

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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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

CONTENTS

Agenda Items	Page
Meeting Called to Order.	3
Short Title, Summary Statement, and Legislative Form for Initiative	
Measure No. 82	4

1 P-R-O-C-E-E-D-I-N-G-S

2 (9:09 a.m.)

3 CHAIR BENNETT: Good morning. This is
4 Michael Bennett, and I'm Chair of the DC Board of
5 Elections. And this is the opening of a Special
6 Meeting to consider the initiative Measure
7 No. 82. It's a single issue special meeting.

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

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

15 MEMBER GILL: I am here, Mr. Chairman.

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

20 So, the meeting is officially open and
21 we have a quorum. So, I will turn the meeting
22 over to Ms. Stroud to move us through the

1 process.

2 MS. STROUD: Good morning everyone.
3 The only item on the agenda today is the
4 consideration of the formulations for Initiative
5 Measure No. 82, which had been proposed as a
6 District of Columbia Minimum Wage Increase for
7 Tip Workers Amendment Act of 2022.

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

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

21 And as a result of the feedback that
22 was received, language was arrived at between the

1 proposer and another interested party, and
2 they'll have the opportunity to speak.

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

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

15 MR. O'LEARY: I am.

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

19 MR. O'LEARY: Sure. So, language as
20 currently drafted says, under current law
21 employers of employees classified as tipped
22 workers may take a credit against tipped wages

1 received by workers to satisfy the minimum wage
2 guaranteed to all workers by law.

3 The initiative would gradually
4 eliminate the credit -- sorry.

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

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

11 PARTICIPANT: I'm going to try now.
12 Oh, no. You didn't have to end it. I was
13 pressing delete.

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

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

1 which is now currently \$15.20.

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

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

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

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

19 MS. STROUD: Okay, and you are the
20 proposer of the initiative. And so, just so
21 we're clear, you're indicating that you do
22 consent to the drafted language as the language

1 that will appear on the ballot, and other
2 information, other materials, regarding the
3 initiative.

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

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

9 MR. KLINE: Yes.

10 MS. STROUD: Mr. Kline.

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

16 I want to thank the Offices of Sandler
17 Reiff in working with us on this and we worked
18 over the weekend to come up with language that we
19 agreed on -- just actually minutes before this
20 meeting -- that you see in front of you, which we
21 think fairly reflects what it is that the voters
22 are to consider, and fairly reflects what the

1 change in law would be.

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

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

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

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

17 CHAIR BENNETT: Well, I do. The one
18 comment I have is, I think we probably had it
19 happen before, but this is the first time I can
20 recall, in my tenure anyway, that we've had the
21 cooperation between opponents and proponents in a
22 way that allowed us to put something out and my

1 guess is it doesn't make everybody happy, but it
2 scratches everybody's itch, so to speak.

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

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

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

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

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

22 CHAIR BENNETT: Do you see anyone? No

1 hands raised? Okay. Boy, this is pleasant. Is
2 a court reporter -- do we have a court reporter
3 assigned?

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

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

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

15 (Off-microphone comments.)

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

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

21 CHAIR BENNETT: Okay, thank you.
22 Great.

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

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

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

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

10 MEMBER GILL: I vote aye.

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

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

21 And that will launch a review period
22 during which members of the public may challenge

1 the Board's formulations or other items with
2 respect to the initiative.

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

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

14 MS. STROUD: We have concluded the
15 business.

16 CHAIR BENNETT: Okay. The meeting
17 is --

18 MEMBER GILL: Motion to adjourn.

19 CHAIR BENNETT: We got a motion to
20 adjourn.

21 MEMBER GILL: I make a motion.

22 CHAIR BENNETT: Okay, it's properly

1 moved. I second. Voice vote.

2 MEMBER GILL: Aye.

3 CHAIR BENNETT: Aye for me as well.

4 The meeting is hereby adjourned. Thank you.

5 (Whereupon, the above-entitled matter
6 went off the record at 1:38 p.m.)

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A

a.m. 1:12 3:2
able 10:4,8 11:8,17,17
above-entitled 14:5
accurately 9:12
acknowledge 3:13
Act 4:7 7:13
addition 7:3
address 7:15
adjourn 13:18,20
adjourned 14:4
adopt 12:2,4,6
advance 5:12
agenda 2:8 4:3
agree 9:12
agreed 8:19 10:15
allowed 9:22
Amendment 4:7
Andrew 8:7,12
anybody 10:18
anyway 9:20 11:9
appear 8:1
appreciate 10:3,10
approve 9:4
arrived 4:22
asked 11:7
assigned 11:3
Association 8:13
Attorney 8:11
August 4:10
aye 12:10 14:2,3

B

backwards 7:13
ballot 7:8 8:1
base 6:19,21
believe 7:7
Bennett 1:12,15 3:3,4
 3:16,17 9:17 10:17,22
 11:6,16,21 12:3,7,11
 13:10,16,19,22 14:3
black 6:10
Board 1:4,6,11,13,18
 3:4,10 4:8 5:11,13 9:4
 9:10,15
Board's 13:1
Boy 11:1
business 13:13,15

C

Called 2:10
Chair 1:12,15 3:3,4,16
 9:17 10:17,22 11:6,16
 11:21 12:3,7,11 13:10
 13:16,19,22 14:3
Chairman 3:15
challenge 12:22 13:4
challenges 13:6,7

change 9:1
circulate 13:9
civil 10:15
classified 5:21
clear 7:21
Columbia 1:2,11 4:6
 7:12
come 8:18 10:9
coming 12:19
comment 5:18 7:6 8:6
 9:18 10:4,20
comments 9:16 10:13
 10:18 11:15
concluded 13:12,14
concur 9:8
consent 7:22
consider 3:6 8:22 9:4
consideration 4:4
CONTENTS 2:5
continue 7:2
convened 1:11
cooperation 9:21
coordinated 5:3
copy 4:15
counsel 1:21 3:9 4:13
 4:17 7:6 8:12 9:7
 10:12

Counsel's 5:4
course 10:11
court 11:2,2,4,8,10,11
 11:19
courtesy 4:15
credit 5:22 6:4,18 7:12
current 5:20
currently 5:20 6:19 7:1
 10:7

D

day 13:13
DC 3:4 6:22 7:18 12:18
delete 6:8,13
determine 3:13
determined 4:8
Director 1:20 3:10
District 1:2,11 4:6 7:12
ditto 10:14
draft 4:11,16 9:9
drafted 4:14 5:17,20
 7:22 8:7

E

Eastern 1:12
edit 9:8
edits 5:4
Elections 1:4,11,13,18
 3:5,10
eliminate 6:4,18
Elimination 7:12

email 5:7
employees 5:21 7:2
employers 5:21
entertain 12:1
entities 4:19
environment 10:6
established 6:22
Evans 1:20 3:11
everybody 10:1
everybody's 10:2
Executive 1:20 3:10

F

fact 9:8
fairly 8:21,22 9:13
feedback 4:21
first 9:19
Form 2:13
formulating 4:11
formulations 4:4 10:21
 12:17 13:1
forth 9:10
forward 10:5
Friday 12:19,20
front 8:20
further 12:14

G

General 1:21 3:9 4:13
 4:17 5:4 9:7 10:11
getting 10:15
Gill 1:16 3:12,15 10:12
 10:13 12:3,5,9,10
 13:18,21 14:2
give 12:14
GOVERNMENT 1:1
gradually 6:3,17
Greenfield 3:17
guaranteed 6:2
guess 10:1

H

hand 11:12
hands 11:1
happen 9:19 12:17 13:5
happening 10:5
happy 10:1
hear 11:8,17
HOLMAN 1:20
hope 9:3
hour 6:19
hourly 7:4

I

identify 11:11
impartially 9:13
increase 4:6 6:17,20
indexed 6:20

indicating 7:21
individuals 10:20
inflation 6:20
information 8:2
initially 9:9 11:7
initiative 2:13 3:6 4:4,9
 4:14 6:3,17 7:5,8,20
 8:3 9:5,14 13:2
input 4:18
instructions 12:15
interested 4:19 5:1 8:14
issue 3:7 13:8
issued 12:14
itch 10:2
item 4:3
items 2:8 13:1,11

J**K**

Kline 8:7,9,10,11,12

L

Lamont 7:17
language 4:12,14,16,22
 5:4,8,9,11,17,19 7:7
 7:22,22 8:7,18 9:5,7,9
 9:12 12:2,4,6,13
launch 12:21
law 5:20 6:2,22 9:1
left 3:9
legislative 2:13 9:13
let's 12:9
line 11:8
live 7:17
living 10:7
look 10:5
lot 10:13

M

ma'am 8:4
mandatory 6:18,21
manner 10:16
matches 6:21
materials 8:2
matter 14:5
Measure 2:14 3:6 4:5
meeting 1:6 2:10 3:6,7
 3:20,21 4:10 5:12 8:8
 8:20 13:7,16 14:4
Member 1:16 3:15,17
 10:13 12:5,10 13:18
 13:21 14:2
members 1:13 3:18
 5:13 9:15 12:22
Metropolitan 8:13
Michael 1:12,15 3:4,16
MIKE 1:16

minimum 4:6 6:1,21 7:3
minutes 8:19
MONDAY 1:8
Monica 1:20 3:11
morning 3:3 4:2
motion 12:2,4,6 13:18
 13:19,21
move 3:22
moved 12:8,8 14:1
mute 6:14

N

name 7:14,16
need 6:14
nice 10:8
note 7:10
notice 1:12
NW 7:17

O

O'Leary 5:15,19 6:9,16
 7:14,16,17 8:4
occurs 13:3
Off-microphone 11:15
office 4:13,16 5:5 9:6
 10:11
Offices 8:16
officially 3:20
once 13:3
open 3:20
opening 3:5
opponents 9:21 13:12
opportunity 4:19 5:2
Order 2:10

P

P-R-O-C-E-E-D-I-N-G-S
 3:1
p.m 14:6
Page 2:8
PARTICIPANT 6:5,11
particularly 10:6
parties 8:6 10:3,10,15
party 5:1
period 12:21 13:6
petition 13:8
pleasant 11:1
presence 3:13
present 1:13,18 3:18
 5:14 10:20 12:12
presiding 1:12
pressing 6:13
probably 9:18
process 4:1 13:4
proper 4:9
properly 12:7,8 13:22
property 7:2
proponents 9:21

propose 5:3
proposed 4:5,17 5:5,10
 7:11 12:4,6,17
proposer 4:15,15 5:1
 5:12,14 7:5,20 13:11
proposers 13:8
provide 7:14
provided 4:14
public 12:22
publication 13:3
published 12:18,19
pursuant 1:11
put 9:10,22

Q

questions 9:16
quorum 3:14,19,21
 12:12

R

Raise 11:12
raised 11:1
RAMW 8:14
Randy 5:6,16 6:15
recall 9:20
received 4:18,22 6:1
record 7:11,15 11:20
 14:6
recorded 11:9
reflects 8:21,22 9:13
regard 10:10
regarding 8:2
Register 12:18
registered 8:15
Reiff 8:17
reporter 11:2,2,4,8,10
 11:11,19
resolution 13:5
respect 13:2
Restaurant 8:13
result 4:21 5:10
review 5:17 12:21
reviewed 4:16 9:7,11
Ryan 7:16

S

Sandler 8:16
satisfy 6:1
saying 6:17
says 5:20
scheduled 13:8
scratches 10:2
screen 5:6,9,13 6:10
second 12:8 14:1
seconded 12:9
sense 10:10
sent 5:7
SEPTEMBER 1:9

share 5:5
short 2:12 5:9 7:11
single 3:7
sorry 6:4,5,7,8
sort 9:8
speak 4:20 5:2 10:2
speaking 7:6
special 1:6 3:5,7
square 6:10
STAFF 1:18
stage 4:11
start 13:4
statement 2:12 5:10
statutory 7:3
steps 13:5
Street 7:17
Stroud 1:21 3:9,22 4:2
 5:16 6:14 7:10,19 8:5
 8:10,12 9:6 10:18,19
 11:4,13 12:1,14,16
 13:12,14
subject 4:9
submitted 5:11 9:9
sufficient 3:19
suggestions 4:18
summary 2:12 5:10
support 9:2
swear 6:8

T

talk 10:8
ten-day 13:6
tenure 9:20
TERRI 1:21
Terry 3:9
text 9:14
thank 8:11,16 9:3 11:21
 14:4
Thanks 10:14
things 11:17
thought 6:7
three 3:18
Tip 4:7 7:12
tipped 5:21,22
Tips 7:2
title 2:12 5:9 7:11
today 3:8 4:3,20
today's 5:12
try 6:11
turn 3:21
two 3:18

U

unanimous 12:13

V

Videoconference 1:11
voice 12:9 14:1

vote 7:9 11:5 12:9,10
 12:11 14:1
voters 7:9 8:15,21

W

wage 4:6 6:1,19,21,22
 7:4
wages 5:22
Washington 7:18 8:14
way 9:22
weekend 8:18
went 14:6
wondered 6:6
work 10:4
worked 8:17
workers 4:7 5:22 6:1,2
 6:22
working 8:17 9:3

X

Y

Z

0

1

1:38 14:6
15.20 7:1
1665 7:17

2

20 1:9
2021 1:9 7:13
2022 4:7
2027 6:20
26th 4:10

3

3 2:10

4

4 2:14

5

5.05 6:19

6

7

8

82 2:14 3:7 4:5

9

9:00 1:12
9:09 3:2

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.



Court Reporter

NEAL R. GROSS

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