

File No. 200294

Committee Item No. _____

Board Item No. 3

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____
Board of Supervisors Meeting

Date: _____
Date: March 24, 2020

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OTHER

- Mayoral Proclamation Supplement - 03/11/20
- Mayoral Proclamation Second Supplement - 03/13/20
- _____
- _____
- _____
- _____
- _____
- _____

Prepared by: Lisa Lew
Prepared by: _____

Date: March 20, 2020
Date: _____

1 [Concurring in Actions to Meet Local Emergency - Coronavirus Response]

2
3 **Motion concurring in the actions taken by the Mayor on March 11, 2020 and March 13,**
4 **2020, to meet the ongoing local emergency related to the novel coronavirus COVID-19**
5 **pandemic declared on February 25, 2020.**

6
7 WHEREAS, On February 25, 2020, Mayor London N. Breed declared a local
8 emergency to exist in connection with the spread of the novel coronavirus COVID-19; and

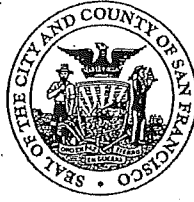
9 WHEREAS, The Mayor transmitted a copy of that Proclamation Declaring the
10 Existence of a Local Emergency to the Board of Supervisors (the "Proclamation"), and on
11 March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions
12 taken by the Mayor to meet the emergency; the Proclamation and the Board's concurring
13 motion are on file with the Clerk of the Board of Supervisors in File No. 200228; and

14 WHEREAS, On March 11, 2020, the Mayor took additional steps to meet the local
15 emergency by issuing a Supplement to the Proclamation that: 1) orders the Controller develop
16 and issue a policy to allow the City to continue to provide funding under existing agreements
17 to non-profit organizations unable to provide services due to the emergency; 2) suspends
18 deadlines set by local law requiring City policy bodies to take action within a specified time if
19 the body may not meet and comply with such deadlines during the emergency; 3) suspends
20 provisions of the Charter requiring members of City policy bodies to attend meetings in
21 person; 4) waives provisions of local law to permit the implementation of a program allowing
22 the City to advance sick leave with pay and vacation to employees under limited
23 circumstances; 5) extends the deadline to pay license fees to June 30, 2020; and 6) defers
24 quarterly business tax payments for small businesses. A copy of the Mayor's Supplement is
25 on file with the Clerk of the Board of Supervisors in File No. 200294; and

1 WHEREAS, On March 13, 2020, the Mayor took additional steps to meet the local
2 emergency by issuing a Second Supplement to the Proclamation that: 1) imposes a
3 temporary moratorium on evictions for non-payment of rent by residential tenants directly
4 impacted by the COVID-19 crisis; 2) suspends for 60 days the discontinuation or shut off of
5 power service and the imposition of late penalties and fees by the Public Utilities Commission;
6 3) suspends the initiation of lien proceedings for delinquent water and sewer bills during the
7 emergency; and 4) authorizes the Controller to accept and expend donations made to the City
8 for the purposes of assisting the City's efforts to respond to the COVID-19 emergency. A
9 copy of the Mayor's Second Supplement is on file with the Clerk of the Board of Supervisors
10 in File No. 200294; and

11 WHEREAS, Government Code Sections 8550 et seq. and Charter Section 3.100
12 provide for the concurrence by members of the Board of Supervisors in such emergency
13 declaration and in action taken by the Mayor to meet the emergency; and now, therefore, be it

14 MOVED, That the Board of Supervisors concurs with the actions taken by the Mayor to
15 meet the local emergency identified in the Mayor's Supplement to the Proclamation dated
16 March 11, 2020, and in the Second Supplement to the Proclamation, dated March 13, 2020.
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LONDON N. BREED
RECORDED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 MAR 11 PM 1:53

BY AK

**SUPPLEMENT TO MAYORAL PROCLAMATION DECLARING THE
EXISTENCE OF A LOCAL EMERGENCY DATED FEBRUARY 25, 2020.**

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 or its citizens; and

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation (the "Proclamation") declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus ("COVID-19"); and

WHEREAS, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

WHEREAS, On March 6, 2020, the Local Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisor concurred in that declaration on March 10, 2020; and

WHEREAS, On March 6, 2020, the City issued public health guidance to encourage social distancing to disrupt the spread of COVID-19 and protect community health; and

WHEREAS, On March 7, 2020, the Local Health Officer ordered certain City facilities not to hold non-essential group events of more than 50 people for the two weeks from the date of the order and prohibited visitors from Laguna Honda Hospital; and

WHEREAS, On March 7, 2020, the Department of Human Resources issued guidance to minimize COVID-19 exposure risk for City employees who provide essential services to the local community, in particular during the current local emergency; and

WHEREAS, On March 11, 2020, the Public Health Officer issued an order prohibiting most public gatherings of 1,000 people or more for a period of two weeks; and



WHEREAS, There are currently 14 confirmed cases of COVID-19 within the City, more than 168 confirmed cases in California, and four COVID-19-related deaths in California; and

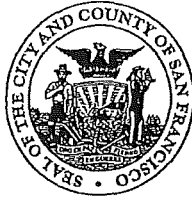
WHEREAS, Containing the spread of COVID-19 may require City non-profit service providers to close or may otherwise impact their ability to continue to provide services, and it is necessary that the City ensure the continuing financial stability of these providers so they are able to provide vital services to the City and the public in the future; and

WHEREAS, Disruptions caused by COVID-19 may impact the ability of City boards and commissions to meet, and members of such bodies who are particularly at risk of serious illness if they contract COVID-19 may be unable to attend meetings in person, and

WHEREAS, It is in the public interest to support City employees through this public health emergency by ensuring they have sufficient paid time off balances to remain out of the workplace if they or their family members are sick, quarantined, or otherwise impacted by the COVID-19 virus or actions taken in response to public health guidance or orders related to COVID-19, so they can return to work as soon as possible and function at full capacity in the service of the City and its residents, and

WHEREAS, The COVID-19 outbreak has already caused a significant negative impact on businesses in the City: conferences have been cancelled, hotel vacancy is unusually high, many of the City's largest employers have requested their employees work from home, all of which reduce economic activity in the City; the San Francisco Chamber of Commerce reports estimates of a 50%-70% reduction in gross receipts from some small businesses in the first weeks of the COVID-19 outbreak; given the economic burden on businesses in the City resulting from COVID-19, it is in the public interest to provide relief to businesses by delaying payment of City license fees and certain taxes; and

WHEREAS, The Mayor does hereby proclaim that the conditions of extreme peril exist and continue to warrant and necessitate the existence of a local emergency,



NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

In addition to the measures outlined in the Proclamation, it is further ordered that:

- (1) The Controller shall develop and issue a policy to allow the City to continue to provide funding under existing agreements to non-profit organizations that are unable to provide services for the City due to disruptions related to COVID-19 during the local emergency; the Controller shall determine the conditions that such funding will be available under written guidelines made available to the public; provisions of service agreements and of local law are suspended to the extent they would impede such continued payments authorized under the policy promulgated by the Controller; and
- (2) Deadlines set by local law requiring City policy bodies, including the Board of Supervisors and City boards and commissions, to take action within a certain time period are suspended during the emergency and for 14 days following the termination of the local emergency, if such policy bodies are unable to meet and comply with such deadlines due to the emergency; and
- (3) Sections 2.104 and 4.104 of the Charter requiring members of City policy bodies to attend meetings in person are suspended during the emergency; and
- (4) Sections A8.364, A8.440, and A8.441 of the Charter, Sections 16.9-29A and 16.9-29B of the Administrative Code, and Civil Service Commission Rules 120, 220, 320, and 420 regarding the accrual and use of sick leave with pay and vacation are waived to the extent determined to be necessary by the Department of Human Resources to implement a program allowing the City to advance sick leave with pay and vacation to employees if they are (a) members of vulnerable populations as defined in the March 6, 2020, public health guidance; (b) in self-isolation or quarantine on the advice of a medical provider or public official; (c) suffering from an acute respiratory illness or flu-like symptoms; (d) needed to provide care for a qualifying family member described by (a)-(c); or (e) otherwise directly impacted by the COVID-19 virus or actions taken in response to public health guidance or orders related to COVID-19, as determined by the Human Resources Director. The Department of Human Resources may issue guidance and implement this program; and



(5) The due date for license fees otherwise due on March 31, 2020, under Section 76.1 of Article 2 of the Business and Tax Regulations Code, is extended to June 30, 2020, and the deadline for the Tax Collector to issue notice of such due date is extended from February 28, 2020, to May 31, 2020; and

(6) The quarterly estimated tax payments and filings of Gross Receipts Taxes, Payroll Expense Taxes, Early Care and Education Commercial Rents Taxes, and Homelessness Gross Receipts Taxes that would otherwise be due on April 30, 2020, under Section 6.9-3(a)(3) of Article 6 of the Business and Tax Regulations Code, are waived for taxpayers or combined groups that had combined San Francisco gross receipts in calendar year 2019 of \$10,000,000 or less. These quarterly estimated tax liabilities must instead be paid along with that taxpayer or combined group's annual tax payments for tax year 2020, which will generally be due by March 1, 2021; and

(7) All City departments shall comply with orders issued by the City Administrator regarding the purchase of commodities and services required to address the emergency.

DATED: March 11, 2020

A handwritten signature in cursive script that reads "London Breed".

London N. Breed
Mayor of San Francisco



LONDON N. BREED
RECMAYOR
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 MAR 13 PM 4:47

BY

eu

**SECOND SUPPLEMENT TO MAYORAL PROCLAMATION DECLARING THE
EXISTENCE OF A LOCAL EMERGENCY DATED FEBRUARY 25, 2020**

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 or its citizens; and

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation (the "Proclamation") declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus ("COVID-19"); and

WHEREAS, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

WHEREAS, On March 6, 2020, the Local Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

WHEREAS, On March 6, 2020, the City issued public health guidance to encourage social distancing to disrupt the spread of COVID-19 and protect community health; and

WHEREAS, On March 7, 2020, the Local Health Officer ordered certain City facilities not to hold non-essential group events of more than 50 people for the two weeks from the date of the order and prohibited visitors from Laguna Honda Hospital; and

WHEREAS, On March 7, 2020, the Department of Human Resources issued guidance to minimize COVID-19 exposure risk for City employees who provide essential services to the local community, in particular during the current local emergency; and

WHEREAS, On March 11, 2020, the Local Health Officer issued an order prohibiting most public gatherings of 1,000 people or more for a period of two weeks; and



WHEREAS, On March 11, 2020, the Mayor issued a supplement to the Proclamation, ordering additional measures to respond to the emergency; and

WHEREAS, On March 13, 2020, the Local Health Officer issued an order prohibiting most mass gatherings in any space with a maximum occupant load of 100 people or more; and

WHEREAS, There are currently 21 confirmed cases of COVID-19 within the City, more than 250 confirmed cases in California, and five COVID-19-related deaths in California; and

WHEREAS, COVID-19 is causing and is expected to continue to cause serious negative impacts on the local economy and financial impacts to residents, including the substantial loss of income due to loss of compensable work hours or wages, layoffs, and business closures; and

WHEREAS, Workers who experience a loss of income as a result of illness, layoffs, reduced hours, or the need to care for a sick or otherwise dependent family member are more likely to be unable to stay current on rent payments; and

WHEREAS, There is a severe shortage of affordable rental housing in the City, people who are evicted are at risk of homelessness, and homeless individuals are less equipped to mitigate risks related to COVID-19; and

WHEREAS, Displacing renters who are unable to pay rent due to these types of financial impacts will worsen the present crisis by making it difficult for them to follow the health guidance of social distancing and isolation, which will put tenants and many others at great risk; and

WHEREAS, It is in the public interest to take steps to ensure that people remain housed during this public health emergency; and

WHEREAS, Loss of income as a result of the global COVID-19 pandemic may inhibit San Francisco residents and businesses from fulfilling their financial obligations including public utility payments such as water and sewer charges; and



WHEREAS, Ensuring that all people in San Francisco continue to have access to running water during this public health crisis to enable people to regularly wash their hands and maintain access to clean drinking water will help to prevent the spread of COVID-19 and prevent or alleviate illness or death due to the virus; and

WHEREAS, Ensuring that all customers in San Francisco that receive power services from the San Francisco Public Utilities Commission continue to have access to electricity so they are able to receive important COVID-19 information, keep critical medical equipment functioning, and utilize power as needed will help to prevent the spread of COVID-19 and prevent or alleviate illness or death due to the virus; and

WHEREAS, Private donors have expressed an interest in donating funds to the City to support the COVID-19 response efforts, and the City intends to use those funds in an expeditious manner to provide grants to small business and for other purposes related to the emergency response; and

WHEREAS, Many City employees have been reassigned from their normal duties or deployed as Disaster Service Workers to assist in the emergency response effort; other City employees must prioritize and for many employees devote all their work time to work related to the emergency response; City departments have been directed to support telecommuting to the extent possible and telecommuting employees may not have access to City records; these changes to the typical functioning of the City workforce and workplace have burdened the City's ability to respond to requests for public records; temporarily suspending the immediate disclosure request provision of the Sunshine Ordinance will allow the City to devote limited staff resources to emergency services and providing services to the public; the regular response deadlines contained in the California Public Records Act will apply; and

WHEREAS, The Mayor does hereby proclaim that the conditions of extreme peril exist and continue to warrant and necessitate the existence of a local emergency,

NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;



In addition to the measures outlined in the Proclamation and in the March 11, 2020 Supplement to the Proclamation, it is further ordered that:

(1) A temporary moratorium on eviction for non-payment of rent by residential tenants directly impacted by the COVID-19 crisis is imposed as follows:

(a) Notwithstanding Section 37.9(a)(1) of the Administrative Code, if a residential tenant has not timely made a rent payment that was due on or after March 13, 2020, the landlord may not recover possession of the unit under Section 37.9(a)(1) if the tenant has provided notice to the landlord within 30 days after the date that rent was due that the tenant is unable to pay rent due to financial impacts related to COVID-19.

(b) For purposes of this Order, "financial impacts" means a substantial loss of household income due to business closure, loss of compensable hours of work or wages, layoffs, or extraordinary out-of-pocket medical expenses. A financial impact is "related to COVID-19" if it was caused by the COVID-19 pandemic, the Mayor's Proclamation, the Local Health Officer's Declaration of Local Health Emergency, or public health orders or recommended guidance related to COVID-19 from local, state, or federal authorities.

(c) Within one week of providing notice under subsection (a), the tenant shall provide the landlord documentation or other objectively verifiable information that due to financial impacts related to COVID-19, the tenant is unable to pay rent. If the tenant does not provide evidence of financial impacts related to COVID-19, the landlord may attempt to proceed under Section 37.9(a)(1).

(d) This Order shall last for a period of 30 days, until the Proclamation of Local Emergency is terminated, or upon further Order from the Mayor, whichever occurs sooner. The Mayor may extend this Order by an additional period of 30 days if conditions at that time warrant extension. The Mayor shall provide notice of the extension through an Executive Order posted on the Mayor's website and delivered to the Clerk of the Board of Supervisors.

(e) Upon expiration or termination of this Order, a tenant who provided the notice required under subsection (a) shall have up to six months to pay the rent owed to the landlord, before the landlord may recover possession due to those missed rent payments



under Section 37.9(a)(1). The tenant shall pay the rent in one month if able to do so; however, if the tenant remains unable to pay the rent due to the financial impacts related to COVID-19, the tenant may provide the landlord another notice and additional documentation pursuant to subsections (a) and (c) and thereby extend the payment date by an additional one month. The tenant may provide additional notices and documentation each month to further extend the deadline, but under no circumstances shall the landlord be required to extend the deadline beyond six months after the expiration or termination of this Order. At the end of the applicable extension period, if the tenant still has not paid all outstanding rent, Section 37.9(a)(1) shall apply.

(f) The Director of the Mayor's Office of Housing and Community Development or the Director's designee, in consultation with the San Francisco Rent Board as appropriate, is delegated authority to develop and publish guidelines consistent with this Order, including developing forms and recommendations of the types of documentation that may show financial impacts related to COVID-19; and

(2) The San Francisco Public Utilities Commission ("SFPUC") shall suspend for 60 days: (a) the discontinuation or shut off of water service for residents and businesses in the City for non-payment of water and sewer bills, (b) the imposition of late payment penalties or fees for delinquent water and/or sewer bills, (c) the discontinuation or shut off of power service for SFPUC Hetch Hetchy Power Customers in San Francisco for non-payment of power bills, (d) the imposition of late payment penalties or fees for delinquent Hetch Hetchy Power Customer accounts, and (e) the return of delinquent CleanPowerSF Customers to PG&E generation service for failure to pay CleanPowerSF charges; and

(3) Sections 150.4, 150.5, and 150.6 of the Public Works Code regarding the initiation of lien proceedings for delinquent water and sewer bills are suspended for the duration of the local emergency; and

(4) The Controller is authorized to accept and expend funds in any amount contributed by individuals or entities for the purposes of assisting the City's efforts to respond to the COVID-19 emergency. Notwithstanding any authorization in the Administrative Code or other City laws to accept and expend funds, all donations, grants, gifts and bequests of money to the City for the purpose of responding to the emergency shall be accepted by the Controller, and expenditures of such funds shall be subject to the Controller's direction. Funds accepted by the Controller may be expended by the City to provide



shelter, food, financial assistance including but not limited to loans, grants, or rent, mortgage and utility payments, and other assistance to individuals and families in the City who are impacted by the emergency; to replace, repair, and rebuild public buildings, infrastructure, and other assets for use in the City's efforts to respond to the emergency; to issue and administer grants and/or interest-free loans to small businesses in the City to compensate for economic harms resulting from COVID-19; and for other City efforts to address the impacts of COVID-19. The Controller may coordinate with or delegate responsibility to any other department or agency to develop criteria for and administer the expenditure of funds. Provisions of existing agreements and of local law are suspended to the extent they would impede the disbursement of funds to outside entities for the purposes described above; and

(5) Sections 67.25(a) and 67.25(b) of the Administrative Code are suspended for the duration of the local emergency.

DATED: March 13, 2020

A handwritten signature in cursive script that reads "London Breed".

London N. Breed
Mayor of San Francisco

FOR IMPERATIVE AGENDA – NOT ON AGENDA

Introduction by a Member of the Board of Supervisors

Contains new requirements imposed by both
Brown Act amendments and the Sunshine Ordinance

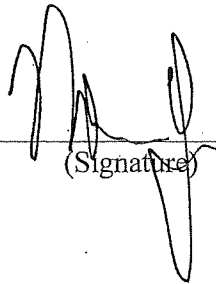
Subject of Resolution: Concurring in Actions to Meet Local Emergency - Coronavirus

Printed Name of Sponsor: Supervisor Yee

I hereby submit the attached resolution, which is not on the agenda, for Immediate Adoption.

1. I certify that, as provided by the Sunshine Ordinance, “the need to take action is so imperative as to threaten serious injury to the public interest” if action is deferred to a later meeting.





(Signature)

OR

2. I certify that the resolution is a purely commendatory action.

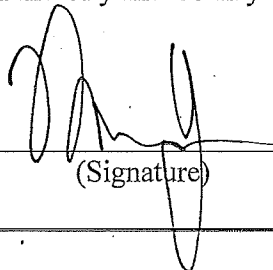


(Signature)

AND

3. I further certify that, as provided by the Brown Act, there is a need to take immediate action and the need to take action came to the attention of the City and County of San Francisco after the agenda was posted.





(Signature)

For Clerk’s use only: