

[Resolution Making Findings to Allow Teleconferenced Meetings]

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

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

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

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

25
26 WHEREAS, the Urban Forestry Council has met remotely during the COVID-
27 19 pandemic and can continue to do so in a manner that allows public
28 participation and transparency while minimizing health risks to members, staff,
29 and the public that would be present with in-person meetings while this
30 emergency continues; now, therefore, be it

31
32 RESOLVED, That Urban Forestry Council finds as follows:

- 33
34 1. As described above, the State of California and the City remain in a state
35 of emergency due to the COVID-19 pandemic. At this meeting, the Urban
36 Forestry Council has considered the circumstances of the state of
37 emergency.
38
39 2. As described above, State and City officials continue to recommend
40 measures to promote physical distancing and other social distancing
41 measures, in some settings.
42
43 3. As described above, because of the COVID-19 pandemic, conducting
44 meetings of this body in person would present imminent risks to the safety

1 of attendees, and the state of emergency continues to directly impact
2 the ability of members to meet safely in person; and, be it
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4 FURTHER RESOLVED, That for at least the next 30 days meetings of the Urban
5 Forestry Council will continue to occur exclusively by teleconferencing
6 technology (and not by any in-person meetings or any other meetings with
7 public access to the places where any policy body member is present for the
8 meeting). Such meetings of the Urban Forestry Council that occur by
9 teleconferencing technology will provide an opportunity for members of the
10 public to address this body and will otherwise occur in a manner that protects
11 the statutory and constitutional rights of parties and the members of the public
12 attending the meeting via teleconferencing; and, be it
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14 FURTHER RESOLVED, That staff for the Urban Forestry Council is directed to
15 place a resolution substantially similar to this resolution on the agenda of a future
16 meeting of the Urban Forestry Council within the next 30 days. If the Urban
17 Forestry Council does not meet within the next 30 days, staff is directed to place
18 such a resolution on the agenda of the next meeting of the Urban Forestry
19 Council.
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21 I hereby certify that this Resolution was adopted at the Urban Forestry
22 Council Meeting on October 26, 2021.
23
24

25 _____
26 Peter Brastow, Urban Forestry Coordinator Andrew Sullivan, Council Chair

27 Vote:

28 Ayes:

29 Noes:

30 Absent: