

101-0032022-002

Agenda Item **No. 5(A)**
Meeting of January 24, 2022**MEMORANDUM****TO:** Oversight Board**FROM:** Sally Oerth, Interim Executive Director**SUBJECT:** Adopting a COVID-19 Vaccination Policy applicable to members of the Oversight Board to the Successor Agency, consistent with the vaccination requirements for members of the Successor Agency Commission and for members of Policy Bodies of the City and County of San Francisco

EXECUTIVE SUMMARY

During the COVID-19 public health emergency, the Office of Community Investment and Infrastructure (“OCII”) is committed to maintaining the health and safety of Oversight Board Members, employees, and members of the public. Mayor Breed has issued the 38th supplement to her earlier COVID-19 emergency proclamation, which requires members of City Policies Bodies to report on their vaccination status and to be fully vaccinated by January 1, 2022. In addition, the Mayor issued the 41st supplement to the emergency proclamation, which states that, while it is difficult to predict how the pandemic will progress in the coming months, the Mayor anticipates city commissions, boards, and advisory bodies may begin meeting in person as soon as February 28, 2022. Neither the Successor Agency Commission (“Commission”) nor the Oversight Board are defined as a City Policy Body under the Mayor’s directive but nevertheless the Commission adopted such a policy on December 7, 2021. For consistency with both the City and Commission requirements, staff propose the Oversight Board also adopt its own resolution requiring vaccination of its members, in this case by February 28, 2022.

Staff recommends approval of a resolution adopting a COVID-19 vaccination policy applicable to members of the Oversight Board consistent with the vaccination requirements for members of Policy Bodies of the City and County of San Francisco and Applicable Law.

DISCUSSION

On February 25, 2020, Mayor London Breed issued the Proclamation Declaring the Existence of a Local Emergency (“Mayoral Proclamation”) in connection with the Coronavirus Disease 2019 (“COVID-19”) pandemic and subsequently the County Health Officer issued public health orders and declared a local health emergency. These declarations remain in effect and the Mayor has supplemented the Mayoral Proclamation at least forty-three times. See Mayoral Proclamations, available at <https://sfmayor.org/mayoral-declarations-regarding-covid-19>. In March 2020, the Governor of the State of California proclaimed a state of emergency in California in connection with the COVID-19 pandemic, and that state of emergency remains in effect. Since March 2020, OCII offices have been closed, OCII employees have worked remotely, and the Oversight Board has met remotely.

Recent orders of the County Health Officer have removed some of the health and safety restrictions that had previously limited the opening of businesses and government offices. The Health Officer justified the lifting of some restrictions because the “public health threat of serious illness or death from COVID-19 is generally decreasing in [San Francisco] County, the Bay Area, and the State due to the vaccines.” Order of the Health Officer No. C19-07y, “Encouraging COVID-19 Vaccine Coverage and Reducing Disease Risks,” as amended October 13, 2021 (the “(Safer Return Together Order”) at page 6, <https://www.sfdph.org/dph/alerts/files/C19-07-Safer-Return-Together-Health-Order.pdf>. Nonetheless, the Safer Return Together Order acknowledges that “COVID-19 continues to pose a risk especially to individuals who are not Fully Vaccinated, and certain safety measures continue to be necessary to protect against COVID-19 cases and deaths.”

Among the safety measures in the Safer Return Together Order, at page 9, is an emphasis on the necessity of vaccinations. “All Businesses and governmental entities are strongly urged to consider implementing measures to require Personnel and patrons to be Fully Vaccinated as soon as possible. The City, through its Department of Human Resources, has adopted the “COVID-19 Vaccination Policy,” requiring City Employees to report their vaccination status by a certain date and to become fully vaccinated. On November 2, 2021, the Commission adopted, by Resolution No. 39-2021, a vaccination policy that requires all OCII employees to be fully vaccinated against COVID-19 no later than January 1, 2022, subject to limited exemptions for medical disability and sincerely held religious beliefs.

On October 8, 2021, Mayor London Breed issued the Thirty-Eighth Supplement to the Mayoral Proclamation, which requires that members of City Policy Bodies report on their vaccination status and further provided that if a member of a City Policy Body is not fully vaccinated on or after January 1, 2022 the member would not be permitted to attend or participate in an in-person meeting of the City Policy Body on which the member sits (the “City Policy Body Vaccination Requirement”), *available at* https://sfmayor.org/sites/default/files/38th_Supplement_Vax_requirements_100821.pdf. A City Policy Body is defined as boards, commissions, committees, and other legislative or policy bodies established by the City Charter, City ordinance, or California statute. On December 7, 2021, the Commission adopted, by Resolution No. 44-2021, its own vaccination requirement consistent with the City’s policy.

On December 17, 2021, Mayor Breed issued the Forty-First Supplement to the Mayoral Proclamation (*available at*: https://sfmayor.org/sites/default/files/COVID_41st_Emergency_Supplement.pdf) which states that, although it is difficult to predict how the pandemic will progress in the coming months, the Mayor anticipates that the City will likely be in a position to allow City commissions, boards, and advisory bodies to begin meeting in person again on February 28, 2022, and that members of the public will be invited to observe and participate in those meetings in person, and by phone or through online platforms as well for many of those meetings. To ensure that the City is fully prepared for City Policy Bodies to begin meeting safely in person on February 28, 2022, it is critical that policy body members be fully vaccinated. In addition, policy body members are strongly urged to receive a booster vaccination as soon as they are eligible to do so.

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While the City Policy Body Vaccination Requirement does not apply to the Oversight Board because it is not a City Policy Body, the proposal is that the Oversight Board also adopt a vaccination policy that is consistent with the City policy and the resolution adopted by the Commission. Oversight Board members would submit documentation of their fully vaccinated status to the OCII Human Resources/Administrative Services Manager no later than February 28, 2022.

California Environmental Quality Act

Approval of the resolution adopting a Commission vaccination policy is not a “Project” subject to environmental review pursuant to the California Environmental Quality Act (“CEQA”) because it is an administrative activity of government that will not result in direct or indirect physical changes in the environment, per CEQA Guidelines § 15378 (b)(5).

Requested Action

Staff recommends approval of a resolution adopting a COVID-19 vaccination policy for the Oversight Board.

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Sally Oerth

Interim Executive Director