

1 [Resolution Making Findings to Allow Teleconferenced Meetings]

2 **Resolution making findings to allow teleconferenced meetings under California**
3 **government code section 54953(e)**

4
5 WHEREAS, California Government Code Section 54953(e) empowers local
6 policy bodies to convene by teleconferencing technology during a proclaimed
7 state of emergency under the State Emergency Services Act so long as certain
8 conditions are met; and

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

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

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

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

28 WHEREAS, While federal, State, and local health officials emphasize the
29 critical importance of vaccination and consistent mask-wearing to prevent the
30 spread of COVID-19, the City’s Health Officer has issued at least one order

1 (Health Officer Order No. C19-07y, available online at
2 www.sfdph.org/healthorders) and one directive (Health Officer Directive No.
3 2020-33i, available online at www.sfdph.org/directives) that continue to
4 recommend measures to promote physical distancing and other social
5 distancing measures, such as masking, in certain contexts; and

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

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

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

28 WHEREAS, the Urban Forestry Council has met remotely during the COVID-
29 19 pandemic and can continue to do so in a manner that allows public
30 participation and transparency while minimizing health risks to members, staff,

1 and the public that would be present with in-person meetings while this
2 emergency continues; now, therefore, be it

3 RESOLVED, That Urban Forestry Council finds as follows:

4 1. As described above, the State of California and the City remain in a state
5 of emergency due to the COVID-19 pandemic. At this meeting, the Urban
6 Forestry Council has considered the circumstances of the state of
7 emergency.

8 2. As described above, State and City officials continue to recommend
9 measures to promote physical distancing and other social distancing
10 measures, in some settings.

11 3. As described above, because of the COVID-19 pandemic, conducting
12 meetings of this body in person would present imminent risks to the safety
13 of attendees, and the state of emergency continues to directly impact
14 the ability of members to meet safely in person; and, be it

15 FURTHER RESOLVED, That for at least the next 30 days meetings of the Urban
16 Forestry Council will continue to occur exclusively by teleconferencing
17 technology (and not by any in-person meetings or any other meetings with
18 public access to the places where any policy body member is present for the
19 meeting). Such meetings of the Urban Forestry Council that occur by
20 teleconferencing technology will provide an opportunity for members of the
21 public to address this body and will otherwise occur in a manner that protects
22 the statutory and constitutional rights of parties and the members of the public
23 attending the meeting via teleconferencing; and, be it

24 FURTHER RESOLVED, That staff for the Urban Forestry Council is directed to
25 place a resolution substantially similar to this resolution on the agenda of a future
26 meeting of the Urban Forestry Council within the next 30 days. If the Urban
27 Forestry Council does not meet within the next 30 days, staff is directed to place
28 such a resolution on the agenda of the next meeting of the Urban Forestry
29 Council.

1 I hereby certify that this Resolution was adopted at the Urban Forestry
2 Council meeting on December 9, 2022.

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Jesus Lozano, Urban Forestry Coordinator Andrew Sullivan, Council Chair

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8 Vote:

9 Ayes:

10 Noes:

11 Absent: