

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
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MEMORANDUM

TO: Dr. Grant Colfax, Director, Department of Public Health
Shakirah Simley, Director, Office of Racial Equity

FROM: John Carroll, Assistant Clerk, Government Audit and Oversight Committee,
Board of Supervisors

DATE: January 29, 2021

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Haney on January 26, 2021:

File No. 210075

Emergency ordinance requiring the Department of Public Health to prepare a COVID-19 Vaccination Plan and to make publicly available on its website information relating to the number and availability of COVID-19 vaccines in San Francisco, and the methods by which people who live or work in the City may access vaccines.

If you have any 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.

c: Offices of Chair Preston and Supervisor Haney
Arielle Fleisher, Department of Public Health
Greg Wagner, Department of Public Health
Dr. Naveena Bobba, Department of Public Health
Sneha Patil, Department of Public Health

1 [Emergency Ordinance - San Francisco COVID-19 Vaccination Plan]

2

3 **Emergency ordinance requiring the Department of Public Health to prepare a COVID-19**
4 **Vaccination Plan and to make publicly available on its website information relating to**
5 **the number and availability of COVID-19 vaccines in San Francisco, and the methods**
6 **by which people who live or work in the City may access vaccines.**

7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.
9 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
10 **Board amendment additions** are in double-underlined Arial font.
11 **Board amendment deletions** are in ~~strikethrough Arial font~~.
12 **Asterisks (* * * *)** indicate the omission of unchanged Code
13 subsections or parts of tables.

11

12 Be it ordained by the People of the City and County of San Francisco:

13

14 Section 1. Declaration of Emergency under Charter Section 2.107.

15 (a) Charter Section 2.107 authorizes enactment of an emergency ordinance in
16 cases of public emergency affecting life, health, or property, or for the uninterrupted operation
17 of any department or office required to comply with time limitations established by law. The
18 Board of Supervisors hereby finds and declares that an actual emergency exists that requires
19 the enactment of this emergency ordinance.

20 (b) On February 25, 2020, Mayor London Breed proclaimed a state of emergency in
21 response to the COVID-19 pandemic. On March 3, 2020, the Board of Supervisors concurred
22 in the February 25th Proclamation and in the actions taken by the Mayor to meet the
23 emergency.

24 (c) On December 30, 2020, the San Francisco Health Officer extended the “Stay
25 Safer At Home” Health Order, in recognition of the fact that “[l]ocal COVID-19 cases have

1 more than quadrupled since early November 2020” and “[t]he vast majority of the population
2 remains susceptible to infection, and local conditions could rapidly worsen if people fail to
3 safely modify their behavior, including wearing face coverings, adhering to social distancing
4 requirements, and avoiding gatherings.” (Health Officer Order No. C19-17q.)

5 (d) On January 20, 2021, the Health Officer again updated the “Stay Safer at Home”
6 Health Order, finding that “[a]bsent additional and immediate intervention to reduce the
7 transmission of COVID-19, the County’s and Bay Area’s COVID-19 cases and hospitalizations
8 will continue to rise and could overwhelm hospital capacity for the region.” (Health Officer
9 Order No. C19-17r.)

10 (e) An effective vaccination plan and accessible data regarding vaccine inventories
11 and vaccination opportunities are critical to ensuring efficient distribution of COVID-19
12 vaccines. This emergency ordinance is necessary to reduce the spread of COVID-19 by
13 requiring a timely and effective vaccination plan to guide the vaccination of all people who live
14 or work in San Francisco.

15
16 Section 2. Background and Findings.

17 (a) As of January 17, 2021, nearly 30,000 San Franciscans had tested positive for
18 COVID-19, 266 of whom had died from a COVID-related death.

19 (b) Although vaccinations for the novel coronavirus have been available to states
20 and local jurisdictions since December 2020, the rate of vaccination administration, generally
21 and in San Francisco, has been hampered by multiple barriers, including but not limited to
22 staffing limitations, limitations of supply, inadequate coordination with the State and Federal
23 governments, consideration of the timing of the second dose, and the limited availability of
24 physical space for vaccinations.

1 (c) On December 15, 2020, San Francisco health care providers began
2 administering the first doses of a COVID-19 vaccine. The COVID-19 vaccination program is
3 the most significant strategy to prevent further transmission of COVID-19 and to bring an end
4 to the current pandemic. Vaccines approved by the U.S. Food and Drug Administration have
5 the potential to reduce the risk of severe illness or death from COVID-19, and widespread
6 vaccination is necessary for the health and safety of San Francisco residents.

7 (d) As of January 18, 2021, the City was administering fewer than 2,000 doses of
8 the COVID-19 vaccine per day, on average. At that rate, vaccination of all people who live or
9 work in San Francisco would not be achieved until 2022. Vaccination at such a slow pace
10 would severely undermine efforts to curb the pandemic.

11 (e) As of January 19, 2021, COVID-19 vaccines had been administered to
12 approximately 34,000 San Franciscans, out of a population of approximately 870,000.

13 (f) The Department of Public Health (“DPH”) and other city agencies have a key
14 role to play in leading the coordination and collaboration of vaccination administration with
15 numerous healthcare providers, residents, communities, and the State and Federal
16 governments, to create options for all people who live and work in San Francisco to obtain the
17 COVID-19 vaccine in a way that is safe, expeditious, and efficient for them.

18 (g) Initial public communications from the City and County of San Francisco (“City”)
19 to the public instructed the public to seek access to the COVID-19 vaccine from private
20 healthcare providers. City communications later shifted to advise the public of various options
21 that San Franciscans may have to get the vaccine when they are eligible.

22 (h) On January 19, 2021, San Francisco launched an online tool for people to sign
23 up to be notified when they are eligible for the COVID-19 vaccine. However, widespread
24 questions remain about who is eligible for the vaccine, when they will be eligible, and how and
25 when they will receive the vaccine.

1 (i) On January 19, 2021, the San Francisco Health Officer issued Health Order No.
2 C19-18 requiring Large Healthcare Providers (defined to include specified hospitals and
3 health systems) to “provide a written comprehensive vaccination plan to the Health Officer
4 describing how the Large Healthcare Provider will timely and effectively vaccinate all of its
5 primary care or, if applicable, specialty care patients in the City and how the Large Healthcare
6 Provider will timely and effectively contribute to the shared goal of vaccinating all people who
7 live or work in the City, regardless of their insurer.” The Health Order also established
8 vaccine data reporting requirements.

9 (j) As of January 20, 2021, the City had not yet released for patients served by
10 DPH a plan containing categories of information that the January 19, 2021 Health Order
11 requires Large Healthcare Providers to produce, including but not limited to a communication
12 and appointment scheduling plan, a list of all vaccination sites, methods for preventing any
13 vaccine “waste,” and other critical elements of a comprehensive vaccination plan.

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15 Section 3. Definitions.

16 Terms not defined in this emergency ordinance shall have the meaning given to them
17 in Section 4 of Health Officer Order No. C19-18, as may be amended from time to time.

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19 Section 4. Preparation and Submission of San Francisco COVID-19 Vaccination Plan.

20 (a) No later than seven days after the effective date of this emergency ordinance,
21 DPH shall submit to the Board of Supervisors a written, comprehensive vaccination plan
22 describing how DPH will timely and effectively contribute to the shared goal of vaccinating all
23 people who live or work in the City, regardless of insurance, and how DPH will timely and
24 effectively vaccinate all of the patients to whom DPH provides primary or specialty care. (“SF
25

1 COVID-19 Vaccination Plan”). The SF COVID-19 Vaccination Plan shall include, but not be
2 limited to, the following information and components:

3 (1) A description of the steps DPH will take to meet the goal of administering
4 at least 10,000 COVID-19 vaccinations per day;

5 (2) All of the categories of information that Large Healthcare Providers are
6 required to produce under Section 2 of Health Officer Order No. C19-18, as may be amended
7 from time to time, with respect to DPH’s communication and scheduling plan, vaccination
8 sites, capacity and schedule of daily vaccine appointments, timeline for achieving full
9 vaccination, methods for vaccinating people who are not part of the DPH’s primary care
10 population, approach to ensuring equitable access to vaccinations across patient populations,
11 methods for preventing vaccination waste, adherence to federal and state law, and methods
12 for retaining and storing data and meeting reporting requirements;

13 (3) Staffing, storage, and other resources needed to operate a large-scale
14 vaccination program;

15 (4) The locations of possible mass vaccination centers and community pop-
16 up vaccination sites, including the number of COVID-19 doses expected to be administered at
17 each such location;

18 (5) A plan for how the City can accelerate vaccination activities in
19 neighborhoods most impacted by COVID-19 and ensure that individuals at high risk of
20 contracting COVID-19 in every neighborhood, including the west side of San Francisco, have
21 direct access to public vaccination sites;

22 (6) A description of how the City will partner with City-contracted social
23 service providers, the San Francisco Unified School District, and labor unions, to pre-register
24 for COVID-19 vaccinations individuals employed in the education, childcare, and social
25 services sectors who are at risk of exposure to COVID-19 at work, and ensure that individuals

1 who are not eligible to be vaccinated as part of the initial phase(s) of the vaccination plan will
2 be vaccinated as soon as supply is available; and

3 (7) A plan for collaboration with Multi-County Entities and community health
4 providers to operate mass vaccination centers.

5 (b) The SF COVID-19 Vaccination Plan shall take into account:

6 (1) Both current and maximal vaccine supply conditions;

7 (2) The possibility of a sudden, large influx of vaccines from the State and/or
8 Federal government;

9 (3) Changes in vaccination operations associated with changes in the priority
10 populations; and

11 (4) Strategies to ensure culturally-competent and linguistically appropriate
12 outreach to individuals eligible for the vaccine.

13
14 Section 5. Data Reporting.

15 (a) No later than seven days after the effective date of this emergency ordinance,
16 DPH shall post the following information on its website, and shall update the information as
17 necessary to ensure that it is accurate:

18 (1) The number of Covid-19 vaccine doses requested by DPH from the
19 State, by date; the number of such doses approved for distribution by the U.S. Centers for
20 Disease Control and Prevention; and the number of such doses received by DPH, by date;

21 (2) Vaccine Information submitted to DPH by Vaccine Providers, in
22 aggregate form;

23 (3) The number of health care provider facilities in San Francisco receiving or
24 administering the vaccine; and

1 (4) The number of COVID-19 vaccine doses allocated by DPH to non-DPH
2 health care providers.

3 (b) Data concerning the administration of first and second doses of the COVID-19
4 vaccine shall be de-identified and, to the extent possible, disaggregated by race, ethnicity,
5 age, and neighborhood of residence.

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7 Section 6. Public Communications Strategy.

8 No later than seven days after the effective date of this emergency ordinance, DPH
9 shall post and maintain on its website up-to-date information about how the public can access
10 COVID-19 vaccines, including but not limited to:

11 (a) How eligible persons can make an appointment to be vaccinated at a City-
12 operated or City-funded site;

13 (b) How eligible persons can make an appointment to be vaccinated by their private
14 healthcare provider;

15 (c) Information about the populations that have been prioritized to be vaccinated
16 and estimated dates that each priority population is expected to be able to be vaccinated.

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18 Section 7. Undertaking for the General Welfare.

19 In enacting and implementing this emergency ordinance, the City is assuming an
20 undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its
21 officers and employees, an obligation for breach of which it is liable in money damages to any
22 person who claims that such breach proximately caused injury.

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24 Section 8. Severability.

1 If any section, subsection, sentence, clause, phrase, or word of this emergency
2 ordinance, or any application thereof to any person or circumstance, is held to be invalid or
3 unconstitutional by a decision of a court of competent jurisdiction, such decision shall not
4 affect the validity of the remaining portions or applications of the ordinance. The Board of
5 Supervisors hereby declares that it would have passed this ordinance and each and every
6 section, subsection, sentence, clause, phrase, and word not declared invalid or
7 unconstitutional without regard to whether any other portion of this ordinance or application
8 thereof would be subsequently declared invalid or unconstitutional.

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10 Section 9. Effective Date; Expiration.

11 Consistent with Charter Section 2.107, this emergency ordinance shall become
12 effective immediately upon enactment. Enactment occurs when the Mayor signs the
13 ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within
14 ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the
15 ordinance. Once enacted, it shall remain in effect for 60 days, unless reenacted as provided
16 by Section 2.107. If not reenacted, it shall expire on the 61st day after enactment.

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LEGISLATIVE DIGEST

[Emergency Ordinance - San Francisco COVID-19 Vaccination Plan]

Emergency ordinance requiring the Department of Public Health to prepare a COVID-19 Vaccination Plan and to make publicly available on its website information relating to the number and availability of COVID-19 vaccines in San Francisco, and the methods by which people who live or work in the City may access vaccines.

Existing Law

Charter Section 2.107 authorizes enactment of an emergency ordinance in cases of public emergency affecting life, health, or property, or for the uninterrupted operation of any department or office required to comply with time limitations established by law.

During a local health emergency, state law authorizes the local Health Officer to, among other things, take any preventive measure that may be necessary to protect and preserve the public health from any public health hazard during the local emergency. (Cal. Health & Saf. Code § 101040.) In addition, during an outbreak of communicable disease, state law authorizes the local Health Officer to request that health care providers and systems disclose to the health officer inventories of critical medical supplies, equipment, pharmaceuticals, vaccines, or other products that may be used for the prevention of the transmission of communicable disease, provided the Health Officer maintains the confidentiality of any proprietary information. (*Id.* § 120176.)

On January 19, 2021, the local Health Officer issued Order No. C19-18, requiring Large Healthcare Providers (defined to include specified hospitals and health systems) to “provide a written comprehensive vaccination plan to the Health Officer describing how the Large Healthcare Provider will timely and effectively vaccinate all of its primary care or, if applicable, specialty care patients in the City and how the Large Healthcare Provider will timely and effectively contribute to the shared goal of vaccinating all people who live or work in the City, regardless of their insurer.” The Health Order also established vaccine data reporting requirements.

Although the Health Officer’s January 19, 2021 Health Order requires the San Francisco Health Network to develop a written vaccination plan, there is currently no law requiring the Department of Public Health (“DPH”) to prepare a citywide vaccination plan outside of the San Francisco Health Plan, or to post information regarding the availability of COVID-19 vaccinations.

Amendments to Current Law

The proposed ordinance would require DPH to prepare and submit to the Board of Supervisors a written, comprehensive vaccination plan describing how DPH will timely and effectively contribute to the shared goal of vaccinating all people who live or work in the City, regardless of insurance, and how DPH will timely and effectively vaccinate all of the patients to whom DPH provides primary or specialty care. The ordinance would also require DPH to post on its website aggregated, de-identified vaccination data received from Large Healthcare Providers, to the extent the extent that such disclosure is consistent with state and/or federal law.

Background Information

As of January 17, 2021, nearly 30,000 San Franciscans had tested positive for COVID-19, 266 of whom had died from a COVID-related death.

Although vaccinations for the novel coronavirus have been available to states and local jurisdictions since December 2020, the rate of vaccination administration, generally and in San Francisco, has been hampered by multiple barriers, including but not limited to staffing limitations, limitations of supply, inadequate coordination with the State and Federal governments, consideration of the timing of the second dose, and the limited availability of physical space for vaccinations.

As of January 18, 2021, the City was administering fewer than 2,000 doses of the COVID-19 vaccine per day, on average. At that rate, vaccination of all people who live or work in San Francisco would not be achieved until 2022. Vaccination at such a slow pace would severely undermine efforts to curb the pandemic.

On January 19, 2021, San Francisco launched an online tool for people to sign up to be notified when they are eligible for the COVID-19 vaccine. However, widespread questions remain about who is eligible for the vaccine, when they will be eligible, and how and when they will receive the vaccine.

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President, District 10
BOARD of SUPERVISORS



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PRESIDENTIAL ACTION

Date: 1/28/2021

To: Angela Calvillo, Clerk of the Board of Supervisors

Madam Clerk,
Pursuant to Board Rules, I am hereby:

Waiving 30-Day Rule (Board Rule No. 3.23)

File No.

210075

Haney

(Primary Sponsor)

Title.

Emergency Ordinance - San Francisco COVID-19 Vaccination Plan

Transferring (Board Rule No 3.3)

File No.

(Primary Sponsor)

Title.

From:

Committee

To:

Committee

Assigning Temporary Committee Appointment (Board Rule No. 3.1)

Supervisor:

Replacing Supervisor:

For:

(Date)

(Committee)

Meeting

Start Time:

End Time:

Temporary Assignment: Partial Full Meeting


Shamann Walton, President
Board of Supervisors

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):

Haney, Walton, Ronen, Mar, Preston, Chan

Subject:

Emergency Ordinance - San Francisco COVID-19 Vaccination Plan

The text is listed:

Emergency ordinance requiring the Department of Public Health to prepare a COVID-19 Vaccination Plan and to make publicly available on its website information relating to the number and availability of COVID-19 vaccines in San Francisco, and the methods by which people who live or work in the City may access vaccines.

Signature of Sponsoring Supervisor: /s/ Matt Haney

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