



Cheryl Davila  
Councilmember  
District 2

CONSENT CALENDAR  
May 12, 2020

To: Honorable Mayor and Members of the City Council

From: Councilmembers Cheryl Davila (Author), Ben Bartlett (Co-Sponsor)  
and Mayor Jesse Arreguin (Co-Sponsor)

Subject: Support California Farmworker COVID-19 Relief Legislation

#### RECOMMENDATION

1. Adopt a resolution supporting the California Farmworker COVID-19 Relief Legislation advocated by State Assemblymember Robert Rivas (Author)
2. Send copies of this resolution to State Assemblymember Robert Rivas, as well as State Assemblymember Buffy Wicks, and State Senator Nancy Skinner.

#### BACKGROUND

The Berkeley City Council has a record of adopting legislative measures to support and protect farm workers. Beyond this, the State of California has been instrumental as the site of farmworker resistance and activism, particularly for civil rights organizing led by Cesar Chavez and the United Farm Workers' Grape Strike of 1965. California is also the country's largest producer of leafy greens and edible produce. Our state is deemed America's "salad bowl". We must do everything possible to keep our farms productive in order to feed the country healthy nutritious fruits and vegetables. This includes supporting farmworkers in the midst of the COVID-19 pandemic.

"California's farm workers play a critical role in our state's \$50 billion agriculture industry, and in our nation's food supply," said State Assemblymember Robert Rivas, who grew up in farmworker housing. "Governor Newsom has rightly designated agricultural workers as an essential infrastructure workforce. But as we ask our farmworkers to continue working through the COVID-19 pandemic, we must take action to protect their health, safety, and economic security. Protecting farm workers is not just our moral duty, it is also critical for preventing disruptions to our food supply."<sup>1</sup>

Agriculture and farm workers currently face unprecedented demand for food products as residents of California and elsewhere stock their pantries to ensure they can "shelter in place." Yet even as they work to meet this demand, farmworkers often lack access to adequate healthcare, and they live and work in crowded conditions that can leave them vulnerable to contracting COVID-19.

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<sup>1</sup> <https://a30.asmdc.org/press-releases/20200409-assemblymember-rivas-introduces-california-farmworker-covid-19-relief>

State Assemblymember Rivas recently introduced a bill package with a number of legislative initiatives to sustain our State's food-growing operations and protect the health of agricultural workers. The California Farmworker COVID-19 Relief Package is posed to assist California farms, which are facing labor shortages, as well as grocers enduring empty shelves due to logistical bottlenecks. Many of the state's one million farmworkers also lack access to health care. To address this, Assemblymember Robert Rivas (D-Hollister) crafted legislation to protect the health, safety, and economic security of agricultural workers, and further prevent disruptions to the nation's food supply.

The California Farmworker COVID-19 Relief Legislation proposes to expand paid sick leave for farmworkers, provide supplemental hazard pay, extend a tax credit to farmers who offer overtime to their workers, fund an outreach campaign to educate workers on personal protection practices, and help expedite temporary housing to mitigate overcrowding and allow for social distancing. The bills were conceived following consultation with the California Department of Food and Agriculture and members of the agricultural industry and farmworker community.

The California Farmworker COVID-19 Relief Legislation consist of the following state bills:

**AB 2915: Farmworker COVID-19 Health and Safety Act (to be amended)**

- Expands paid sick leave for farmworkers from 3 days to 2 weeks
- Provides for supplemental hazard pay to compensate farmworkers for increased health and child care costs
- Directs subsidies to county, employer, and private child care providers who provide care to farmworker children
- Codifies comprehensive Cal/OSHA guidance on how agricultural businesses should protect and train agricultural workers vis-a-vis COVID-19, including by providing them face masks and personal protective equipment (PPE)
- Funds an outreach campaign of public service announcements and workplace signs, in both English and Spanish, to educate farmworkers on the Cal/OSHA guidance
- Provides temporary housing for agricultural workers to mitigate overcrowding and allow for appropriate social distancing
- Authorizes a comprehensive survey of farmworker housing conditions, including labor camps and H-2A housing, resulting in statewide recommendations to ensure the health and safety of farmworkers

**AB 2956: Agriculture Labor Shortage and Overtime Act**

- Provides an agricultural overtime tax credit to mitigate the industry labor shortage by subsidizing the cost of businesses paying overtime to existing workers

**AB 2164: Telehealth and E-Consult Services Act**

- Deploys telehealth and e-consult services for rural and community hospitals

**AB 3155: Moderate Income Housing Act**

- Streamlines the approval process for smaller unit housing developments to benefit farm workers as well as other lower income residents

**AB 2165: Access to Justice and Electronic Court Filings Act**

- Expands the availability of electronic filing to all state trial courts, given that access to courthouses is a serious problem in many farmworker communities

It is our duty as residents and legislators in the City of Berkeley to promote public health by ensuring the continued productivity of our food supply and safeguarding the health of vulnerable essential agricultural service workers in the face of the Coronavirus (COVID 19) pandemic.

FINANCIAL IMPLICATIONS

None.

ENVIRONMENTAL SUSTAINABILITY

Protecting our communities during this climate and health crisis is an act of environmental sustainability.

CONTACT PERSON

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ATTACHMENTS:

1. Resolution

LINKS TO LEGISLATION

1. AB 2915

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB2915](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2915)

2. AB 2956

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB2956](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2956)

3. AB 2164

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB2164](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2164)

4. AB 3155

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB3155](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB3155)

5. AB 2165

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201920200AB2165](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201920200AB2165)

RESOLUTION NO. XXXX

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF BERKELEY IN SUPPORT OF THE CALIFORNIA FARMWORKER COVID-19 RELIEF LEGISLATION

WHEREAS, The Berkeley City Council has a record of adopting legislative measures to support and protect farm workers. Beyond this, the State of California has been instrumental as the site of farmworker resistance and activism, particularly civil rights organizing led by Cesar Chavez and the United Farm Workers' Grape Strike of 1965; and

WHEREAS, California is the country's largest producer of leafy greens and edible produce. Our state fills "America's salad Bowls"; and

WHEREAS, We must do everything possible to keep our farms productive to feed the country healthy nutritious fruits and vegetables, including support of farmworkers in the midst of the COVID-19 pandemic; and

WHEREAS, California's farm workers play a critical role in our state's \$50 billion agriculture industry, and Governor Newsom has designated agricultural workers as an essential infrastructure workforce; and

WHEREAS, California farms are currently facing labor shortages due to COVID-19, grocers are experiencing empty shelves because of logistical bottlenecks, and many of the state's up to one million farmworkers are lacking access to healthcare; and

WHEREAS, State Assemblymember Robert Rivas (D-Hollister) recently introduced "California Farmworker COVID-19 Relief Package" to protect the health, safety, and economic security of agricultural workers and prevent disruptions to the nation's food supply; and

WHEREAS, The five-bill "California Farmworker COVID-19 Relief Package" proposes to expand paid sick leave for farmworkers, provide supplemental hazard pay, extend a tax credit to farmers who offer overtime work to their workers, fund an outreach campaign to educate workers on personal protection practices, and will help to expedite temporary housing, mitigating overcrowding and allowing for social distancing; and

WHEREAS, The California Farmworker COVID-19 Relief Package contains the following legislations:

AB 2915: Farmworker COVID-19 Health and Safety Act Expands paid sick leave for farmworkers from 3 days to 2 weeks; Provides for supplemental hazard pay, to compensate farmworkers for increased health and child care costs; Directs subsidies to county, employer, and private child care providers, who provide care to farmworker children; Codifies comprehensive Cal/OSHA guidance on how agricultural businesses should protect and train agricultural workers vis-a-vis COVID-19, including by providing them face masks and personal protective equipment (PPE); Funds an outreach campaign of public service announcements and workplace signs, in both English and Spanish, to educate farmworkers on the Cal/OSHA guidance; Provides temporary housing for agricultural workers, to mitigate overcrowding and allow for appropriate social distancing; Authorizes a comprehensive survey of farmworker housing conditions, including labor camps and H-2A housing, resulting in statewide recommendations to ensure the health and safety of farmworkers.

AB 2956: Agriculture Labor Shortage and Overtime Act Provides an agricultural overtime tax credit, to mitigate the industry labor shortage by subsidizing the cost of businesses paying overtime to existing workers

AB 2164: Telehealth and e-Consult Services Act Deploys telehealth and e-consult services for rural and community hospitals

AB 3155: Moderate Income Housing Act Streamlines the approval process for smaller unit housing developments, to benefit farm workers as well as other lower income residents

AB 2165: Access to Justice and Electronic Court Filings Act Expands the availability of electronic filing to all state trial courts, given that access to courthouses is a serious problem in many farmworker communities

WHEREAS, Agriculture and farm workers currently face unprecedented demand for food products as people stock their pantries to ensure they can shelter in place; and

WHEREAS, Farmworkers often lack access to adequate healthcare and live and work in crowded conditions that can leave them vulnerable to contracting COVID-19; and

WHEREAS, Protecting farm workers is not just our moral duty, it is critical for preventing disruptions to our food supply;

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of Berkeley support the California Farmworker COVID-19 Relief Legislation advocated by State Assemblymember Robert Rivas (Author); and

BE, IT FURTHER RESOLVED, that copies of this resolution be sent to State Assemblymember Robert Rivas, as well as State Assemblymember Buffy Wicks and State Senator Nancy Skinner.

