

File No. 200928

Committee Item No. _____

Board Item No. 46

COMMITTEE/BOARD OF SUPERVISORS

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Committee: _____

Date: _____

Board of Supervisors Meeting

Date: August 18, 2020

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Prepared by: Lisa Lew

Date: August 14, 2020

Prepared by: _____

Date: _____

1 [Concurring in Actions to Meet Local Emergency - Coronavirus Response - Twenty-Third,
2 Twenty-Fourth, and Twenty-Fifth Supplements]

3 **Motion concurring in actions taken by the Mayor in the Twenty-Third, Twenty-Fourth,**
4 **and Twenty-Fifth Supplements to the Proclamation of Emergency to meet the ongoing**
5 **local emergency related to the novel coronavirus COVID-19 pandemic.**

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 July 28, 2020, the Mayor took additional steps to meet the emergency
15 by issuing the Twenty-Third Supplement to the Proclamation, ordering one action to meet the
16 emergency; the Twenty-Third Supplement is on file with the Clerk of the Board of Supervisors
17 in Board File No. 200928; and

18 WHEREAS, On July 31, 2020, the Mayor took additional steps to meet the emergency
19 by issuing the Twenty-Fourth Supplement to the Proclamation, ordering two actions to meet
20 the emergency; the Twenty-Fourth Supplement is on file with the Clerk of the Board of
21 Supervisors in Board File No. 200928; and

22 WHEREAS, On August 4, 2020, the Mayor took additional steps to meet the
23 emergency by issuing the Twenty-Fifth Supplement to the Proclamation, ordering two actions
24 to meet the emergency; the Twenty-Fifth Supplement is on file with the Clerk of the Board of
25 Supervisors in Board File No. 200928; and

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

4 MOVED, That the Board of Supervisors concurs with the following action taken by the
5 Mayor to meet the local emergency included in the Mayor's Twenty-Third Supplement to the
6 Proclamation, dated July 28, 2020, as that action is described in full in the Twenty-Third
7 Supplement and summarized as follows:

8 Action #1: Expanding the Shared Spaces program to allow the Director of the
9 Planning Department to temporarily authorize restaurants and retail establishments to use
10 privately owned open space (e.g., surface parking lots) for outdoor dining and retail sales;
11 and, be it

12 FURTHER MOVED, That the Board of Supervisors concurs with the following actions
13 taken by the Mayor to meet the local emergency included in the Mayor's Twenty-Fourth
14 Supplement to the Proclamation, dated July 31, 2020, as those actions are described in full in
15 the Twenty-Fourth Supplement and summarized as follows:

16 Action #1: Extending the paid furlough program for City employees through
17 August, 31, 2020;

18 Action #2: Re-authorizing the order requiring City boards and commissions
19 other than the Board of Supervisors to meet remotely without providing a physical meeting
20 place; and, be it

21 FURTHER MOVED, That the Board of Supervisors concurs with the following actions
22 taken by the Mayor to meet the local emergency included in the Mayor's Twenty-Fifth
23 Supplement to the Proclamation, dated August 4, 2020, as those actions are described in full
24 in the Twenty-Fifth Supplement and summarized as follows:

1 Action #1: Further delaying the filing deadline and fee payments for the
2 renewal of business registration certificates from September 30, 2020 to March 1, 2021; and
3 making corresponding modifications related to new business registration certificates for
4 businesses that opened before and after June 30, and for businesses that close between July
5 1 and March 1, 2021; and

6 Action #2: Further extending the deadline to pay license fees from September
7 30, 2020 to March 1, 2021.

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**TWENTY-THIRD 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 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 16, 2020, the City’s Health Officer issued a stay safe at home order, Health Officer Order No. C19-07 (the “Stay Safe At Home Order”), requiring most people to remain in their homes subject to certain exceptions including obtaining essential goods such as food and necessary supplies, and requiring the closure of non-essential businesses; the Health Officer has amended the Stay Safe At Home Order to modify the ongoing restrictions; and

WHEREAS, There have been 6,065 confirmed cases of COVID-19 within the City and 56 COVID-19-related deaths in the City; there have been more than 463,843 confirmed cases in California and more than 8,550 COVID-19-related deaths in California; and

WHEREAS, The Eighteenth Supplement to the Proclamation of Local Emergency authorized the creation of programs to allow retail businesses and restaurants to use



portions of the sidewalk, parking lane, and certain privately owned outdoor public spaces on a temporary basis so that these businesses can operate safely and consistent with the Health Officer's orders. On June 16, 2020, the Board of Supervisors concurred in the orders contained in the Eighteenth Supplement. Additional suitable locations have been identified for outdoor dining and retail, such as privately owned surface parking lots. For the same reasons articulated in the Eighteenth Supplement, it is in the public interest to suspend local law that would stand as a barrier to the expeditious use of this available space to help businesses survive and operate safely during the emergency period;

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 Supplements to the Proclamation issued on various dates, it is further ordered that:

In addition to the authority granted to the Planning Director under Section 3 of the Eighteenth Supplement to the Proclamation of Local Emergency, the Planning Director or the Director's designee is authorized to create a program to temporarily allow unenclosed portions of property outside the public right-of-way, including but not limited to privately owned public open spaces, to be used in conjunction with Retail Sales and Service uses, as defined by the Planning Code, such as sales of goods and services, restaurants, and similar uses. Any such retail use must be principally or conditionally permitted by the Planning Code for the open space to receive temporary authorization. Other than use restrictions on the primary retail use established by the Planning Code, all other requirements of the Planning Code are hereby suspended, and any provision of the Charter or Municipal Code authorizing an appeal to the Board of Appeals concerning authorizations under this program is waived.

The Director of Planning or the Director's designee is authorized to implement this program and shall issue rules and regulations to further the program, including limitations on spaces, locations, and uses that are appropriate for this program. The user of any space authorized under this Order shall comply with all laws requiring accessibility for people with disabilities, and shall ensure the space and services do not interfere with the accessibility of the public open space to people with disabilities. This Order shall not



authorize conduct that is prohibited by orders or directives of the Health Officer. This Order shall remain in effect during the local emergency unless terminated earlier by the Mayor or the Board of Supervisors.

DATED: July 28, 2020

A handwritten signature in blue ink, reading "London N. Breed".

London N. Breed
Mayor of San Francisco



**TWENTY-FOURTH 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 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 16, 2020, the City’s Health Officer issued a stay safe at home order, Health Officer Order No. C19-07 (the “Stay Safe At Home Order”), requiring most people to remain in their homes subject to certain exceptions including obtaining essential goods such as food and necessary supplies, and requiring the closure of non-essential businesses; the Health Officer has amended the Stay Safe At Home Order to modify the ongoing restrictions; and

WHEREAS, There have been 6,575 confirmed cases of COVID-19 within the City and 59 COVID-19-related deaths in the City; there have been more than 490,000 confirmed cases in California and more than 9,000 COVID-19-related deaths in California; and

WHEREAS, In the Third Supplement to the Emergency Proclamation dated March 17, 2020, recognizing that many City employees affected by the Stay Safe At Home Order



cannot perform their duties remotely and must stay home and that it is in the public interest to support such employees with paid leave, the Mayor authorized a paid leave program through April 17, 2020, to mitigate financial impacts of the emergency on City employees; the Mayor extended the program through July 31, 2020 through further orders in the Seventh, Twelfth, Sixteenth, and Twenty-First Supplements to the Emergency Proclamation. Due to the ongoing restrictions of the Stay Safe At Home Order, it is in the public interest to further extend this paid leave program; and

WHEREAS, In the Sixteenth Supplement to the Emergency Proclamation dated May 29, 2020, the Mayor issued an order placing restrictions on meetings of City policy bodies, including a requirement that all meetings be conducted by telephonic or electronic means. The Mayor modified that order in the Twentieth Supplement to the Emergency Proclamation, issued on June 19, 2020. Given the ongoing public health concern, closure of City buildings, and restrictions and recommendations in the Stay Safe At Home Order, it is necessary to continue these limitations on meetings of these bodies to protect the public health;

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 Supplements to the Proclamation issued on various dates, it is further ordered that:

(1) The Human Resources Director is authorized, with the concurrence of the Controller, to extend the existing paid leave program for City employees, first authorized on March 17, 2020 in the Third Supplement to the Emergency Proclamation, through August 31, 2020, to mitigate the financial impacts of the emergency on these City employees. The Director of Transportation is authorized, with the concurrence of the Controller, to extend the existing paid leave program for service critical employees of the San Francisco Municipal Transportation Agency first authorized on March 17, 2020 in the Third Supplement to the Emergency Proclamation, through August 31, 2020. As described in the Third, Seventh, Twelfth, Sixteenth, and Twenty-First Supplements to the Emergency Proclamation, this paid leave program is for employees who are available to work, but not working, including working from home, due to the Stay Safe At Home Order.



(2) Public meetings of City commissions, boards, and advisory bodies other than the Board of Supervisors and its committees must comply with the following conditions for all public meetings:

- a. The meetings must occur by teleconference or other electronic means without providing a physical meeting place, and the commission, board, or advisory body must comply with all applicable laws governing public meetings during the emergency, including allowing public observation and participation;
- b. The commission, board, or advisory body must prioritize any urgent action items necessary for public health, safety, and essential government functions; and
- c. Before scheduling a meeting, a policy body that is not established in the Charter must confer with the department that provides administrative and clerical support to the body, to ensure that the meeting will not unreasonably require the time of staff who are otherwise deployed or participating in the City's response to the COVID-19 pandemic.

Upon request from the policy body chairperson, the Mayor may waive the requirement in subsection (a) and allow members of a policy body to convene at a physical location for the sole purpose of discussing and/or taking action on an item concerning a personnel matter. However, the policy body shall not provide a physical location for members of the public to attend and shall comply with all applicable requirements concerning public observation and participation. The policy body members and other participants shall follow all applicable health directives.

This Order shall remain in place during the local emergency, unless terminated earlier by the Mayor or the Board of Supervisors, or unless the Governor rescinds his executive order authorizing public meetings to occur by electronic means without providing a physical meeting place under state law or such order expires.

DATED: July 31, 2020

A handwritten signature in blue ink that reads "London Breed".

Mayor of San Francisco



**TWENTY-FIFTH 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 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 16, 2020, the City’s Health Officer issued a stay safe at home order, Health Officer Order No. C19-07 (the “Stay Safe At Home Order”), requiring most people to remain in their homes subject to certain exceptions including obtaining essential goods such as food and necessary supplies, and requiring the closure of non-essential businesses; the Health Officer has amended the Stay Safe At Home Order to modify the ongoing restrictions; and

WHEREAS, There have been 6,989 confirmed cases of COVID-19 within the City and 61 COVID-19-related deaths in the City; there have been more than 520,000 confirmed cases in California and more than 9,500 COVID-19-related deaths in California; and

WHEREAS, In the Eleventh Supplement to the Proclamation of Local Emergency, issued on April 23, 2020, the Mayor extended deadlines related to business registration



certificates and license fees due to the economic impact of the COVID-19 emergency on local businesses and the uncertainty concerning when normal business and government operations would resume. On May 5, 2020, the Board of Supervisors concurred in these orders. The negative economic impacts of the crisis and the uncertainty concerning when normal operations will resume persist, and extending these deadlines further is in the public interest;

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 Supplements to the Proclamation issued on various dates, it is further ordered that:

(1) Section 1 of the Eleventh Supplement to the Emergency Proclamation, dated April 23, 2020, is revised and supplemented as follows:

(a) The deadline under Articles 6 and 12 of the Business and Tax Regulations Code for persons who had an existing business registration certificate from the Office of the Treasurer and Tax Collector on or before April 23, 2020, to apply for renewal of their business registration certificate and pay the business registration fee for the registration year ending June 30, 2021, which was previously extended from June 1, 2020, to September 30, 2020, is further extended to March 1, 2021, and no penalty will be assessed if they file and pay by March 1, 2021. Existing business registration certificates issued under Section 856 of Article 12 of the Business and Tax Regulations Code for the registration year ending June 30, 2020, will continue to be valid through March 1, 2021, for all purposes.

(b) Newly established businesses commencing business in the City on or before June 30, 2020, that did not have a business registration certificate from the Office of the Treasurer and Tax Collector by April 23, 2020, were still required under the Eleventh Supplement to the Emergency Proclamation to timely apply for a business registration certificate and timely pay the prorated business registration fee for the registration year ending June 30, 2020, as required by Section 856 of Article 12 of the Business and Tax Regulations Code, but did not need to pay the business registration fee until September



30, 2020 for the registration year ending June 30, 2021. The September 30, 2020 deadline is further extended to March 1, 2021, and no penalty will be assessed if they pay the fee for the registration year ending June 30, 2021 by March 1, 2021. Persons subject to this paragraph (b) that apply for a business registration certificate and pay the prorated business registration fee, plus any applicable penalties and interest, for the registration year ending June 30, 2020, will, in the sole discretion of the Office of the Treasurer and Tax Collector, either:

(i) be issued a business registration certificate for the registration year ending June 30, 2020, which will continue to be valid through March 1, 2021, for all purposes; or

(ii) not be issued a business registration certificate until they have paid their business registration fee for the registration year ending June 30, 2021, but: (A) all requirements in the San Francisco Municipal Code that such certificate be posted will be waived for such persons for all purposes through March 1, 2021; and (B) such persons will still receive a business account number reflecting their registration with the Office of the Treasurer and Tax Collector, and will not be reflected as being delinquent in the records of the Office of the Treasurer and Tax Collector until March 2, 2021, on account of not paying their business registration fee for the registration year ending June 30, 2021.

(c) Newly established businesses commencing business in the City on or after July 1, 2020, must still timely apply for a business registration certificate for the registration year ending June 30, 2021, as required by Section 856 of Article 12 of the Business and Tax Regulations Code, but their deadline for paying the business registration fee, which was previously extended to September 30, 2020, is further extended to March 1, 2021, and no penalty will be assessed if they pay by March 1, 2021. Newly established businesses commencing business in the City on or after July 1, 2020, will not receive a business registration certificate until they have paid their business registration fee, but: (i) all requirements in the San Francisco Municipal Code that such certificate be posted will be waived for such persons for all purposes through March 1, 2021; and (ii) such persons will still receive a business account number reflecting their registration with the Office of the Treasurer and Tax Collector, and will not be reflected as being delinquent in the records of the Office of the Treasurer and Tax Collector until March 2, 2021, on account of not paying their business registration fee.



(d) Newly established businesses that did not have a certificate of authority for the collection of third-party taxes under Section 6.6-1 of Article 6 of the Business and Tax Regulations Code by April 23, 2020, will not be permitted to obtain such a certificate of authority until they have paid their business registration fee for the registration year ending June 30, 2021, and will not be permitted to engage in any business that requires them to collect the tax on transient occupancy of hotel rooms in Article 7 of the Business and Tax Regulations Code or the tax on occupancy of parking spaces in parking stations in Article 9 of the Business and Tax Regulations Code without first paying the business registration fee for registration year ending June 30, 2021.

(e) Persons that cease business between July 1, 2020 and March 1, 2021, will still need to pay the business registration fee for registration year ending June 30, 2021 by March 1, 2021, and file any necessary forms to accompany that payment.

(f) The Tax Collector will continue to timely issue business registration certificates to all persons that choose to pay the business registration fee for registration year ending June 30, 2021 prior to March 1, 2021.

(2) Section 2 of the Eleventh Supplement to the Emergency Proclamation, dated April 23, 2020, is revised and replaced as follows:

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, previously extended to September 30, 2020, is further extended to March 1, 2021, and the deadline for the Tax Collector to issue notice of such due date previously extended to August 31, 2020, is further extended to February 1, 2021.

DATED: August 4, 2020

A handwritten signature in blue ink that reads "London N. Breed".

London N. Breed
Mayor of San Francisco

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):

Yee

Subject:

Concurring in Actions to Meet Local Emergency - Coronavirus Response

The text is listed:

Motion concurring in actions taken by the Mayor in the Twenty-Third, Twenty-Fourth, and Twenty-Fifth Supplements to the Proclamation of Emergency to meet the ongoing local emergency related to the novel coronavirus COVID-19 pandemic.

Signature of Sponsoring Supervisor: