

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
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MEMORANDUM

TO: William Scott, Police Chief
Nicole Elliot, Director, Office of Cannabis

FROM: John Carroll, Assistant Clerk,
Public Safety and Neighborhood Services Committee,
Board of Supervisors

DATE: April 9, 2018

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Sheehy on April 3, 2018:

File No. 180321

Ordinance amending the Police Code to require applicants for Cannabis Business Permits to enter into either a Labor Peace Agreement or a collective bargaining agreement with a Bona Fide Labor Organization.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Rowena Carr, Police Department
Kristine Demafeliz, Police Department
Ray Law, Office of Cannabis

1 [Police Code - Required Agreements Between Cannabis Businesses and Labor
2 Organizations]

3 **Ordinance amending the Police Code to require applicants for Cannabis Business**
4 **Permits to enter into either a Labor Peace Agreement or a collective bargaining**
5 **agreement with a Bona Fide Labor Organization.**

6 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
7 **Additions to Codes** are in *single-underline italics Times New Roman font*.
8 **Deletions to Codes** are in ~~*strikethrough italics Times New Roman font*~~.
9 **Board amendment additions** are in double-underlined Arial font.
10 **Board amendment deletions** are in ~~strikethrough Arial font~~.
11 **Asterisks (* * * *)** indicate the omission of unchanged Code
12 subsections or parts of tables.

11 Be it ordained by the People of the City and County of San Francisco:

12
13 Section 1. The Police Code is hereby amended by revising Sections 1602 and 1609,
14 to read as follows:

15 **SEC. 1602. DEFINITIONS.**

16 * * * *

17 "Bona Fide Labor Organization" means any organization or any agency or employee
18 representation committee or any local unit thereof in which employees participate, and exists for the
19 purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages,
20 hours of employment or conditions of work, which labor organization is not found to be or to have been
21 financed in whole or in part, interfered with, dominated or controlled by the employer or any employer
22 association.

23 * * * *

24 "Labor Peace Agreement" ~~has the meaning set forth in Section 26001 of the California~~
25 ~~Business and Professions Code, as may be amended from time to time means an agreement between an~~

1 Applicant and any Bona Fide Labor Organization that, at a minimum, prohibits such Bona Fide Labor
2 Organization and members from engaging in picketing, work stoppages, boycotts, and any other
3 economic interference with the applicants' business. As part of this Agreement, an Applicant also
4 agrees not to disrupt efforts by such Bona Fide Labor Organization to communicate with, and attempt
5 to organize and represent, the Applicant's employees. The agreement shall provide such Bona Fide
6 Labor Organization access at reasonable times to areas in which the Applicants' employees work, for
7 the purpose of meeting with employees to discuss their right to representation, employment rights under
8 state law, and terms and conditions of employment. A Labor Peace Agreement shall not mandate a
9 particular method of election or certification of a Bona Fide Labor Organization as an Applicant's
10 employees' representative.

11 * * * ***SEC. 1609. PERMIT APPLICATIONS.**

12 * * * *

13 (b) **Information Required of All Applicants for Cannabis Business Permits.** The
14 application form for all Cannabis Business Permit Applicants shall require the Applicant to
15 provide the following information and documentation:

16 * * * *

17 (12) For Applicants with 10 or more employees, ~~a statement that the Applicant will enter~~
18 ~~into, or demonstrate that it has already entered into, and abide by the terms of a Labor Peace~~
19 ~~Agreement; each Applicant must demonstrate either of the following:~~

20 (A) That the Applicant has entered into, and will abide by, the terms of a Labor
21 Peace Agreement; or,

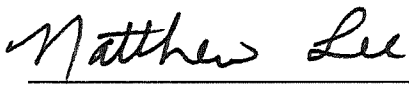
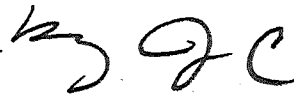
22 (B) That the Applicant has entered into a collective bargaining agreement with a
23 Bona Fide Labor Organization.

24 * * * *

1 Section 2. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

5
6 Section 3. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the "Note" that appears under
11 the official title of the ordinance.

12
13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By: Matthew Lee  
16 Matthew Lee
Deputy City Attorney

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LEGISLATIVE DIGEST

[Police Code - Required Agreements Between Cannabis Businesses and Labor Organizations]

Ordinance amending the Police Code to require applicants for Cannabis Business Permits to enter into either a Labor Peace Agreement or a collective bargaining agreement with a Bona Fide Labor Organization.

Existing Law

Existing law requires an applicant for a cannabis business permit to demonstrate that it will enter into a labor peace agreement, unless it has fewer than ten employees. Existing law does not necessarily require an applicant to have already entered into a labor peace agreement—or any other labor agreement with its employees—before a permit is issued, however.

Amendments to Current Law

This ordinance would require an applicant for a cannabis business permit to have entered into either a labor peace agreement or a collective bargaining agreement before the permit is issued, unless the applicant has fewer than ten employees

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Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2018 APR -3 PM 4:45

BY _____
Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Question(s) submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Supervisor Jeff Sheehy

Subject:

Police Code: - Requiring Agreements between Cannabis and Labor

The text is listed:

ORDINANCE AMENDING POLICE CODE TO REQUIRE APPLICANTS FOR CANNABIS PERMITS INTO EITHER A LABOR PEACE AGREEMENT OR A COLLECTIVE BARGAINING AGREEMENT W/ A BONA FIDE LABOR ORGANIZATION

Signature of Sponsoring Supervisor: *Jeff Sheehy*

For Clerk's Use Only