

Agenda Item No. 2

2020 Census Redistricting Task Force

AGENDA PACKET CONTENTS LIST

Date: February 4, 2022

Date: _____

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Resolution Making Findings to Allow Teleconferenced Meetings</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Mayor's 41's Amendment to the COVID Emergency Proclamation</u> |
| | | <u>- December 17, 2021</u> |
| <input type="checkbox"/> | <input type="checkbox"/> | _____ |
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Prepared by: John Carroll

Date: January 25, 2022

Prepared by: John Carroll

Date: _____

Prepared by: John Carroll

Date: _____

**RESOLUTION MAKING FINDINGS TO ALLOW TELECONFERENCED
MEETINGS UNDER CALIFORNIA GOVERNMENT CODE SECTION
54953(e)**

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

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

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

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

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

WHEREAS, While federal, State, and local health officials emphasize the critical importance of vaccination and consistent mask-wearing to prevent the spread of COVID-19, the City’s Health Officer has issued at least one order (Health Officer Order No. C19-07y, available online at www.sfdph.org/healthorders) and one directive (Health Officer Directive No. 2020-33i, available online at www.sfdph.org/directives) that continue to recommend measures to promote physical distancing and other social distancing measures, such as masking, in certain contexts; and

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

WHEREAS, Without limiting any requirements under applicable federal, state, or local pandemic-related rules, orders, or directives, the City’s Department of Public Health, in coordination with the City’s Health Officer, has advised that for group gatherings indoors, such as meetings of boards and commissions, people can increase safety and greatly reduce risks to the health and safety of attendees from COVID-19 by maximizing ventilation, wearing well-fitting masks (as required by Health Officer Order No. C19-07), using physical distancing where the vaccination status of attendees is not known, and considering holding the meeting remotely if feasible, especially for long meetings, with any attendees with unknown vaccination status and where ventilation may not be optimal; and

WHEREAS, On July 31, 2020, the Mayor issued an emergency order that, with limited exceptions, prohibited policy bodies other than the Board of Supervisors and its committees from meeting in person under any circumstances, so as to ensure the safety of policy body members, City staff, and the public; and

WHEREAS, The Redistricting Task Force has met remotely during the COVID-19 pandemic and can continue to do so in a manner that allows public participation and transparency while minimizing health risks to members, staff, and the public that would be present with in-person meetings while this emergency continues; and

WHEREAS, On January 3, 2022, the Redistricting Task Force approved a Resolution making findings to allow teleconferenced meetings for the next 30 days, expiring on February 2, 2022; now, therefore, be it

RESOLVED, That the Redistricting Task Force finds as follows:

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

2. As described above, State and City officials continue to recommend measures to promote physical distancing and other social distancing measures, in some settings.
3. As described above, because of the COVID-19 pandemic, conducting meetings of this body in person with public access to such meetings would present imminent risks to the safety of attendees, and the state of emergency continues to directly impact the ability of members to meet safely in person; and, be it

FURTHER RESOLVED, That for at least the next 30 days, meetings of the Redistricting Task Force may continue to occur by teleconferencing technology (and not by any in-person meetings with public access to the places where any policy body member is present for the meeting). Such meetings of Redistricting Task Force that occur by teleconferencing technology will provide an opportunity for members of the public to address this body and will otherwise occur in a manner that protects the statutory and constitutional rights of parties and the members of the public attending the meeting via teleconferencing; and, be it

FURTHER RESOLVED, That the clerk of the Redistricting Task Force is directed to place a resolution substantially similar to this resolution on the agenda of a future meeting of the Redistricting Task Force within the next 30 days. If the Redistricting Task Force does not meet within the next 30 days, the clerk is directed to place a such resolution on the agenda of the next meeting of Redistricting Task Force.



FORTY-FIRST 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, During the local emergency, as authorized by State and local law, City boards, commissions, and advisory bodies have met remotely with very limited exceptions, and members of the public have observed and participated in meetings by phone or through online platforms. The Twenty-Fourth Supplement to the Mayor’s Proclamation, issued July 31, 2020, required that public meetings of City commissions, boards, and advisory bodies other than the Board of Supervisors and its committees occur by teleconference or other electronic means without providing a physical meeting place. That order authorized the Mayor to waive the requirement and allow members of such a body to convene at a physical location for the sole purpose of discussing and/or taking action on an item concerning a personnel matter. The order has remained in effect since July 31, 2020; and

WHEREAS, Although it is difficult to predict how the pandemic will progress in the coming months, the Mayor anticipates that the City will likely be in a position to allow City commissions, boards, and advisory bodies to begin meeting in person again on February 28, 2022, and that members of the public will be invited to observe and participate in those meetings in person, and by phone or through online platforms as well for many of those meetings; and

WHEREAS, Despite the well-documented public health justifications for most commissions, boards, and advisory bodies to continue meeting remotely during the



months of January and February, there are some situations in which the public interest would be best served by allowing a body to meet in person, either with or without members of the public present at the same location, with appropriate health precautions. For example, in some circumstances a board or commission conducting a quasi-adjudicatory hearing may be able to more effectively take evidence or testimony from witnesses in person. And for some boards and commissions, in-person meetings in the community serve a critical and necessary function. Most notably, the Charter requires the Redistricting Task Force (“Task Force”) to convene once every ten years to consider and redraw Supervisorial district lines. The Task Force must approve final district maps before April 15, 2022. Historically, the Task Force and the public have benefitted tremendously from the Task Force holding in-person meetings in neighborhoods to hear directly from residents where they live; and

WHEREAS, As set forth in the Thirty-Eighth Supplement to the Mayor’s Proclamation, to protect City employees and members of the public participating in in-person meetings from the risk of COVID-19 transmission, it is in the public interest to require members of City boards, commissions, and advisory bodies to be fully vaccinated against COVID-19 before they begin to meet in person. For that reason, the Thirty-Eighth Supplement required members of City Policy Bodies (as defined below in Section 2 of this Order) to submit to the City proof of their vaccination status by December 15, 2021, and prohibited members of City Policy Bodies from attending or participating in any in-person meetings unless they are fully vaccinated; and

WHEREAS, To ensure that the City is fully prepared for City Policy Bodies to begin meeting safely in person on February 28, 2022, it is critical that policy body members be fully vaccinated by no later than January 31, 2022. The January 31, 2022 deadline will provide adequate time for the Mayor, Board of Supervisors, or other appointing authorities to decide to remove unvaccinated policy body members from office and to replace them with qualified members who are fully vaccinated; and

WHEREAS, Consistent with recommendations from the San Francisco Health Officer and other public health authorities, policy body members are strongly urged to receive a booster vaccination as soon as they are eligible to do so;



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 2 of the Twenty-Fourth Supplement to the Emergency Proclamation is revised and replaced as follows:

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) Except as provided in sections (b), (c) and (d) below, 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) Upon written request from the chairperson of a board or commission, the Mayor or the Mayor's designee may, by a written notice or letter provided to the chairperson, waive the requirement in subsection (a) and allow members of the board or commission to convene at a physical location for the sole purpose of discussing and/or acting on an item concerning a personnel matter. But, the board or commission must not provide a physical location for members of the public to attend and must comply with all applicable requirements concerning public observation and participation.

For any meeting allowed by the Mayor under this subsection (b), all of the following conditions apply: All members of the board or commission attending the meeting must be Fully Vaccinated, as defined in Section 2 of this Supplement. The board or commission members and other participants must comply with all applicable health orders, guidance or directives from the Department of Human Resources, and rules governing the use of the facility in which the meeting occurs.



(c) Beginning January 8, 2022, the Redistricting Task Force may convene at a physical location for regular or special meetings, without advance permission from the Mayor. All Task Force members attending an in-person meeting must be Fully Vaccinated, as defined in Section 2 of this Supplement. No members of the Task Force may attend an in-person meeting remotely by teleconference or other electronic means. The Task Force shall ensure that members of the public may observe the meeting remotely by electronic means and shall offer an opportunity for members of the public to provide public comment remotely by phone or through online platforms. The Task Force may also allow members of the public to attend meetings in person and provide public comment at the same location. The Task Force members, City staff and consultants, and members of the public attending in-person meetings shall comply with all applicable health orders, guidance or directives from the Department of Human Resources, and rules governing the use of the facility in which the meeting occurs.

(d) Upon written request from the chairperson of a board, commission, or advisory body demonstrating that holding an in-person meeting would provide a significant benefit to the public, the Mayor may, by a written notice or letter provided to the chairperson, waive the requirement in subsection (a) and allow members of the board, commission, or advisory body to convene at a physical location for a specific meeting. The chairperson must submit the written request at least 14 calendar days before the date of the proposed in-person meeting, and the written request must (i) include an explanation of the special need for an in-person meeting and the reasons an in-person meeting would provide a significant benefit to the public, (ii) describe the proposed meeting location, (iii) state whether members of the public will be permitted to attend the in-person meeting, and (iv) describe measures the board, commission, or advisory body will take to minimize the risk of COVID-19 transmission at the meeting.

For any meeting allowed by the Mayor under this subsection (d), all of the following conditions apply: All members of the board, commission, or advisory body attending the meeting must be Fully Vaccinated, as defined in Section 2 of this Supplement. No members of the body may attend the meeting remotely by teleconference or other electronic means. The board, commission, or advisory body must ensure that members of the public may observe the meeting remotely and must offer an opportunity for members of the public to provide public comment remotely by phone or through online platforms. With the written consent of the Mayor, the board, commission, or advisory body may also allow members of the public to attend the meeting in person and provide public comment at the same location. The body's members and other



participants and members of the public must comply with all applicable health orders, guidance or directives from the Department of Human Resources, and rules governing the use of the facility in which the meeting will occur.

(e) This Order shall remain in place during the local emergency, unless terminated earlier by the Mayor or the Board of Supervisors.

(2) Vaccination Deadline for Members of City Policy Bodies.

(a) For purposes of this Order, the following definitions apply, consistent with the definitions in the Thirty-Eighth Supplement to the Mayor's Proclamation:

"Fully Vaccinated" and "Full Vaccination" mean two weeks after completing the entire recommended series of vaccination (usually one or two doses) with a vaccine authorized to prevent COVID-19 by the FDA, including by way of an emergency use authorization, or by the World Health Organization. For example, as of the date of issuance of this Order, an individual would be fully vaccinated at least two weeks after receiving a second dose of the Pfizer or Moderna COVID-19 vaccine or two weeks after receiving the single dose Johnson & Johnson's Janssen COVID-19 vaccine. A list of FDA authorized vaccines is available at <https://www.fda.gov/emergency-preparedness-and-response/coronavirus-disease-2019-covid-19/covid-19-vaccines>. A list of WHO authorized vaccines is available at <https://extranet.who.int/pqweb/vaccines/covid-19-vaccines>.

"City Policy Body" means a City board, commission, committee, task force, or other legislative or policy body established by the Charter, City ordinance, or California statute and that is subject to the open meeting requirements of the Ralph M. Brown Act (Cal. Govt. Code §§ 54950 et seq.). "City Policy Body" also means all subcommittees of bodies described in the preceding sentence. "City Policy Body" does not include passive meeting bodies under Administrative Code Section 67.4, other City bodies that were not established through legislation, bodies whose jurisdiction is not limited to the City (e.g., Association of Bay Area Governments Executive Board, Bay Area Air Quality Management District Board, Transbay Joint Powers Authority Board, and Metropolitan Transportation Commission), and bodies that govern agencies distinct from the City (e.g., Board of Education, Governing Board of the Community College District, Housing Authority Commission, Law Library Board of Trustees, Parking Authority, Health Authority, Local Agency Formation Commission, Commission on Community



Investment and Infrastructure, and Oversight Board of the Successor Agency to the San Francisco Redevelopment Agency).

(b) In addition to the requirements imposed in the Thirty-Eighth Supplement to the Mayor's Proclamation, all members of City Policy Bodies must be Fully Vaccinated by no later than January 31, 2022. Any member of a City Policy Body who is not Fully Vaccinated on February 1, 2022 will be deemed unqualified for office. Failure of a City Policy Body member to be Fully Vaccinated on or after February 1, 2022 shall be official misconduct.

(c) This Order shall remain in place during the local emergency unless terminated earlier by the Mayor or the Board of Supervisors.

DATED: December 17, 2021

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

London N. Breed
Mayor of San Francisco