

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## 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

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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](mailto:victor.young@sfgov.org).

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



# City and County of San Francisco

## Master Report

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

**File Number:** 210567      **File Type:** Ordinance      **Status:** 30 Day Rule

**Enacted:** \_\_\_\_\_ **Effective:** \_\_\_\_\_

**Version:** 1      **In Control:** Rules Committee

**File Name:** Administrative Code - Food Empowerment Market Fund      **Date Introduced:** 05/18/2021

**Requester:** \_\_\_\_\_ **Cost:** \_\_\_\_\_ **Final Action:** \_\_\_\_\_

**Comment:** \_\_\_\_\_ **Title:** 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.

**Sponsors:** Safai; Walton

### History of Legislative File 210567

Ver	Acting Body	Date	Action	Sent To	Due Date	Result
1	President	05/18/2021	ASSIGNED UNDER 30 DAY RULE	Rules Committee	06/17/2021	

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.**

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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 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 community kitchen that teaches healthy cooking, restaurant skills,  
7 and culinary education, using, in whole or in part, the donated food and supplies;

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

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

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

15                           (A) Receiving public assistance, including programs such as CalFresh, Medi-Cal,  
16 and Cash-Aid;

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

18                           (C) An individual ineligible for government assistance but affiliated with or  
19 sponsored by a San Francisco community-based agency doing work related to food security, nutrition,  
20 and related issues. Such individuals shall, subject to HSA’s rules and the market’s own procedures, be  
21 allowed to access the services and programs of the market for a specified time.

22           (d) **Administration of Fund.** HSA shall administer the Fund.

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

1                   (A) HSA shall consult with the Food Security Task Force established in Article  
2 X of Chapter 5 of the Administrative Code, on the development of the rules for the grant program,  
3 including consideration of the “2018 Assessment of Food Security” report issued by the Task Force.

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

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

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

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

22                   (5) Within 15 days after adopting initial rules for the grant program under  
23 subsection (d)(1), HSA shall submit a copy thereof to the Board of Supervisors. These rules shall not  
24 become effective, and HSA shall issue no grants thereunder, until at least 30 days after HSA has  
25 submitted the rules to the Board of Supervisors. Any subsequent rules or rule amendments adopted by

1 HSA shall become effective immediately upon adoption, unless those subsequent rules or rule  
2 amendments specify otherwise.

3 (6) HSA shall award grants for the establishment and operation of one food  
4 empowerment market each in Supervisorial Districts 6, 9, 10, and 11, in no particular order, and  
5 according to the boundaries of those districts as of the time of the grant award. Thereafter, HSA may  
6 expand the program to other Supervisorial districts. There is no limit on the number of food  
7 empowerment markets that may be located in a particular Supervisorial district, nor is there a  
8 requirement that all Supervisorial districts have a food empowerment market.

9 (e) Reporting. HSA shall, within the first two weeks of July, submit an annual report to the  
10 Board of Supervisors and the Mayor describing the implementation of the grant program.

11  
12 Section 2. Effective Date. This ordinance shall become effective 30 days after  
13 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
14 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
15 of Supervisors overrides the Mayor’s veto of the ordinance.

16  
17 APPROVED AS TO FORM:  
18 DENNIS J. HERRERA, City Attorney

19  
20 By:           /s/ Thomas J. Owen            
21 THOMAS J. OWEN  
22 Deputy City Attorney

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24  
25

## **LEGISLATIVE DIGEST**

[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 include a community kitchen that would teach healthy cooking and restaurant skills, using, in whole or in part, the donated food and supplies. 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; 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.

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. Initially, HSA 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.

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# Introduction Form

By a Member of the Board of Supervisors or Mayor

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. Topic 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):

Safai

Subject:

Food Empowerment Market

The text is listed:

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.

Signature of Sponsoring Supervisor:



**From:** [Somera, Alisa \(BOS\)](#)  
**To:** [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: Ordinance for Introduction - Food Empowerment Market Fund  
**Date:** Monday, May 17, 2021 3:49:09 PM  
**Attachments:** [01532604.DOCX](#)  
[01532607.DOCX](#)

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*Alisa Somera*

Legislative Deputy Director  
San Francisco Board of Supervisors  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102  
415.554.7711 direct | 415.554.5163 fax  
[alisa.somera@sfgov.org](mailto:alisa.somera@sfgov.org)

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

*Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.*

Click [HERE](#) to complete a Board of Supervisors Customer Service Satisfaction form.

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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**Disclosures:** *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

---

**From:** Owen, Thomas (CAT) <Thomas.Owen@sfcityatty.org>  
**Sent:** Monday, May 17, 2021 3:23 PM  
**To:** Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Morris, Geoffrea (BOS) <geoffrea.morris@sfgov.org>; Berenson, Samuel (BOS) <sam.berenson@sfgov.org>  
**Cc:** PEARSON, ANNE (CAT) <Anne.Pearson@sfcityatty.org>; ZAREFSKY, PAUL (CAT) <Paul.Zarefsky@sfcityatty.org>; BUTA, ODAYA (CAT) <Odaya.Buta@sfcityatty.org>; SAPERSTEIN, ALLIE (CAT) <Allie.Saperstein@sfcityatty.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; GIVNER, JON (CAT) <Jon.Givner@sfcityatty.org>  
**Subject:** Ordinance for Introduction - Food Empowerment Market Fund

Supervisor Safai, Geoffrea, and Sam,

Please find attached Word versions of the following ordinance and legislative digest for submission to the Clerk of the Board of Supervisors upon introduction:

**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.**

Please note that my electronic signature at the end of the ordinance reflects that I have approved this ordinance as to form. Let me know if you have any questions or would like any additional information.

CONFIDENTIAL AND PRIVILEGED  
ATTORNEY-CLIENT PRIVILEGE/ATTORNEY WORK PRODUCT

**Thomas J. Owen**

Deputy City Attorney

Office of City Attorney Dennis Herrera

[www.sfcityattorney.org](http://www.sfcityattorney.org)

Please note I work Monday through Wednesday.

1 [Administrative Code - Food Empowerment Market Fund]

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16  
17 APPROVED AS TO FORM:  
18 DENNIS J. HERRERA, City Attorney

19  
20 By:           /s/ Thomas J. Owen            
21           THOMAS J. OWEN  
22           Deputy City Attorney

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