



City and County of San Francisco
Meeting Minutes
Government Audit and Oversight Committee

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

Members: Dean Preston, Connie Chan, Rafael Mandelman

Clerk: John Carroll (415) 554-4445

Thursday, March 4, 2021

10:00 AM

Regular Meeting

Present: 3 - Dean Preston, Connie Chan, and Rafael Mandelman

The Government Audit and Oversight Committee met in regular session through videoconferencing, and provided public comment through teleconferencing, on Thursday, March 4, 2021, with Chair Dean Preston presiding. Chair Preston called the meeting to order at 10:01 a.m.

Remote Access to Information and Participation

In accordance with Governor Newsom's Executive Order No. N-33-20 declaring a State of Emergency regarding the COVID-19 outbreak and Mayor London N. Breed's Proclamation declaring a Local Emergency issued on February 25, 2020, including the guidance for gatherings issued by the San Francisco Department of Public Health Officer, aggressive directives were issued to reduce the spread of COVID-19. On March 17, 2020, the Board of Supervisors authorized their Board and Committee meetings to convene remotely (via Microsoft Teams) and will allow remote public comment via teleconference. Visit the SFGovTV website at (www.sfgovtv.org) to stream the live meetings, or to watch meetings on demand.

Members of the public are encouraged to participate remotely via detailed instructions on participating via teleconference available at: <https://sfbos.org/remote-meeting-call>. Members of the public may participate by phone or may submit their comments by email to: john.carroll@sfgov.org; all comments received will be made a part of the official record. Regularly-scheduled Government Audit and Oversight Committee Meetings begin at 10:00 a.m. on the first and third Thursdays of each month. Committee agendas and their associated documents are available at <https://sfbos.org/committees>.

ROLL CALL AND ANNOUNCEMENTS

On the call of the roll, Chair Preston, Vice Chair Chan, and Member Mandelman were noted present. A quorum was present.

AGENDA CHANGES

There were no agenda changes.

REGULAR AGENDA

201186 [Police Code - Grocery Store, Drug Store, Restaurant, and On-Demand Delivery Service Worker Protections]

Sponsors: Haney; Walton, Peskin, Safai, Chan, Mar, Ronen, Preston and Mandelman

Ordinance amending the Police Code to require grocery store, drug store, restaurant, and on-demand delivery service employers to provide health and scheduling protections related to COVID-19 to workers; and to sunset an emergency ordinance with similar requirements.

10/20/20; ASSIGNED UNDER 30 DAY RULE to Government Audit and Oversight Committee, expires on 11/19/2020.

10/28/20; REFERRED TO DEPARTMENT. Referred to the Office of Labor Standards Enforcement, the Office of the City Administrator, the Department of Public Health, the Controller, the Police Department, and the Office of Racial Equity for informational purposes. Referred to the Small Business Commission for review and comment.

02/18/21; AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE. Heard in Committee. Speakers: Supervisor Matt Haney (Board of Supervisors); Pat Mulligan (Office of Labor Standards Enforcement); Anne Pearson (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Sean Smith; Daniel Menzies; John; Claudia Lee; Kung Feng, Executive Director (Jobs With Justice); Tyler Breisacher; Martin; Sally Okawa; Eddie Hernandez; Speaker; Barry; Lucas Chamberlain; Sophia Lima; Juanna; spoke on various concerns relating to the hearing matter.

Supervisors Preston and Mandelman requested to be added as cosponsors.

02/18/21; CONTINUED AS AMENDED.

Heard in Committee. Speaker: Abigail Rivamonte-Mesa (Office of Supervisor Matt Haney); presented information and answered questions raised throughout the discussion.

Vice Chair Chan moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE, on Page 2, Line 7, by striking 'February 18' and inserting 'March 4'; on Page 2, Line 13-14, by inserting ', and limited indoor dining was permitted again starting on March 3, 2021, '; on Page 6, Lines 3-8, to read '(4) Covered Entities must require Workers to regularly disinfect high-touch surfaces during their work and must pay Workers who are classified as employees their normal wage rate and Workers who are classified as independent contractors no less than the rate required under Section 12V.3 of the Administrative Code for time spent doing so, which must be adequate to allow Workers to meet health and safety requirements for sanitation.'; on Page 8, Line 2, by striking 'Filipino'; on Page 8, Lines 11-15, by inserting '(c) Covered Entities shall retain records pertaining to their compliance with this Article 33M for a period of three years and shall allow the Agency access to such records with reasonable notice. Failure to maintain records or to allow the Agency reasonable access to such records shall result in a presumption that the Covered Entity has violated this Article, absent clear and convincing evidence otherwise.'; and making other clerical and conforming changes throughout the ordinance. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

Member Mandelman moved that this Ordinance be RECOMMENDED AS AMENDED AS A COMMITTEE REPORT. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

210181 [Emergency Ordinance - COVID-Related Hazard Pay]**Sponsors: Walton; Haney, Preston, Ronen, Safai, Chan and Mar**

Emergency ordinance to temporarily require certain grocery stores, drug stores, and property service contractors for grocery stores and drug stores to pay employees an additional five dollars per hour during the public health emergency related to COVID-19.

(Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage)

02/23/21; ASSIGNED to Government Audit and Oversight Committee. 2/25/21 - President Walton waived the 30-day rule pursuant to Board Rule No. 3.22.

Heard in Committee. Speakers: Natalie Gee (Office of Supervisor Shamann Walton); Lisa Powell (Office of the City Attorney); presented information and answered questions raised throughout the discussion. Matt Stone (Molly Stone's Market); spoke in opposition of the hearing matter. Dan Larson (United Food and Commercial Workers, Local 648); spoke on various concerns relating to the hearing matter.

Vice Chair Chan moved that this Ordinance be AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE, on Page 1, Lines 3-5, by striking 'drug stores' and inserting 'retail locations that include pharmacies'; on Page 5, Lines 5-10, to read "'Base Wage" means the hourly wage (or, for salaried Employees, the hourly wage equivalent calculated based on a 40-hour work week) paid to an Employee by a Covered Employer on the effective date of this emergency ordinance. Base Wage shall not include any Employer-Initiated Hazard Pay, Hazard Pay, or Wage Enhancement.'; on Page 5, Lines 12-21, to read "'Covered Employer" means any person, as defined in Section 18 of the California Labor Code, including corporate officers or executives, who directly or indirectly or through an agent or any other person, including through the services of a temporary services or staffing agency or similar entity, employs, suffers or permits to work, or exercises control over the wages, hours, or working conditions of 500 or more persons worldwide, including at least 20 Employees of who work on-site at a retail sales and service use that operates any General Grocery, Specialty Grocery, or Pharmacy (excluding pharmacies provided as part of a Hospital or Health Service use), as each of those terms is defined in Planning Code Section 102, within the geographic boundaries of the City. Further, "Covered Employer" also means any Property Services Contractor.'; on Page 5, Line 22, through Page 6, Line 3, to read "'Employee" means any person providing labor or services for remuneration for a Covered Employer on-site at a retail sales and service use that operates any General Grocery, Specialty Grocery, or Pharmacy (excluding pharmacies provided as part of a Hospital or Health Service use), as each of those terms is defined in Planning Code Section 102, within the geographic boundaries of the City, who is an employee under California Labor Code Section 2775, as may be amended from time to time, including a part-time or temporary employee.'; on Page 6, Lines 16-21, to read "'Hazard Pay" means a \$5 per hour wage bonus in addition to an Employee's Base Wage, and any Wage Enhancement in effect for each hour worked (or, for salaried Employees, for 40 hours per week); except that for Employees whose Base Wage plus any Wage Enhancement in effect is between \$30 per hour and \$34.99 per hour, "Hazard Pay" means a wage bonus for each hour worked in an amount calculated to increase the Employee's hourly wage to \$35 per hour.'; on Page 7, Lines 1-9, to read "'Property Services Contractor" means a contractor or subcontractor that provides on-site janitorial or security services for a Covered Employer at any retail sales and service use that operates any General Grocery, Specialty Grocery, or Pharmacy (excluding pharmacies provided as part of a Hospital or Health Service use), as each of those terms is defined in Planning Code Section 102, within the geographic boundaries of the City' and by striking 'who directly or indirectly or through an agent or any other person, including through the services of a temporary services or staffing agency or similar entity, employs, suffers or permits to work, or exercises control over the wages, hours, or working conditions of 500 or more persons worldwide, including at least 20 Employees within the geographic boundaries of the City.'; on Page 7, Lines 10-12, to read "'Wage Enhancement" means premium or additional wages paid to an Employee by a Covered Employer above the Base Wage, including without limitation additional pay for overtime or holiday work, but excluding Employer-Initiated Hazard Pay and Hazard Pay.'; on Page 7, Lines 15-17, to read 'Hazard Pay. Beginning on the effective date of this emergency ordinance, every Covered Employer shall pay Hazard Pay to all Employees whose Base Wage plus any Wage Enhancement in effect is less than \$35 per hour.'; on Page 12, Lines 4-11, to read 'Section 12. Effective Date; Operative Date; Expiration. Consistent with Charter Section 2.107, this emergency ordinance shall become effective immediately upon enactment, and shall expire on the 61st day following enactment unless reenacted as provided by Section 2.107, or upon the termination of the local health emergency, whichever occurs first. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance. This emergency ordinance shall become operative on the third day following enactment.'; and making other clerical and conforming changes throughout the ordinance. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

Emergency ordinance to temporarily require certain grocery stores, retail locations that include pharmacies, and property service contractors for grocery stores and retail locations that include pharmacies to pay employees an additional five dollars per hour during the public health emergency related to COVID-19.

(Economic Impact; No Economic Impact Report)

(Pursuant to Charter, Section 2.107, this matter requires the affirmative vote of two-thirds of the Board of Supervisors (8 votes) for passage)

Member Mandelman moved that this Ordinance be REFERRED AS AMENDED to the Board of Supervisors, for potential consideration during a Committee of the Whole hearing on March 9, 2021, pending approval of a Motion to sit as a Committee of the Whole contained in File No. 210231, to be considered for adoption during that same meeting. The motion carried by the following vote:

Ayes: 3 - Preston, Chan, Mandelman

ADJOURNMENT

There being no further business, the Government Audit and Oversight Committee adjourned at the hour of 10:47 a.m.

N.B. The Minutes of this meeting set forth all actions taken by the Government Audit and Oversight Committee on the matters stated, but not necessarily in the chronological sequence in which the matters were taken up.