

1 [Administrative Code - Food Empowerment Market Fund]

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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:

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

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

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

25 *(b) Use of Fund. The Human Services Agency (HSA) shall use monies in the Fund to provide*
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 onsite or is in partnership with an offsite
10 community kitchen that teaches healthy cooking, restaurant skills, and culinary education, using, in
11 whole or in part, the donated food and supplies;

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

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

18 (6)(5) The facility provides food and services to any San Francisco resident who is:

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

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

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

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

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

1 number of food empowerment markets that may be located in a particular Supervisorial district, nor is
2 there a requirement that all Supervisorial districts have a food empowerment market.

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

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

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

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14 By: /s/ Thomas J. Owen
15 THOMAS J. OWEN
16 Deputy City Attorney

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