

AN ACT

**D.C. ACT 20-483**

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

**NOVEMBER 19, 2014**

To establish a Food Policy Council to identify regulatory burdens on the local food economy, collect and analyze data on the food economy and food equity, promote positive food policies, and guide organizations and individuals involved in the food economy and to establish a Food Policy Director in the Office of Planning who would promote food policy in the District, attract new participants to the local food economy, assist an individual already participating in the local food economy, and achieve the food goals identified in the Sustainable DC Plan.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Food Policy Council and Director Establishment Act of 2014".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Food access" means the ability of an individual or a family to consistently obtain affordable, nutritious food equitably across geography and income level.
- (2) "Food assets" means any resource or capacity, whether physical or skill-based, in the growth, production, processing, distribution, disposal, or repurposing of food.
- (3) "Food desert" means an area where more than 50% of the population is at or below 185% of the average median income level and where an individual cannot obtain a wide selection of fresh produce and other nutritious foods within  $\frac{1}{2}$  of a mile of the individual's residence.
- (4) "Food procurement" means the purchasing of or contracting for large volumes of locally grown food either directly from farms or from vendors by large entities either public or private, including schools, hospitals, and prisons.
- (5) "Local food economy" means an individual, organization, or business that maintains a presence in the District and is involved in the growth, production, processing, distribution, disposal, or repurposing of food within the District.
- (6) "Locally grown" means from a grower in Delaware, the District, Maryland, New Jersey, North Carolina, Pennsylvania, Virginia, or West Virginia.
- (7) "Urban agriculture" means the practice of growing, cultivating, processing, and distributing vegetables, fruits, grains, mushrooms, honey, herbs, nuts, seeds, and rootstock within the District.

Sec. 3. Establishment and duties of the Food Policy Council.

(a) The Mayor shall establish a Food Policy Council, whose purpose shall be to:

(1) Promote food access, food sustainability, and a local food economy, including non-mainstream producers, in the District;

(2) Monitor regulatory barriers to the development of a local food economy, including barriers to the operations of farmers markets, existing food assets in the local food economy, and job creation potential in the local food economy, which shall be included in the annual report submitted to the Council of the District of Columbia in accordance with subsection (c) of this section and may be reported to the Council and relevant agencies more frequently if needed;

(3) Collect and analyze data on the local food economy and food access in the District, including an assessment of food deserts; and

(4) Monitor and research national best practices in food policy, including public health policy for dietary-related illness, and determine how they could be implemented in the District.

(b) The Food Policy Council shall advise the Food Policy Director appointed pursuant to section 5(a) on how to promote food access, food sustainability, and a local food economy in the District, how to reduce regulatory barriers to the development of a local food economy, and how to implement national best practices in food policy in the District.

(c) The Food Policy Council shall provide an annual report to the Council of the District of Columbia on the state of the local food economy and food access across the District. The first report shall be due within 240 days of the effective date of this act. Thereafter, the Food Policy Council shall submit a report on December 31 of each year. The report shall identify national best practices in food policy, assess District food access, including an identification of food deserts, assess District food assets, recommend revisions to regulations and policies that affect the local food economy and food access, and identify funding priorities.

(d) The Food Policy Council may apply for any federal, public, or private grant or funding that would enhance its ability to improve food policy and equity in the District.

Sec. 4. Composition and term of the Food Policy Council.

(a) The Food Policy Council shall consist of 13 voting members appointed by the Mayor with the advice and consent of the Council of the District of Columbia, one of whom shall be the Food Policy Director appointed pursuant to section 5(a). The members shall be equally representative of established public, nonprofit, and for-profit entities and organizations involved in the local food economy or food access in the District.

(b) Voting members shall serve terms of 3 years; provided that of the initial members appointed, 4 shall serve for a term of 3 years, 4 shall serve for a term of 2 years, and 4 shall serve for a term of one year. Members may be reappointed but may serve no more than 2 consecutive full terms. The Food Policy Director shall serve on the Food Policy Council as long as he or she remains the Food Policy Director.

(c) When a vacancy develops on the Food Policy Council, the Mayor shall, with the advice and consent of the Council of the District of Columbia, appoint a successor to fill the unexpired portion of the term within 90 days of the vacancy.

(d) Excluding the Food Policy Director, voting members shall be evenly divided into 4 working groups to address prominent food policy issues. Each working group shall include a balance among members of public, nonprofit, and for-profit entities and organizations involved in the local food economy or food access. Each working group may include between 4 to 8 additional members of the public named by the voting members with recognized expertise in the working group's policy area. The working groups shall make recommendations for food policy to the Food Policy Council to be included in the annual report. The working groups shall focus on the following policy groups:

- (1) Local food business and labor development;
- (2) Food equity, access, and health and nutrition education;
- (3) Sustainable food procurement of locally grown food; and
- (4) Urban agriculture and food system education.

(e) The voting members shall elect a chairperson of the Food Policy Council. The chairperson shall name voting members to working groups. All voting members shall serve without compensation.

(f) The Food Policy Council shall develop its own rules of procedure.

(g) The Food Policy Council shall meet at least once every other month. The meetings shall be held in the District and be open to the public, and members of the public shall be allowed to voice questions or concerns about food policy at the meetings. A quorum to transact business shall consist of a majority of the voting members.

(h) There shall be 10 ex officio nonvoting members, including Directors of the following departments or their designees:

- (1) Department of Human Services;
- (2) Department of Health;
- (3) Department of Consumer and Regulatory Affairs;
- (4) Department of Parks and Recreation;
- (5) Office of the State Superintendent of Education;
- (6) Office of Planning;
- (7) District Department of Transportation;
- (8) District Department of the Environment;
- (9) Department of General Services; and
- (10) Office of the Deputy Mayor for Planning and Economic Development.

(i) Ex officio members shall develop and implement policies and programs in their agencies that are consistent with the Food Policy Council's purposes. They shall meet with the Food Policy Director and the Food Policy Council at least quarterly each year to assist in coordinating plans and policies that are beneficial to the local food economy and improving food access in the District. In addition, ex officio members shall work with the Food Policy Director

and the Food Policy Council to examine existing regulations and policies that may be overly burdensome as applied to the local food economy.

Sec. 5. Appointment and duties of Food Policy Director.

(a) The Mayor shall appoint a Food Policy Director ("Director") within the Office of Planning with the advice and consent of the Council of the District of Columbia to promote equitable and sustainable food policies across the District that increase food access and build a local food economy.

(b) The Director shall:

- (1) Collaborate with other jurisdictions to promote locally-grown and sustainable food production practices;
- (2) Seek outside grants, recognition, and partnerships to facilitate positive food policy in the District;
- (3) Provide assistance to participants in the local food economy in securing necessary permits and approvals and in navigating the regulatory process;
- (4) Advocate for new local food economy ventures to locate in the District;
- (5) Devise strategies for the District to meet the food goals identified in the Sustainable DC Plan issued by the Mayor in 2013; and
- (6) Work with relevant agencies to reduce regulatory burdens on the local food economy.

Sec. 6. Applicability.

(a) Sections 1, 2, 3 and 4 shall apply as of the effective date of this act.

(b) Section 5 shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan, as certified by the Chief Financial Officer to the Budget Director of the Council in a certification published by the Council in the District of Columbia Register.

Sec. 7. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



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Chairman  
Council of the District of Columbia

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INSTIGNED  
Mayor  
District of Columbia  
November 18, 2014



COUNCIL OF THE DISTRICT OF COLUMBIA  
WASHINGTON, D.C. 20004

Docket No. **B20-0821**

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 10/7/2014

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chm. Mendelson	X				Catania	X				McDuffie	X			
Alexander	X				Choh	X				Orange	X			
Barry				X	Evans	X				Wells	X			
Bonds	X				Graham	X								
Bowser	X				Grosso	X								

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

10-31-14

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 10/28/2014

VOICE VOTE

RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chm. Mendelson	X				Catania	X				McDuffie	X			
Alexander	X				Choh	X				Orange	X			
Barry				X	Evans	X				Wells	X			
Bonds	X				Graham	X								
Bowser	X				Grosso	X								

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

10-31-14

Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE

RECORDED VOTE ON REQUEST

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ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chm. Mendelson					Catania					McDuffie				
Alexander					Choh					Orange				
Barry					Evans					Wells				
Bonds					Graham									
Bowser					Grosso									

X - Indicate Vote

AB - Absent

NV - Present, Not Voting

CERTIFICATION RECORD

Secretary to the Council

Date