions of extreme peril justify and require a
11 proclamation of the existence of a local emergency; and

12 WHEREAS, As part of the Proclamation, the Mayor took additional steps to meet the
13 emergency by ordering four actions to meet the emergency; now, therefore, be it

14 MOVED, That the Board of Supervisors concurs with the Proclamation by the Mayor
15 Declaring the Existence of Local Emergency issued on March 30, 2023; and, be it

16 FURTHER MOVED, That the Board of Supervisors concurs with the following actions
17 taken by the Mayor to meet the local emergency, as such actions are described in full in the
18 March 30, 2023 Proclamation and summarized as follows:

19 **Action 1:** Requiring all City officers and employees to take all steps
20 requested by the Executive Director of the Department of Emergency Management ("DEM") to
21 address the emergency conditions caused by the storms;

22 **Action 2:** Requiring all City officers and employees to take all steps
23 requested by the Executive Director of DEM to qualify the City for reimbursement from the
24 Federal Emergency Management Agency and for other state and federal relief as may be
25 available to reimburse the City for the expenses it incurs in addressing this emergency;

1 **Action 3:** Expediting the procurement of services, goods, and public works
2 relating to the emergency by exempting contracts and grants for such services from specific
3 contract requirements; waiving Civil Service Commission approval of such contracts and
4 grants; authorizing departments to purchase professional services through the issuance of a
5 stand-alone purchase order; authorizing department heads or their designees to deviate from
6 the City's standard terms and conditions where necessary to effectively respond to the
7 emergency; and authorizing the procurement of public works as provided in Administrative
8 Code Section 6.60, with some modifications; and

9 **Action 4:** Authorizing the Director of the Department of Building Inspection to
10 require a façade inspection and/or inspection report regarding any building at a time or
11 interval that the Director deems necessary to address the risk of unsafe conditions caused by
12 winter storms.



PROCLAMATION BY THE MAYOR DECLARING THE EXISTENCE OF A LOCAL EMERGENCY

Severe Winter Storms

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14), and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County of San Francisco (the "City") or its citizens; and

WHEREAS, Beginning March 1, 2023, severe winter storms related to a series of weather systems struck California, bringing high winds, substantial precipitation, flooding, and fallen trees in the City and in other areas in the State; and

WHEREAS, On March 9 and 10, 2023, the City experienced a storm with heavy rains and high winds, which caused flooding and fallen trees that led to road closures, impacted critical infrastructure, and caused power outages. A Wind Advisory and Flood Watch were issued by the National Weather Service; the City experienced rain amounts as high as 1.59 inches across the City with average wind gusts of 40-50 mph and a peak gust of 53 mph in Golden Gate Park; and

WHEREAS, On March 13 and 14, 2023, another major storm hit the City and the rest of the Bay Area. Weather forecasters anticipated the storm would result in heavy rains, strong winds, flooding, and other impacts similar to the storm on March 9 and 10, and issued a Flood Watch and High Wind Warning. The City experienced more than an inch of rain with average wind gusts of 37-49 mph and a peak gust of 74 mph at SFO. This storm again resulted in road closures and hazards due to flooding, fallen trees, and downed powerlines.

WHEREAS, On March 21 and 22, 2023, an additional major storm hit the City and many other areas throughout the Bay Area and state, bringing heavy rain and intense winds; The National Weather Service issued a Coastal Flood Advisory, Wind Advisory, and Flood Advisory; the City experienced 1.26 inches of rain and wind gusts that reached as high as 64 mph at SFO; high winds caused over 700 locations of fallen trees and limbs, resulting in two fatalities and three critical injuries; 311 received nearly 700 calls for



storm-related service during the severe weather and 911 surged to over 400% normal emergency call volume; and

WHEREAS, Throughout the series of storms, San Francisco's regional infrastructure systems and roadways were heavily damaged in other local, state, and federally declared counties; and

WHEREAS, These storms have threatened and continue to threaten critical infrastructure, public and private property, and people in the City; and forecasts anticipate that additional storms will continue in the coming weeks; and

WHEREAS, On March 1, 2023, Governor Gavin Newsom proclaimed a state of emergency; on March 8, 2023, Governor Gavin Newsom proclaimed a state of emergency in 21 additional counties, including San Francisco, to be added to the provisions contained in the March 1, 2023 proclamation. The proclamation responds to the need for immediate response and recovery efforts to prevent and mitigate harms caused by the winter storms; and

WHEREAS, On March 10, 2023, President Joseph R. Biden declared that an emergency exists in the State of California and ordered Federal assistance to supplement State, tribal, and local response efforts due to the emergency conditions resulting from successive and severe winter storms, flooding, and mudslides; and

WHEREAS, Conditions of extreme peril to the safety of persons and property have arisen; and

WHEREAS, The Mayor proclaims that all of these conditions of extreme peril warrant and necessitate the proclamation of the existence of a local emergency,

NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim the existence of an emergency within the City threatening the lives, property, or welfare of the City and its citizens, effective immediately on March 27, 2023 and addressing impacts described in this proclamation for the period beginning March 8, 2023.

It is further ordered that:



(1) All City officers and employees take all steps requested by the Executive Director of the Department of Emergency Management to address the emergency conditions caused by the storm.

(2) All City officers and employees take all steps requested by the Executive Director of the Department of Emergency Management to qualify the City for reimbursement from the Federal Emergency Management Agency and for other state and federal relief as may be available to reimburse the City for the expenses it incurs in addressing this emergency.

(3) Notwithstanding any other restriction, procedural requirement, or approval requirement in local law except Charter Section 9.118 or other express requirements in the Charter, City departments entering contracts or amending existing contracts to support the City's response to the emergency, including contracts for the procurement of commodities or services pursuant to Chapter 21, grants awarded under Chapter 21G, and contracts for public works pursuant to Chapter 6, are exempt from the following contract-related requirements:

- (a) Nondiscrimination in contracts (Admin. Code Chapter 12B);
- (b) MacBride Principles (Admin. Code Chapter 12F);
- (c) Local business enterprise utilization and non-discrimination in contracting ordinance (Admin. Code Chapter 14B);
- (d) Consideration of criminal history in hiring (Admin. Code Section 12T);
- (e) Consideration of salary history in hiring (Admin. Code Section 12K);
- (f) Prohibition on contracting in certain states (Admin. Code Section 12X);
- (g) First source hiring (Admin. Code Chapter 83);
- (h) Competitive bidding requirements (Admin. Code Sections 21.1 and 21G.3);
- (i) Tropical hardwood and virgin redwood ban (Environ. Code Chapter 8);
- (j) Food service waste reduction requirements. (Environ. Code Chapter 16);
- (k) Sugar-sweetened beverage prohibition (Admin. Code Chapter 101);
- (l) Packaged water prohibition (Environ. Code Chapter 24);
- (m) Preservative treated wood products (Environ. Code Chapter 13); and
- (n) Insurance requirements for transactions that are solely for the purchase, lease, or rental of commodities.

Civil Service Commission approval of such agreements is not required. Within 30 days of execution of any such agreement, the City Administrator must report any agreement that would have required approval by the Civil Service Commission to the Civil Service Commission. All services procured pursuant to this emergency under Chapter 21,



including those that are professional in nature, may be procured through the issuance of a stand-alone purchase order in a form approved by the City's Purchaser and the City Attorney. Further, after consultation with the City Attorney and Risk Manager (where applicable), a department head or a department head's designee may enter into or amend agreements that deviate from the City's standard terms and conditions and required clauses, including those pertaining to contractors' liability and indemnification, if the department head or designee determines that the deviation is necessary to secure the goods and services required to effectively respond to the emergency.

For public works contracts under Chapter 6, departments may enter agreements as provided in Administrative Code Section 6.60, except that the additional approvals under Section 6.60(d) are not required; and the department head or designee may authorize work that exceeds the amount of the contractor's bond if the department head or designee determines it is necessary to effectively respond to the emergency.

(4) Notwithstanding any restrictions in San Francisco Existing Building Code Chapter 5F, the Director of the Department of Building Inspection may require a façade inspection and/or inspection report regarding any building at a time or interval that the Director deems necessary to address the risk of unsafe conditions caused by winter storms.

I further proclaim and order that:

By the terms of this emergency declaration the City's government is organized under the provisions of the Incident Command System (ICS), which system forms an essential part of the City's Emergency Response Plan and is located in the Emergency Operations Center of the City and County of San Francisco. All City departments are ordered to cooperate strictly with the requests for material and personnel resources that may emanate from the ICS staff of the City. Under Charter Section 3.100(14), the Mayor may direct department personnel and resources, including reallocating and expending available funds within a department's budget or among and between departments, as necessary to meet the emergency.

And I further proclaim and order that:

This declaration of a local emergency shall continue to exist until April 26, 2023, but may be extended for an additional 30 days by the Mayor with concurrence of the Board



of Supervisors. The declaration may be terminated earlier by the Mayor or the Board of Supervisors.

DATED: March 27, 2023

A handwritten signature in blue ink, reading "London Breed", written over a horizontal line.

London N. Breed
Mayor of San Francisco

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: