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| **City of Albuquerque**  **Small Business**  **Regulatory Advisory Commission** | | COA Logo_Horizontal_EconomicDev-03 |
| **Chair: Myra Ghattas**  **Vice Chairman: Tim Nisly**  **Ex-Officio Member: Synthia R. Jaramillo**  **City Legal: Leigh Brunner**  **Staff: M. Mitchell**  **D. Sayers**  **C. Nunez** | **Commissioners: Paulette Baca**  **Matthew Biggs**  **Kenneth J. Carson**  **Cailyn Kilcup**    **Absent: Michael M. Silva Jr.** | |

**June 24th, 2020**

**10:00 AM**

**Zoom Conference Call**

**AGENDA**

1. **Approval of minutes** – Chair

**MOTION** to Approve February Minutes as Amended: COMMISSIONER

**SECOND** by COMMISSIONER

**MOTION PASSED UNANIMOUSLY**

1. **Additions/deletions to agenda –** Chair

**MOTION** to Approve February Minutes as Amended: COMMISSIONER

**SECOND** by COMMISSIONER

**MOTION PASSED UNANIMOUSLY**

1. **City Ordinance Discussion**
   * **Council Bill O-20-24**: REQUIRING EMPLOYERS TO PROVIDE PERSONAL PROTECTIVE EQUIPMENT FOR EMPLOYEES
     + Myra Ghattas states it is the least significant and impactful ordinance. There are problems getting the equipment and who is accountable in the instance of delays. But overall, commission agrees it is not “a big deal.” Owners are already providing PPE.
     + City Council passed an ordinance that would direct $150,000 to help small businesses obtain PPE face coverings to their employees.
   * **Council Bill O-20-25**: ESTABLISHING THE PUBLIC HEALTH EMERGENCY PREMIUM PAY ORDINANCE; SETTING PREMIUM PAY AMOUNTS FOR LARGE ESSENTIAL EMPLOYEES; ESTABLISHING PROCEDURES FOR IMPLEMENTATION AND ENFORCEMENT. BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE
     + Myra Ghattas
       1. If you have a full time employee that works 5 shifts for about 8 hours, and they make $15 or less, they would get about $300 more per week. It varies if you go over 8 hours or less than 4.
       2. We would have to close our stores too. We got PPE funds too, but there’s no way we could cover this. The capacity doesn’t even matter because we are not even getting to 50%. To see our City Councilors propose something like this blows my mind. There are other businesses that would also have to close doors.
       3. No end-date makes the commission feel that it will have to be paid indefinitely.
       4. I think PPE is what is sustaining businesses; it’s what is sustaining me. When that program is gone, it’s another ball game.
     + 50 Employees
       1. It’s not clear if there is a distinction between several businesses.
       2. If your employees make less than $15, you are required to pay a premium to them.
       3. There is a lot of paperwork to track.
       4. Those who are under 50 hours make more than those who work more than 50 hours.
       5. It becomes a significant cost to businesses given the current environment.
     + Matt Briggs
       1. Matt Briggs claims that it will shut down his business because sales are low.
       2. It feels as if small businesses are the ones that always have to bear the cost.
       3. If the City wants to pay essential employees, then we should all pitch in. Taxes should be raised and not just small business affected.
       4. I don’t think even big businesses should be penalized for making sales. It’s go time for them just because of current events.
     + Paulette Baca
       1. We are bringing in less money, not by choice, and we are expected to pay more money out. Doesn’t make sense to me whatsoever.
     + Tim Nisly
       1. This is a killer for folks in the restaurant industry. It makes sense for some type of companies. Lowes and Walmart are killing it, they will have record sales. There are certain sectors that can bare this cost. The additional risks that their employees do have to take have a cost. There is an additional cost to society, and someone is paying that. But I don’t have a good solution as to how certain sectors can bare this.
     + Ken Carson
       1. I would just rather be straight up, it’s a minimum wage increase.
     + Cailyn Kilcup
       1. Disappointed in the general ethos those small businesses are endless cash cows, especially in this moment. We have seen increasing burden through government legislation. How do people think that we can continue to bear the brunt of it? Market society: if there’s a bad employer, employees will leave naturally. If you’re a good employer, you’ll do your due diligence. And if you’re able, which much are not able! Through PPE, we gave a bonus to our employees. This is potentially such a big burden. It’s painful it was even brought up honestly.
     + Council process:
       1. 2 councilors request an economic and fiscal impact study. What is the fiscal impact on the city, and it would be significant. The bill is deferred until the study, traditionally what happens. This is a unique situation because this bill never went to committee. Council might take action. If it is deferred, the earliest Council will take this in August. If it goes to committee, it will go in August.
       2. Economic impact analysis for Bill 26 too. There is an argument to be made, that the new bill could have another analysis made.
       3. 60% increase in wage and benefits.
     + Isaac Padilla
       1. We would be 1 of 3 cities who have introduced this bill.
       2. HEROES ACT: Federal government would take the price of that (employee premium pay).
       3. They understood that maybe the additional $60 was too high; they may be dialing it back.
       4. It is on the Mayor’s radar. Things are moving too fast, and should be considered more carefully.
     + Synthia Jaramillo
       1. While we all know that the issues proposed are important and at one point need to be considered, now is just not the time. We believe now more than ever, we need to directly engage you all to understand your needs and provide support. We are ready to work with City Councilors and small businesses to strike a balance. Imposing more regulatory barriers to companies considering expansion in Albuquerque, this will deter them immediately.
       2. David Sayers has been tracking the businesses that have been forced to close. It may be helpful if you decide to craft a unified message.

**ACTION** **ITEM**: David Sayers will provide SBRAC with a copy of the report tracking business closures in Albuquerque due to COVID-19.

* + **Council Bill O-20-26**: ADOPTING A PAID SICK LEAVE ORDINANCE; REQUIRING TEMPORARY PUBLIC HEALTH EMERGENCY SICK LEAVE
    - Myra Ghattas
      1. Sick leave keeps coming up. I take offense at the timing of it. It feels like you’re being kicked when you’re down.
      2. Gives workers 80 hours between now and the end of the year. As an employer, we have to pay for the doctor’s note. Sick time can be used for immediate family or themselves.
      3. Once the pandemic ends, the amount of sick leave is reduced.
      4. It then becomes a permanent sick leave ordinance.
      5. Families First Coronavirus Response Act is a bill in place that covers COVID-19. We have to pay people for that already. There is a reimbursement that we get through taxes. This sick leave is not necessarily tied to COVID-19.
    - These ordinances have a big impact on small businesses. Arguably the pandemic has had a pretty big impact on small business. There are a lot of businesses who are not doing well during COVID-19.
    - Ken Carson
      1. I think it’s just not the time. We can’t figure out what we are doing on a day to day basis. I have people on extra that I didn’t need, but now I need to release them. I want to bring people back that don’t want to come back. I already have PTO for some of my employees. The problems in society that we see are because of people not having a livable wage. But it’s not the time.
    - Matt Biggs
      1. It’s important we address this. But this is literally the worst time you could be adding to this to small businesses.
    - Cailyn Kilcup
      1. It is 80 hours, but it’s not based on accrued hours? If you hire a new employee, could they use the 80 hours off the bat?
         1. No, it’s based on accrued hours. After they logged 56 hours, that’s when the start accruing.
         2. You don’t start earning paid sick leave until the 56 hours. After the 56 hours, you earn a minimum of 1 hour paid sick leave for every 30 hours.

**ACTION ITEM**: Monica Mitchell to schedule and post notice of a secondary SBRAC Emergency Meeting Thursday June 25th, 2020 at 11:00 AM.

**ACTION ITEM**: Myra Ghattas to draft a letter reflecting SBRAC’s sentiment regarding Ordinance 24, 25, and 26. Letter will be shared via email to board members and subsequently voted on in June 25th, 2020 Emergency Meeting.

1. **Adjourn at 11:07**