

1 **[RESOLUTION MAKING FINDINGS TO ALLOW TELECONFERENCED**  
2 **MEETINGS UNDER CALIFORNIA GOVERNMENT CODE SECTION**  
3 **54953(e)]**

4

5 WHEREAS, California Government Code Section 54953(e) empowers local  
6 policy bodies to convene by teleconferencing technology during a proclaimed state  
7 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 Coronavirus  
11 Disease 2019 (“COVID-19”) pandemic, and that state of emergency remains in  
12 effect; and

13 WHEREAS, On February 25, 2020, the Mayor of the City and County of  
14 San 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  
18 emergency orders suspending select provisions of local law, including sections of  
19 the City Charter, that restrict teleconferencing by members of policy bodies; and

20 WHEREAS, Consistent with the Mayor’s orders and State law, Commission  
21 on the Environment met remotely during the COVID-19 pandemic through March  
22 6, 2022; and

23 WHEREAS, On February 10, 2022, the Mayor issued an emergency order  
24 that (1) requires decision-making boards and commissions established in the  
25 Charter (with the exception of the Board of Supervisors) to hold meetings in  
26 person at a physical location where members of the public may attend and provide  
27 comment, (2) allows members of those boards and commissions to participate  
28 remotely in the in-person meetings for COVID-related health reasons, (3) allows

1 but does not require subcommittees of those boards and commissions to meet in  
2 person at a physical location where members of the public may attend and provide  
3 comment, and (4) prohibits all other policy bodies (with the exception of the Board  
4 of Supervisors and its committees) from meeting in person under any  
5 circumstances, with limited exceptions; and

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

11 WHEREAS, While federal, State, and local health officials emphasize the  
12 critical importance of vaccination (including a booster once eligible) and consistent  
13 mask-wearing, regardless of vaccination status, to prevent the spread of COVID-  
14 19, the City's Health Officer has issued at least one order (Health Officer Order  
15 No. C19-07y, available online at ) and one directive (Health Officer Directive No.  
16 2020-33i, available online at ) that continue to recommend measures to promote  
17 safety for indoor gatherings, including vaccination, masking, improved ventilation,  
18 and other measures, in certain contexts; and

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

24 WHEREAS, Without limiting any requirements under applicable federal,  
25 state, or local pandemic-related rules, orders, or directives, the City's Department  
26 of Public Health, in coordination with the City's Health Officer, has advised that  
27 for group gatherings indoors, such as meetings of boards and commissions, people  
28 can increase safety and greatly reduce risks to the health and safety of attendees

1 from COVID-19 by maximizing ventilation, wearing well-fitting masks regardless  
2 of vaccination status (and as required for unvaccinated people by the State of  
3 California’s indoor masking order), encouraging vaccination (including a booster  
4 as soon as eligible), staying home when sick or when experiencing any COVID-19  
5 symptom, discouraging consumption of food or beverages in the meeting,  
6 following good hand hygiene practices, and making informed choices when  
7 gathering with people whose vaccination status is not known; and

8 WHEREAS, The Commission on the Environment began meeting in person  
9 consistent with the Mayor’s February 10, 2022, order, allowing members to  
10 participate by video from a separate location for COVID-related health reasons and  
11 providing members of the public an opportunity to observe and provide public  
12 comment either in person or remotely; now, therefore, be it

13 RESOLVED, That the Commission on the Environment finds as follows:

- 14 1. As described above, the State of California and the City remain in a state of  
15 emergency due to the COVID-19 pandemic. At this meeting, the  
16 Commission on the Environment has considered the circumstances of the  
17 state of emergency.
- 18 2. As described above, because of the COVID-19 pandemic, conducting  
19 meetings of this body and its committees in person without allowing certain  
20 members of this body to attend remotely would present imminent risks to the  
21 health or safety of certain attendees due to COVID-19, and the state of  
22 emergency continues to directly impact the ability of those members to meet  
23 safely in person; and, be it

24 FURTHER RESOLVED, That for at least the next 30 days, the Commission on  
25 the Environment will hold in-person meetings, with some members possibly  
26 appearing remotely. If all members of the Commission on the Environment are  
27 unable to attend in person for COVID-related health reasons, then the Commission  
28 on the Environment will hold the meeting remotely without providing an in-person

1 meeting location. If the Commission on the Environment votes to allow it and  
2 appropriate space is available, the Commission on the Environment's  
3 subcommittees may hold in-person meetings as well, or alternatively, the  
4 subcommittees may hold meetings exclusively by teleconferencing technology  
5 (and not by any in-person meetings or any other meetings with public access to the  
6 places where any policy body member is present for the meeting). All meetings of  
7 the Commission on the Environment and its committees will provide an  
8 opportunity for members of the public to address the body and will otherwise occur  
9 in a manner that protects the statutory and constitutional rights of parties and the  
10 members of the public attending the meeting via teleconferencing; and, be it

11 FURTHER RESOLVED, That the Secretary of the Commission on the  
12 Environment is directed to place a resolution substantially similar to this resolution  
13 on the agenda of a future meeting of the Commission on the Environment within the  
14 next 30 days. If the Commission on the Environment does not meet within the next  
15 30 days, the Secretary is directed to place a such resolution on the agenda of the next  
16 meeting of the Commission on the Environment.

17 I hereby certify that this Resolution was adopted by the Commission on the  
18 Environment at its regular meeting on September 27, 2022.

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Kyle Wehner, Commission Secretary

22 Vote:

23 Ayes:

24 Noes:

25 Absent: