GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

BOARD OF ELECTIONS

SPECIAL BOARD MEETING

MONDAY
SEPTEMBER 20, 2021

The District of Columbia Board of Elections convened via Videoconference, pursuant to notice at 9:00 a.m. Eastern Time, Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair
MIKE GILL, Member

BOARD OF ELECTIONS STAFF PRESENT:

MONICA HOLMAN EVANS, Executive Director
TERRI STROUD, General Counsel
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CHAR BENNETT: Good morning. This is Michael Bennett, and I'm Chair of the DC Board of Elections. And this is the opening of a Special Meeting to consider the initiative Measure No. 82. It's a single issue special meeting.

With me, I have today to my right is General Counsel Terry Stroud, and to my left is Executive Director of the Board of Elections, Ms. Monica Evans.

And I'd like for Mr. Gill to acknowledge his presence so we can determine a quorum.

MEMBER GILL: I am here, Mr. Chairman.

CHAIR BENNETT: Okay, and Michael Bennett is here. Member Greenfield is not present but we have two of the three members here, so we are sufficient for a quorum.

So, the meeting is officially open and we have a quorum. So, I will turn the meeting over to Ms. Stroud to move us through the
The only item on the agenda today is the consideration of the formulations for Initiative Measure No. 82, which had been proposed as a District of Columbia Minimum Wage Increase for Tip Workers Amendment Act of 2022.

The Board determined that the initiative was a proper subject during its last meeting on August 26th, and so now we're at the stage where we are formulating the draft language.

The Office of the General Counsel drafted language for the initiative and provided a courtesy copy to the proposer, and the proposer reviewed the draft language that the Office of the General Counsel proposed, and made some suggestions, and also received input from other interested entities who will have the opportunity to speak today.

And as a result of the feedback that was received, language was arrived at between the
proposer and another interested party, and
they'll have the opportunity to speak.

And so, they coordinated to proposeeds to the language that the General Counsel's
office proposed, and we can share that on the
screen, Randy, so that everyone can see the one
that I sent you, the last email.

And so, the language that is on the
screen is the language for the short title and
summary statement that was proposed as a result
of the language that the Board submitted to the
proposer in advance of today's meeting, and the
Board members have it and it is on the screen.
And so, I would ask if the proposer is present?

MR. O'LEARY: I am.

MS. STROUD: Okay, Mr. Randy, if you
could review the language that has been drafted
and make comment on it at this time.

MR. O'LEARY: Sure. So, language as
currently drafted says, under current law
employers of employees classified as tipped
workers may take a credit against tipped wages
received by workers to satisfy the minimum wage
guaranteed to all workers by law.

    The initiative would gradually
eliminate the credit -- sorry.

    PARTICIPANT: Oh, I'm so sorry. I
didn't know what it was and I wondered. I
thought it was for only me. I'm so sorry. How
do I delete it? I'm so sorry. Really, I swear.

    MR. O'LEARY: I'm not sure how to get
the black square off the screen. But --

    PARTICIPANT: I'm going to try now.

Oh, no. You didn't have to end it. I was
pressing delete.

    MS. STROUD: I think we need to mute
them, Randy.

    MR. O'LEARY: Okay. So, as I was
saying, the initiative would gradually increase
or eliminate the credit, such that the mandatory
base wage, which is currently at $5.05 per hour,
indexed to inflation, will increase until 2027,
when the mandatory base wage matches the minimum
wage established by DC law for all other workers,
which is now currently $15.20.

Tips continue as property of employees and will be in addition to the statutory minimum hourly wage.

As proposer of this initiative, and after speaking with counsel, I have no comment on it. I believe that this is the language that should be used on the ballot initiative when the voters go to vote.

MS. STROUD: Okay. So, I'll also note for the record that the short title is proposed as District of Columbia Tip Credit Elimination Act of 2021. And just to go backwards, Mr. O'Leary, could you provide your name and address for the record?

MR. O'LEARY: Sure. My name is Ryan O'Leary and I live at 1665 Lamont Street, NW, Washington, DC.

MS. STROUD: Okay, and you are the proposer of the initiative. And so, just so we're clear, you're indicating that you do consent to the drafted language as the language
that will appear on the ballot, and other
information, other materials, regarding the
initiative.

MR. O'LEARY: Yes, ma'am.

MS. STROUD: Okay. Are there any
other parties who would like to comment on the
drafted language? I know that Mr. Andrew Kline
is at the meeting.

MR. KLINE: Yes.

MS. STROUD: Mr. Kline.

MR. KLINE: Thank you, Attorney
Stroud. Yes, I'm Andrew Kline. I'm counsel to
Restaurant Association of Metropolitan
Washington, RAMW, as well as several interested
registered voters.

I want to thank the Offices of Sandler
Reiff in working with us on this and we worked
over the weekend to come up with language that we
agreed on -- just actually minutes before this
meeting -- that you see in front of you, which we
think fairly reflects what it is that the voters
are to consider, and fairly reflects what the
change in law would be.

So, we support this. And again, we thank them for working with us and hope that the Board will consider this and approve it as the language of the initiative.

MS. STROUD: Okay. And the Office of the General Counsel has reviewed the language and concurs. In fact, this was sort of an edit of a draft of the language that we initially submitted to put forth before the Board.

And we have reviewed it and we do agree that this language accurately and impartially and fairly reflects the legislative text of the initiative.

And so, if the Board members have any comments or questions.

CHAIR BENNETT: Well, I do. The one comment I have is, I think we probably had it happen before, but this is the first time I can recall, in my tenure anyway, that we've had the cooperation between opponents and proponents in a way that allowed us to put something out and my
guess is it doesn't make everybody happy, but it scratches everybody's itch, so to speak.

So, I appreciate both parties being able to work through this. So, that's my comment and I look forward to that happening more, particularly in this environment that we're currently living in.

It's nice to be able to talk through something and come out with something that makes sense. Appreciate both parties in that regard. And, of course, the Office of the General Counsel. Mr. Gill?

MEMBER GILL: Not a lot of comments. Just ditto to what you said. Thanks to the parties for getting this agreed to in a civil manner.

CHAIR BENNETT: Great. Okay, do we have any other comments from anybody, Ms. Stroud?

MS. STROUD: Are there any other individuals present who would like to comment on the formulations?

CHAIR BENNETT: Do you see anyone? No
hands raised? Okay. Boy, this is pleasant. Is a court reporter -- do we have a court reporter assigned?

MS. STROUD: The court reporter should be on. Can he ask the vote?

CHAIR BENNETT: Yeah, can I ask this of -- I should have asked this initially. Is the court reporter able to hear and on the line? This is being recorded anyway, but I want to make sure we have the court reporter there. Can you see who's -- the court reporter can identify himself? Raise your hand?

MS. STROUD: Yeah. Could you ask her to go on?

(Off-microphone comments.)

CHAIR BENNETT: We do. And you're able to hear and you've been able to take things accordingly?

COURT REPORTER: I am here and we're on the record.

CHAIR BENNETT: Okay, thank you.

Great.
MS. STROUD: Okay, we can entertain a motion to adopt the language that is --

CHAIR BENNETT: Mr. Gill, can I get a motion to adopt the language as proposed?

MEMBER GILL: All right, I make a motion to adopt the language as proposed.

CHAIR BENNETT: It has been properly moved. I second. It's been properly moved and seconded. So, let's get a voice vote. Mr. Gill?

MEMBER GILL: I vote aye.

CHAIR BENNETT: And I vote as well. So, with the quorum that is present, it is unanimous. And so, the language is hereby issued. Ms. Stroud, would you give the further instructions.

MS. STROUD: Okay. So, what will happen next is that the proposed formulations will be published in the DC Register, which will be published not this coming Friday, but next Friday.

And that will launch a review period during which members of the public may challenge
the Board's formulations or other items with respect to the initiative.

And so, once that publication occurs, that will start the challenge process. And the next steps that will happen after resolution of any challenges for that ten-day period. If there are no challenges, there will be a meeting scheduled to issue a petition for the proposers to circulate.

CHAIR BENNETT: Okay. All right, if there are no other items from the proposer or opponents, Ms. Stroud, I think we have concluded the business for the day.

MS. STROUD: We have concluded the business.

CHAIR BENNETT: Okay. The meeting is --

MEMBER GILL: Motion to adjourn.

CHAIR BENNETT: We got a motion to adjourn.

MEMBER GILL: I make a motion.

CHAIR BENNETT: Okay, it's properly
moved. I second. Voice vote.

MEMBER GILL: Aye.

CHAIR BENNETT: Aye for me as well.

The meeting is hereby adjourned. Thank you.

(Whereupon, the above-entitled matter went off the record at 1:38 p.m.)
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Special Board Meeting

Before: DC BOE

Date: 09-20-21

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

[Signature]

Court Reporter