



101-0082021-002

Agenda Item **No. 5(e)**
Meeting of December 7, 2021

MEMORANDUM

TO: Community Investment and Infrastructure Commissioners

FROM: Sally Oerth, Interim Executive Director

SUBJECT: Adopting a COVID-19 Vaccination Policy Applicable to Members of the Successor Agency Commission Consistent with the Vaccination Requirements 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 Agency commissioners, employees, and members of the public. Although the City and County of San Francisco (“City”) has not set a date for the return of in-person, City commission meetings, it anticipates that in-person meetings may restart early next year. To that end, Mayor Breed has issued a supplement to her earlier COVID-19 emergency proclamation requiring members of City Policies Bodies to report on their vaccination status and to be fully vaccinated by January 1, 2022. Given that the Successor Agency Commission (“Commission”) is not defined as a City Policy Body under the Mayor’s directive, it does not apply to the Commission. For consistency with City policy, the Commission needs to adopt its own resolution requiring a vaccination of its members.

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

London N. Breed
MAYOR

Sally Oerth
INTERIM
EXECUTIVE DIRECTOR

Miguel Bustos
CHAIR

Mara Rosales
Bivett Brackett
Efrem Bycer
Dr. Carolyn Ransom-Scott
COMMISSIONERS

One S. Van Ness Ave.
5th Floor
San Francisco, CA
94103

415 749 2400

www.sfocii.org

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 thirty-eight 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 Commission 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, but does not include the Commission.

Accordingly, to be consistent with City policy, the Commission needs to adopt its own vaccination requirement, which is described in the resolution accompanying this memorandum.

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 Commission.

(Originated by Jim Morales, General Counsel and Deputy Director)

DocuSigned by:

336F9B4FE72748A...

Sally Oerth

Interim Executive Director