

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

1 WHEREAS, While federal, State, and local health officials emphasize the
2 critical importance of vaccination and consistent mask-wearing to prevent the
3 spread of COVID-19, the City’s Health Officer has issued at least one order
4 (Health Officer Order No. C19-07y, available online at
5 www.sfdph.org/healthorders) and one directive (Health Officer Directive No.
6 2020-33i, available online at www.sfdph.org/directives) that continue to
7 recommend measures to promote physical distancing and other social distancing
8 measures, such as masking, in certain contexts; and

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

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

25 WHEREAS, On July 31, 2020, the Mayor issued an emergency order that,
26 with limited exceptions, prohibited policy bodies other than the Board of

1 Supervisors and its committees from meeting in person under any circumstances,
2 so as to ensure the safety of policy body members, City staff, and the public; and

3 WHEREAS, The Commission on the Environment Search Committee will
4 meet remotely during the COVID-19 pandemic and can continue to do so in a
5 manner that allows public participation and transparency while minimizing health
6 risks to members, staff, and the public that would be present with in-person
7 meetings while this emergency continues; now, therefore, be it

8 RESOLVED, That the Commission on the Environment Search Committee
9 finds as follows:

- 10 1. As described above, the State of California and the City remain in a state of
11 emergency due to the COVID-19 pandemic. At this meeting, the
12 Commission on the Environment Search Committee has considered the
13 circumstances of the state of emergency.
- 14 2. As described above, State and City officials continue to recommend
15 measures to promote physical distancing and other social distancing
16 measures, in some settings.
- 17 3. As described above, because of the COVID-19 pandemic, conducting
18 meetings of this body in person would present imminent risks to the safety
19 of attendees, and the state of emergency continues to directly impact the
20 ability of members to meet safely in person; and, be it

21 FURTHER RESOLVED, That for at least the next 30 days meetings of the
22 Commission on the Environment Search Committee will continue to occur
23 exclusively by teleconferencing technology (and not by any in-person meetings or
24 any other meetings with public access to the places where any policy body member
25 is present for the meeting). Such meetings of the Commission on the Environment
26 Search Committee that occur by teleconferencing technology will provide an
27 opportunity for members of the public to address this body and will otherwise

1 occur in a manner that protects the statutory and constitutional rights of parties and
2 the members of the public attending the meeting via teleconferencing; and, be it

3 FURTHER RESOLVED, That the Secretary of the Commission on the
4 Environment is directed to place a resolution substantially similar to this resolution
5 on the agenda of a future meeting of the Commission on the Environment Search
6 Committee within the next 30 days. If the Commission on the Environment Search
7 Committee does not meet within the next 30 days, the Secretary is directed to place
8 a such resolution on the agenda of the next meeting of the Commission on the
9 Environment Search Committee.

10 I hereby certify that this Resolution was adopted by the Commission on the
11 Environment Search Committee at its meeting on February 9, 2023.

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15 Kyle Wehner, Commission Affairs Officer

16 Vote:

17 Ayes:

18 Noes:

19 Absent: