

BOARD of SUPERVISORS



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MEMORANDUM

RULES COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Aaron Peskin, Chair
Rules Committee

FROM: Victor Young, Assistant Clerk *Victor Young*

DATE: July 12, 2021

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**
Tuesday, July 13, 2021

The following file should be presented as a **COMMITTEE REPORT** at the Board Meeting on Tuesday, July 13, 2021. This item was acted upon at the Rules Committee Meeting on Monday, July 12, 2021, at 10:00 a.m., by the votes indicated.

Item No. 40 File No. 210567

[Administrative Code - Food Empowerment Market Fund]

Ordinance amending the Administrative Code to establish a special fund for grants to nonprofit agencies to establish and operate food empowerment markets, and designating the Human Services Agency to administer and establish rules for the program.

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

Vote: Supervisor Rafael Mandelman - Aye
Supervisor Connie Chan - Aye
Supervisor Aaron Peskin - Aye

c: Board of Supervisors
Angela Calvillo, Clerk of the Board
Alisa Somera, Legislative Deputy Director
Anne Pearson, Deputy City Attorney

File No. 21 0567

Committee Item No. 2

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Rules Committee

Date July 12, 2021

Board of Supervisors Meeting

Date _____

Cmte Board

- Motion
- Resolution
- Ordinance
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- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- Memorandum of Understanding (MOU)
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract/Agreement
- Form 126 - Ethics Commission
- Award Letter
- Application
- Form 700
- Vacancy Notice
- Information Sheet
- Public Correspondence

OTHER (Use back side if additional space is needed)

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Completed by: Victor Young Date July 8, 2021

Completed by: _____ Date _____

1 [Administrative Code - Food Empowerment Market Fund]

2
3 **Ordinance amending the Administrative Code to establish a special fund for grants to**
4 **nonprofit agencies to establish and operate food empowerment markets, and**
5 **designating the Human Services Agency to administer and establish rules for the**
6 **program.**

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

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

15 Section 1. Article XIII of Chapter 10 of the Administrative Code is hereby amended by
16 adding Section 10.100-72, to read as follows:

17 **SEC. 10.100-72. FOOD EMPOWERMENT MARKET FUND.**

18 *(a) Establishment of Fund. The Food Empowerment Market Fund (the “Fund”) is established*
19 *as a category four fund to receive any monies appropriated or donated to address food insecurity in the*
20 *City’s most vulnerable neighborhoods and equip those communities with tools and skills to produce*
21 *and prepare their own healthy and culturally appropriate food and to define their own food systems,*
22 *otherwise referred to as “food sovereignty.” Donations to the Fund are deemed approved for*
23 *acceptance and expenditure.*

24 *(b) Use of Fund. The Human Services Agency (HSA) shall use monies in the Fund to provide*
25 *grants to nonprofit organizations to establish and operate food empowerment markets.*

1 (c) **Food Empowerment Market Defined.** For purposes of this Section 10.100-72, a “food
2 empowerment market” shall mean a community facility having all of the following characteristics:

3 (1) The facility has a free food market for the distribution of donated or discounted food
4 and other supplies related to cooking and dining from commercial grocery retailers, food suppliers,
5 and community food banks, as well as from any other sources;

6 (2) The facility has a free delivery service for people who, by reason of their
7 age, underlying health conditions, or other factors, would have difficulty accessing the market
8 and its programs;

9 (3)(2) The facility has a community kitchen that teaches healthy cooking, restaurant
10 skills, and culinary education, using, in whole or in part, the donated food and supplies;

11 (4)(3) The facility has cultural and linguistic competence in addressing food security,
12 nutrition, and related issues for the City’s vulnerable residents, based on demonstrated empathy and
13 understanding of and respect for the values, historical context, expectations, language, and experience
14 of diverse communities;

15 (5)(4) The facility provides referrals to government and community social services
16 addressing food security, nutrition, and related issues; and

17 (6)(5) The facility provides food and services to any San Francisco resident who is:

18 (A) Receiving public assistance, including programs such as Calfresh, Medi-Cal,
19 and Cash-Aid; or

20 (B) A member of the undocumented community; or

21 (C) An occupant of a Residential Hotel unit as defined in Administrative
22 Code Section 41.4; or,

23 (D)(C) An individual ineligible for government assistance but affiliated with or
24 sponsored by a San Francisco community-based agency doing work related to food security, nutrition,
25

1 and related issues. Such individuals shall, subject to HSA's rules and the market's own procedures, be
2 allowed to access the services and programs of the market for a specified time.

3 (d) Administration of Fund. HSA shall administer the Fund.

4 (1) No later than six months after the effective date of the ordinance in Board File
5 No.210567 enacting this Section 10.100-72, and prior to issuing any grants, HSA shall adopt rules for
6 the grant program consistent with this Section.

7 (A) HSA shall consult with the Food Security Task Force established in
8 Article X of Chapter 5 of the Administrative Code, on the development of the rules for the grant
9 program, including consideration of the "2018 Assessment of Food Security" report issued by the Task
10 Force.

11 (B) HSA shall consult with the Office of Economic and Workforce Development
12 (OEWD) on the development of the rules for the grant program as they affect the community kitchen
13 component.

14 (C) Subject to the budgetary and fiscal provisions of the Charter, HSA
15 may contract with a grocery or supermarket business consultant to assist HSA with
16 developing the rules for the grant program and to assist grantees with setting up the food
17 empowerment markets, and the costs of such contract may be charged to the Fund.

18 (2) The rules shall at a minimum establish a selection process for awarding grants,
19 eligibility criteria for providers receiving grants, procedures for determining the size and frequency of
20 grant awards, processes for disbursement of grant funds, restrictions on the use of grant funds, and
21 reporting obligations for grantees. The rules may provide for separate grants programs for the initial
22 establishment of the food empowerment markets and for the subsequent ongoing operation of those
23 markets.

24 (3) The rules shall allow grantees up to 2 years after the award of the grant to
25 open the community kitchen required under subsection (c)(3), above.

1 (4)(3) The rules shall require that grantees work on an ongoing basis with the
2 Department of Public Health, OEWD, and HSA to implement the food empowerment markets program
3 and other City programs and guidance regarding food security, community nutrition, and public health
4 where relevant to the operation of the food empowerment markets. Grantees shall cooperate with the
5 Department of Public Health in the preparation of the biennial Food Security and Equity Report
6 required by Administrative Code Chapter 59A, and, after the report is issued, shall conform their
7 operations as much as possible to the relevant findings and recommendations contained in the report.

8 (5) The rules shall require each food empowerment market to have a district
9 food liaison. The liaison shall serve as the primary point of contact for the facility, convene or
10 participate in public meetings within the district regarding food security and related issues, and
11 coordinate with public agencies on programs affecting the facility and administration of the
12 grant, including coordinating with the Food Security Task Force. The liaison shall also
13 oversee efforts to keep the local community informed about the facility and its offerings.

14 (6)(4) The rules shall require each food empowerment market to have a community
15 advisory board and shall include guidelines for the selection and administration of the advisory boards.

16 (7)(5) Within 15 days after adopting initial rules for the grant program under
17 subsection (d)(1), HSA shall submit a copy thereof to the Board of Supervisors. These rules shall not
18 become effective, and HSA shall issue no grants thereunder, until at least 30 days after HSA has
19 submitted the rules to the Board of Supervisors. Any subsequent rules or rule amendments adopted by
20 HSA shall become effective immediately upon adoption, unless those subsequent rules or rule
21 amendments specify otherwise.

22 (8)(6) Subject to funding, HSA shall award grants for the establishment and
23 operation of one food empowerment market each in Supervisorial Districts 6, 9, 10, and 11, in no
24 particular order, and according to the boundaries of those districts as of the time of the grant award.
25 Thereafter, HSA may expand the program to other Supervisorial districts. There is no limit on the

LEGISLATIVE DIGEST

(As Amended in Committee, 7/12/2021)

[Administrative Code - Food Empowerment Market Fund]

Ordinance amending the Administrative Code to establish a special fund for grants to nonprofit agencies to establish and operate food empowerment markets, and designating the Human Services Agency to administer and establish rules for the program.

Existing Law

City law does not currently provide for a program of local food empowerment markets or a grant program to fund creation and operation of such markets.

Amendments to Current Law

The proposed legislation is an ordinance that would amend the Administrative Code to create a special fund to provide grants to nonprofit organizations to establish and operate food empowerment markets. Money in the fund would come from City appropriations or any gifts made to the City to support this program.

Under the ordinance, a “food empowerment market” would be a community facility operated as a free food market or pantry for the distribution of donated or discounted food and other supplies related to cooking and dining from commercial grocery retailers and community food banks, as well as from any other sources. A market would also, within 2 years of opening, include a community kitchen that would teach healthy cooking and restaurant skills, using, in whole or in part, the donated food and supplies. And the market would have a free delivery service for seniors, persons with disabilities, or other persons needing assistance.

A market would be open to any San Francisco resident who is:

- Receiving public assistance, including programs such as CalFresh, Medi-Cal, and Cash-Aid;
- A member of the undocumented community;
- An occupant of a residential hotel; or
- A senior aged 65 years or older.

In addition, the market would accept daily meal vouchers issued by service agencies or community organizations to persons in need who were not included in one of the categories listed above.

Each food empowerment market would be required to have a “district food liaison.” The liaison would serve as the primary point of contact for the facility, convene or participate in public meetings within the district regarding food security and related issues, and coordinate with public agencies on programs affecting the facility and administration of the grant, including coordinating with the Food Security Task Force. The liaison would also oversee efforts to keep the local community informed about the facility and its offerings.

The Human Services Agency (HSA) would administer the fund. The ordinance would include a timeline for HSA to adopt rules for the program, including a selection process for awarding grants and eligibility criteria for grant recipients. HSA could contract with a grocery or supermarket business consultant to assist HSA with preparing the rules for the grant program and assist the grantees with setting up the food empowerment markets; the costs of the contract could be charged to the Fund.

Subject to funding, HSA initially would award grants for one food empowerment market each in Supervisorial Districts 6, 9, 10, and 11. After that, HSA could expand the program to other Supervisorial districts. There would be no limit on the number of food empowerment markets that could be located in a particular Supervisorial district, nor would there be a requirement that all Supervisorial districts have a food empowerment market.

The overall goal of the program would be to address food insecurity in the City’s most vulnerable neighborhoods and equip those communities with tools and skills to produce their own healthy and culturally appropriate food and to define their own food systems, otherwise referred to as “food sovereignty.”

The ordinance would require HSA to consult with the Food Security Task Force on the development of the grant process, including consideration of the “2018 Assessment of Food Security” report issued by the Task Force. HAS would also consult with the Office of Economic and Workforce Development (OEWD) on development of the rules as they affected the community kitchen component of the grant program. And the rules for grant recipients would require them to work on an ongoing basis with the Department of Public Health, OEWD, and the Human Services Agency to implement City programs and guidance regarding food security, community nutrition, and public health where relevant to the operation of the markets. Grantees would be required to cooperate with the Department of Public Health in the preparation of the biennial Food Security and Equity Report pursuant to Administrative Code Chapter 59A, and, after the report is issued, to conform their operations as much as possible to the relevant findings and recommendations contained in the report.

HSA would submit an annual report on the program to the Board of Supervisors and the Mayor.

* * * * *

The ordinance as amended in committee on July 12, 2021 makes 5 changes from the version introduced on May 18, 2021.

First, the amended version adds a requirement that a food empowerment market have a free delivery service for people who, by reason of their age, underlying health conditions, or other factors, would have difficulty accessing the market and its programs.

Second, the amended version adds “occupants of residential hotels” to the list of people who would be eligible to receive food and services at a food empowerment market.

Third, the ordinance as introduced requires a food empowerment market to establish and operate a community kitchen as part of the market. The amended version adds a provision allowing the grantee up to 2 years after it receives its grant to open the kitchen.

Fourth, the amended version adds a requirement that each food empowerment market have a “district food liaison.” The liaison would serve as the primary point of contact for the facility, convene or participate in public meetings within the district regarding food security and related issues, and coordinate with public agencies on programs affecting the facility and administration of the grant, including coordinating with the Food Security Task Force. The liaison would also oversee efforts to keep the local community informed about the facility and its offerings.

And fifth, HSA could contract with a grocery or supermarket business consultant to assist the agency with preparing the rules for the grant program and assist the grantees with setting up the food empowerment markets. HSA could charge the costs of the contract to the Fund.

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MEMORANDUM

TO: Trent Rhorer, Executive Director, Human Services Agency
All City Department Heads via Sophia Kittler, Mayor's Office

FROM: Victor Young, Assistant Clerk *Victor Young*

DATE: May 24, 2021

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Rules Committee received the following proposed legislation:

File No. 210567

Ordinance amending the Administrative Code to establish a special fund for grants to nonprofit agencies to establish and operate food empowerment markets, and designating the Human Services Agency to administer and establish rules for the program.

If you have 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 or by email at: victor.young@sfgov.org.

c. Elizabeth LaBarre, Human Services Agency
Andres Power, Mayor's Office

Member, Board of Supervisors
District 3



City and County of San Francisco

AARON PESKIN

DATE: July 7, 2021
TO: Angela Calvillo
Clerk of the Board of Supervisors
FROM: Supervisor Aaron Peskin, Chair, Rules Committee
RE: Rules Committee
COMMITTEE REPORT

Pursuant to Board Rule 4.20, as Chair of the Rules Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on Tuesday, July 13, as a Committee Report:

210567 Administrative Code - Food Empowerment Market Fund

Ordinance amending the Administrative Code to establish a special fund for grants to nonprofit agencies to establish and operate food empowerment markets, and designating the Human Services Agency to administer and establish rules for the program.

210568 Administrative Code - Biennial Food Security and Equity Report

Ordinance amending the Administrative Code to direct the Department of Public Health to report biennially on food security and equity, with input from other departments.

210719 Administrative Code - Food Security Task Force Sunset Date Extension

Ordinance amending the Administrative Code to extend the sunset date of the Food Security Task Force from July 1, 2021, to July 1, 2024, and to reference among the Task Force's duties assisting with the Department of Public Health's Food Security and Equity Report.

These matters will be heard in the Rules Committee at a Regular Meeting on Monday, July 12, 2021, at 10:00 a.m.

/s/ Aaron Peskin

From: [BOS Legislation, \(BOS\)](#)
To: [Beinart, Amy \(BOS\)](#); [BOS Legislation, \(BOS\)](#)
Cc: [Morris, Geoffrea \(BOS\)](#); [Major, Erica \(BOS\)](#); [Lerma, Santiago \(BOS\)](#); [Young, Victor \(BOS\)](#)
Subject: RE: add Supervisor Ronen as cosponsor to 210567
Date: Monday, July 12, 2021 1:17:32 PM
Attachments: [image001.png](#)

Thank you. Looping in the Rules committee clerk, Victor, for processing.

Jocelyn Wong

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T: 415.554.7702 | F: 415.554.5163
jocelyn.wong@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

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From: Beinart, Amy (BOS) <amy.beinart@sfgov.org>
Sent: Monday, July 12, 2021 12:39 PM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Morris, Geoffrea (BOS) <geoffrea.morris@sfgov.org>; Major, Erica (BOS) <erica.major@sfgov.org>; Lerma, Santiago (BOS) <santiago.lerma@sfgov.org>
Subject: add Supervisor Ronen as cosponsor to 210567

Good afternoon,

Please add Supervisor Ronen as cosponsor to 210567 - Administrative Code - Food Empowerment Market Fund.

Thanks very much,
~Amy

<<<<<<>>>>>

Amy Beinart | Legislative Aide/Chief of Staff

Office of Supervisor Hillary Ronen

amy.beinart@sfgov.org

<https://sfbos.org/supervisor-ronen-district-9>

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From: [Raegan Sales](#)
To: [Young, Victor \(BOS\)](#)
Subject: Public Comment: 7/12 BOS Rules Committee Food Empowerment Market Fund
Date: Monday, July 12, 2021 2:06:29 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good morning Rules Committee,

My name is Raegan Sales, I am the Healthy Apple Program Coordinator at Children's Council of San Francisco,

We provide low income families with free or low cost child care in San Francisco on behalf of the city, provide child care educators with business resources and distribute thousands of meals annually to San Francisco families,

I am here to speak in support on behalf of the organization on the proposed legislation to:

- **Establish a special fund for grants to nonprofit agencies to establish and operate food empowerment markets**

In a San Francisco child care survey sent out during the pandemic to the families we serve, food insecurity was listed as the primary concern,

The needs for child care and families is intrinsically intersectional with food security,

That is why at Children's Council of San Francisco we support child care educators with funding to provide the children in their care with nutritious food,

That being so, we urge the BOS to establish the special fund for non-profits to establish and operate food empowerment markets,

These markets will allow the community to receive healthy food in a safe community environment that promotes community empowerment,

We urge you to pass this essential legislation,

Thank you for your time.

Best wishes,

Raegan Sales | [Healthy Apple Program Coordinator](#)
[Children's Council of San Francisco](#)

445 Church Street, San Francisco, CA 94114
phone: 415.355.6287 | fax: 415.343.3331

Learn more at childrenscouncil.org | www.HealthyApple.org

Pronouns: She/her



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