

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 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. 210567enacting 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

23 n:\legana\as2021\2100431\01532604.docx
24
25