

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](http://www.sfdph.org/healthorders)) and one directive (Health Officer Directive No.  
6 2020-33i, available online at [www.sfdph.org/directives](http://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 has met remotely during  
4 the COVID-19 pandemic and can continue to do so in a manner that allows public  
5 participation and transparency while minimizing health risks to members, staff,  
6 and the public that would be present with in-person meetings while this emergency  
7 continues; now, therefore, be it

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

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

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

1 rights of parties and the members of the public attending the meeting via  
2 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 within  
6 the next 30 days. If the Commission on the Environment does not meet within the  
7 next 30 days, the Secretary is directed to place a such resolution on the agenda of  
8 the next meeting of the Commission on the Environment.

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10 I hereby certify that this Resolution was adopted by the Commission on the  
11 Environment at its meeting on February 7, 2022.

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13 \_\_\_\_\_  
14 Charles Sheehan, Chief Policy and Public Affairs Officer

15 Vote: 7

16 Ayes: -

17 Noes: -

18 Absent: -