



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

Meetings of City Policy Bodies; Extension of Agreements with Shelter-In-Place Hotels

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, 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 Forty-First Supplement to the Proclamation authorized additional exceptions to the remote meeting requirement for the Redistricting Task Force and for other commissions, boards, or advisory bodies with the



Mayor's permission upon a showing that the meeting would provide a significant benefit to the public; and

WHEREAS, At the time the Mayor issued the Forty-First Supplement to the Proclamation on December 17, 2021, the City anticipated that City commissions, boards, and advisory bodies would be able to return to in-person meetings by February 28, 2022. Subsequently, the City experienced a drastic increase in COVID-19 cases due to the highly transmissible Omicron variant. While this surge has been receding in recent days, hospitalizations continue to be high, and many City employees continue to miss work due to COVID-19 illness or exposure. Given the current public health indicators, the City anticipates that it will be able to safely hold in-person meetings of some City policy bodies beginning on March 7, 2022, which is also the current date for City employees to return to in-person work. Accordingly, it is in the public interest to require City boards and commissions created in the Charter that are not advisory bodies to begin to hold in-person meetings and allow members of the public to attend starting on March 7, 2022. It is also in the public interest to allow members of such bodies who are particularly vulnerable to COVID-19 to continue to appear remotely if necessary. The City will continue to monitor the COVID-19 indicators and phase in additional in-person policy body meetings in the future; and

WHEREAS, In the Thirty-Fifth Supplement to the Proclamation dated February 21, 2021, the Mayor authorized the extension of certain emergency contracts related to the City's response to the pandemic for an additional twelve months. The City previously contracted with a number of hotels to house individuals experiencing homelessness and individuals at heightened risk of contracting severe COVID-19. The term of these agreements authorized under the Thirty-Fifth Supplement is nearly expired, and due to the need for additional time to wind down the program and locate suitable placements for the individuals staying in these locations, it is in the public interest to authorize the extension of such hotel agreements for an additional limited 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:

(1) Section 1 of the Forty-First 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) Charter Commissions. Beginning on March 7, 2022, City commissions and boards created by the Charter that are not advisory bodies, as identified in subsection (a)(vii) below (“Charter Commissions”), shall hold meetings in-person subject to the following conditions:

(i) All members of Charter Commissions must appear in person at each meeting to participate and vote as a member, as required under Charter Section 4.104, except that a member may appear at a meeting remotely for a COVID-19-Related Reason. “COVID-19-Related Reason” means (A) the member is in a vulnerable population with a heightened risk of severe illness from COVID-19 due to being over 65 years of age, having a medical condition identified by the Centers for Disease Control as increasing the risk of severe COVID-19 illness, or being pregnant, or (B) the member is required to isolate and quarantine based on guidance of public health officials due to COVID-19 illness or exposure, or is caring for another person in the member’s household who has COVID-19. Members who intend to appear remotely at a meeting due to a COVID-19-Related Reason shall send a letter to the commission secretary or other staff who support the Charter Commission attesting to having a COVID-19-Related Reason to attend remotely and identifying the time period during which the member will be unable to attend in-person meetings. If all members of a Charter Commission will appear at a meeting remotely due to a COVID-19-Related Reason, the Charter Commission may hold the meeting remotely without providing a physical meeting place for the public. Any Charter Commission member who attends a meeting remotely shall appear on camera during the meeting.

(ii) As provided by Section 2 of the Thirty-Eighth Supplement to the Proclamation, all members of a Charter Commission must be Fully Vaccinated, and any member who is not Fully Vaccinated is prohibited from attending an in-person meeting



of the body. “Fully Vaccinated” means 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>.

(iii) Members of the public shall be allowed to attend and provide public comment at in-person meetings of Charter Commissions. Charter Commissions shall also 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.

(iv) At least one week before the first in-person meeting of a Charter Commission, the chairperson of the Charter Commission or the chairperson’s designee shall determine in writing whether third-party presenters, parties, or participants in any hearing or proceeding at that in-person meeting may appear remotely. Thereafter, the Charter Commission may adopt a policy governing the appearance of third-party presenters, parties, or participants for future in-person meetings. For the purpose of this paragraph, “third-party presenters, parties, or participants” does not include City employees acting on behalf of a department. City employees shall follow the direction of their department heads as to whether to attend Charter Commission meetings in person or remotely.

(v) Charter Commission members, members of the public, and any presenters, parties, or participants who attend an in-person meeting must comply with all applicable health orders, guidance or directives from the Department Public Health and the Department of Human Resources, and rules governing the use of the facility in which the meeting occurs.

(vi) Subcommittees of Charter Commissions are not required to meet in person at this time. Charter Commissions may decide whether to require in-person



meetings of such subcommittees. Any in-person meetings of Charter Commission subcommittees shall comply with the requirements of this subsection (a).

(vii) Charter Commissions subject to this subsection (a) are the following: Airport Commission, Arts Commission, Asian Art Commission, Board of Appeals, Building Inspection Commission, Civil Service Commission, Disability and Aging Services Commission, Elections Commission, Entertainment Commission, Commission on the Environment, Ethics Commission, Fine Arts Museum Board of Trustees, Fire Commission, Health Commission, Health Service Board, Historic Preservation Commission, Human Rights Commission, Human Services Commission, Juvenile Probation Commission, Library Commission, Municipal Transportation Agency Board of Directors, Planning Commission, Police Commission, Port Commission, Public Utilities Commission, Public Utilities Rate Fairness Board, Recreation and Park Commission, Retiree Health Care Trust Fund Board, Redistricting Task Force, Retirement Board, Sheriff's Department Oversight Board, Small Business Commission, Commission on the Status of Women, and War Memorial and Performing Arts Board of Trustees.

(b) All Other Commissions, Boards, and Advisory Bodies. The meetings of all other City commissions, boards, and advisory bodies not subject to subsection (a) 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. This requirement is subject to the following limited exceptions:

(i) 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 (b) 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)(i), all of the following conditions apply: All members of the board or commission attending the meeting must be Fully Vaccinated, as defined in subsection (a)(ii) above. The board or commission members and other participants must comply with all applicable health orders, guidance or directives from the Department of Public Health and the Department



of Human Resources, and rules governing the use of the facility in which the meeting occurs.

(ii) Between the date of this Order and March 6, 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 subsection (a)(ii) above. Members of the Task Force may appear remotely at an in-person meeting for a COVID-19-Related reason as defined in subsection (a)(i) above following the procedure for such appearance specified in that subsection. 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 Public Health and the Department of Human Resources, and rules governing the use of the facility in which the meeting occurs. Beginning on March 7, 2022, the Restricting Task Force shall comply with subsection (a) above.

(iii) 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 (b) 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 (A) 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, (B) describe the proposed meeting location, (C) state whether members of the public will be permitted to attend the in-person meeting, and (D) 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 (b)(iii), 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 subsection (a)(ii) above. Members of the body may appear remotely at an in-person meeting for a COVID-19-



Related reason as defined in subsection (a)(i) above following the procedure for such appearance specified in that subsection. 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 Public Health and the Department of Human Resources, and rules governing the use of the facility in which the meeting will occur.

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

(2) Section 1 of the Thirty-Fifth Supplement to the Proclamation is amended to authorize the Executive Director of the Human Services Agency ("HSA") to amend any agreement HSA currently has in place for the use of hotel rooms to house individuals experiencing homelessness or individuals who are at risk of developing severe COVID-19 to extend the term of any such agreements up to and including August 31, 2022. If any such amendment includes an option to further extend the term beyond August 31, 2022, the Executive Director of HSA must first obtain the approval of the Board of Supervisors by ordinance waiving any applicable restrictions in the Municipal Code before exercising such extension. This Order does not authorize the Executive Director to waive approval of the Board of Supervisors for any amendment that requires Board of Supervisors approval under Charter Section 9.118. Notwithstanding provisions of the Thirty-Fifth Supplement to the contrary, the Controller is not required to maintain a list of amended contracts authorized by this Order. This Order shall remain in place until August 31, 2022, unless terminated earlier by the Mayor or the Board of Supervisors.

DATED: February 10th, 2022

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

London N. Breed
Mayor of San Francisco