

MOTION

I HEREBY MOVE that Council AMEND MOTION (O'FARRELL - KREKORIAN) relative to making it unlawful for a third-party food delivery service to charge a restaurant a fee per online order for the use of its services that totals more than 15 percent of the purchase price of such online order during the local public health emergency related to COVID-19 (Item No. 20, Council file No. 20-0470) to:

1. CAP the delivery fee to restaurants at 15%.
2. CAP the non-delivery fee to the restaurant at 5%.
3. ENSURE that 100% of customer tips go to the delivery person.
4. SUNSET the ordinance 90 days after the prohibition of on-premises dining has been lifted.
5. Relative to enforcement: Private right of action if the third party delivery company does not hear the alleged violation within 15 days from the receipt of the notice.
6. ADD an urgency clause to this ordinance.
7. INSTRUCT the Chief Legislative Analyst, with assistance from the Economic and Workforce Development Department, to report on the effectiveness of the provisions of this article in protecting restaurants and platform delivery workers no later than 30 days after the prohibition of on-premises dining has been lifted, including recommendations for additional protections that further the intent of this article, possible solutions to improve transparency in transactions, and whether the provisions of the article are still necessary based on the City's recovery from the impacts of the COVID-19 pandemic.

PRESENTED BY: _____
MITCH O'FARRELL
Councilmember, 6th District

CURREN PRICE
Councilmember, 8th District

SECONDED BY: _____
PAUL KREKORIAN
Councilmember, 13th District