[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

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

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

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

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

RESOLVED, That Urban Forestry Council finds as follows:

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

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

3. As described above, because of the COVID-19 pandemic, conducting
meetings of this body in person would present imminent risks to the safety
of attendees, and the state of emergency continues to directly impact
the ability of members to meet safely in person; and, be it
FURTHER RESOLVED, That for at least the next 30 days meetings of the Urban Forestry Council will continue to occur exclusively by teleconferencing technology (and not by any in-person meetings or any other meetings with public access to the places where any policy body member is present for the meeting). Such meetings of the Urban Forestry Council that occur by teleconferencing technology will provide an opportunity for members of the public to address this body and will otherwise occur in a manner that protects the statutory and constitutional rights of parties and the members of the public attending the meeting via teleconferencing; and, be it

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

I hereby certify that this Resolution was adopted at the Urban Forestry Council Meeting on December 10, 2021.

Peter Brastow, Urban Forestry Coordinator
Andrew Sullivan, Council Chair

Vote: 11-0
Ayes: Vice Chair Crawford, Member Vaisset-Fauvel, Member Lacan,
Member Polony, Member Nagle, Member Xochitl-Flores, Member Sullivan,
Member Stringer, Member Spigelman, Member Potter, Member Keller
Noes: None
Absent: Member Trang, Member Hernandez-Gomez, Chair Sullivan