




## MEMORANDUM

March 4, 2022

**TO:** MEMBERS, PORT COMMISSION  
Hon. Willie Adams, President  
Hon. Doreen Woo Ho, Vice President  
Hon. Kimberly Brandon  
Hon. John Burton  
Hon. Gail Gilman

**FROM:** Elaine Forbes  
Executive Director 

**SUBJECT:** Request adoption of new procedures for public comment at Port Commission meetings, providing members of the public an opportunity to comment in-person or via teleconferencing

**DIRECTOR'S RECOMMENDATION:** Approve the Attached Resolution No. 22-15

### EXECUTIVE SUMMARY

As set forth in Mayor London Breed's 45th Supplement to her Mayoral Proclamation Declaring the Existence of a Local Emergency, all City Policy Bodies are scheduled to resume in-person meetings in stages.

Commissions created by the Charter, including the Port Commission, will be the first City Policy Body group required to return to in-person meetings, beginning the week of March 7, 2022. Commissioners may be excused from attending in-person meetings for COVID-related reasons and instead participate remotely if they qualify for an exemption as provided for in the Supplemental Proclamation.

Members of the public will have the right to attend in-person meetings to observe and provide public comment in person. Members of the public must comply with all building rules and must wear masks while attending the meeting.

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Commissions must allow members of the public to observe the meeting remotely and must allow members of the public who are not attending in person to provide public comment.

## **PUBLIC COMMENT PROCEDURES**

To protect the statutory and constitutional rights the members of the public attending Port Commission meetings remotely via teleconferencing, the Port Commission must give each commenter an equal amount of time to speak on each item, whether the commenter is remote or in-person.

The Port Commission has discretion to decide the order of public comment. Staff recommend that the commission take public comment in two separate batches: first in-person public comment, then remote public comment, rather than switching back and forth between the two.

## **RECOMMENDATION**

Port staff recommends approval of the attached resolution, providing an opportunity for members of the public to address this body during public comment, whether attending the meeting in-person or remotely via teleconferencing.

Prepared by: Carl Nicita  
Commission Affairs Manager

For: Elaine Forbes  
Port Director

**PORT COMMISSION  
CITY & COUNTY OF SAN FRANCISCO**

**RESOLUTION NO. 22-15**

WHEREAS, San Francisco Charter Sections 4.101-4.103 set forth the general powers and duties of boards and commissions of the City and County of San Francisco; and

WHEREAS, According to Roberts Rules of Order, every governmental body has an inherent right to regulate its own procedure subject to the provisions of the constitution, statutes, charter or other controlling authority; and

WHEREAS, Although governmental bodies have the right to adopt special rules governing some of their procedures, none of these adopted rules can conflict with the law or with public policy; and

WHEREAS, On 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; and

WHEREAS, Consistent with the Mayor's orders and State law, the Port Commission met remotely during the COVID-19 pandemic through March 6, 2022; and

WHEREAS, On February 10, 2022, the Mayor issued an emergency order that (1) requires decision-making boards and commissions established in the Charter (with the exception of the Board of Supervisors) to hold meetings in person at a physical location where members of the public may attend and provide comment, (2) allows members of those boards and commissions to participate remotely in the in-person meetings for COVID-related health reasons, (3) allows but does not require subcommittees of those boards and commissions to meet in person at a physical location where members of the public may attend and provide comment, and (4) prohibits all other policy bodies (with the exception of the Board of Supervisors and its committees) from meeting in person under any circumstances, with limited exceptions; and

WHEREAS, On September 16, 2021, the Governor signed AB 361, a bill that amended 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, The Port Commission began meeting in person consistent with the Mayor's February 10, 2022 order, allowing members to participate by video from a separate location for COVID-related health reasons; now, therefore be it

RESOLVED, That all meetings of the Port Commission and its committees will provide an opportunity for members of the public to address the 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, as described in the Memorandum to the Port Commission dated March 4, 2022.

***I hereby certify that the foregoing resolution was adopted by the San Francisco Port Commission at its meeting of March 8, 2022.***

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Secretary