
SPECIAL ATTACHMENT FOR THE AGENDA OF February 28, 2017

SUBMITTED BY: Council President Johnathan F. Austin

RECOMMENDED BY: The Administration Committee

A brief synopsis and explanation of the following:

An Ordinance to establish the “Healthy Food Incentive Program for the City of Birmingham” to provide financial assistance to qualified low income individuals and families in the City of Birmingham to purchase healthy foods.

Resolution

Ordinance X

Other

PUBLICATION REQUIRED:

YES X

NO

IF YES, NOTE ALL PUBLICATION INSTRUCTIONS/REQUIREMENTS:

Ordinance will become effective after passage by the Council, approval by the Mayor and publication as required by law.

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Submitted by: Council President Johnathan F. Austin

Recommended by: The Administration Committee

ORDINANCE NO. _____

WHEREAS, the poverty rate in the City of Birmingham is significantly higher than the poverty rate for both the State of Alabama and for the United States as a whole; and

WHEREAS, “food deserts” are typically defined as parts of the country, usually found in impoverished areas, in which items such as fresh fruit, vegetables, and other healthful whole foods, are not readily available, largely due to a lack of grocery stores, farmers’ markets, and healthy food providers; and

WHEREAS, the Birmingham City Council recognizes that many areas of the City are effectively food deserts, in which low income residents have limited access to fresh fruit, vegetables, and other healthful whole foods; and

WHEREAS, the City has the power and authority pursuant to §38-2-9, Code of Alabama 1975, to make other and further provision for the care of the poor and needy of the municipality; and

WHEREAS, pursuant to §38-1-6, Code of Alabama 1975, the City is “authorized to voluntarily participate in any program which is related to any form of assistance for the aged”; and

WHEREAS, the Council of the City of Birmingham, Alabama recognizes the undue hardship low income citizens face with when it comes to the purchase of groceries, in particular fresh fruit, vegetables, and other healthful whole foods; and

WHEREAS, the Birmingham City Council desires to provide assistance to the poor and needy residents of the City and to address one aspect of the food desert problem by assisting low income citizens in being able to purchase nutritious food by providing financial assistance to qualified low income residents through the issuance of vouchers to be used for the purchase of certain foods; and

WHEREAS, the Council of the City of Birmingham, Alabama finds it imperative and in the public interest to assist such qualified low income residents by establishing a healthy food program to be known as the “Healthy Food Incentive Program for the City of Birmingham”; and

WHEREAS, the City is authorized by §11-40-1, Code of Alabama 1975, to contract for authorized goods and services; and

WHEREAS, the Council finds that authorizing a contract, subject to appropriation of funds, for the administration of the “Healthy Food Incentive Program for the City of Birmingham” to be conducted in coordination with participating stores and markets, as defined herein, to be an effective means for providing assistance for the care of the poor and needy; and

WHEREAS, The Council further finds that the creation of the “Healthy Food Incentive Program for the City of Birmingham” and the provision of public funds therefor as provided in this ordinance is authorized by, consistent with, and in furtherance of the legislative purposes of §38-2-9, Code of Alabama 1975 and §38-1-6, Code of Alabama 1975, and constitutes a public purpose.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BIRMINGHAM, ALABAMA, AS FOLLOWS:

SECTION 1. DEFINITIONS. The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section:

Administrator shall mean the party awarded a contract by the City pursuant to a competitive bid process for the management and administration of the program.

Alabama WIC Program shall mean The Alabama Special Supplemental Nutrition Program for Women, Infants, and Children, a program that focuses on the provision of supplemental foods, nutrition education, healthcare referrals, and other social services to women, infants and children in the State of Alabama.

Eligible foods shall mean the “Approved Foods” list that is supplied by the *Alabama WIC Program*.

Healthy food incentive shall mean the financial assistance offered by the City under the program to qualified participants.

Healthy food incentive card shall mean a debit type card or voucher issued to qualified participants to be used to purchase eligible foods at participating stores and markets.

Program shall mean the Healthy Food Incentive Program for the City of Birmingham created pursuant to this ordinance.

Participating stores and markets shall mean the grocery stores, markets and other food providers licensed to do business and operating within the City of Birmingham which are retained the administrator in accordance with the criteria set forth in this ordinance to participate in the program.

Qualified participants shall mean those persons who are determined by the administrator to meet the qualifications for participation in the program set forth in section 4 of this ordinance.

SNAP shall mean the United States Department of Agriculture's (USDA) Supplemental Nutrition

Assistance Program (SNAP), formerly known as the Food Stamp Program.

SECTION 2. HEATHLY FOOD INCENTIVE PROGRAM

A healthy food incentive program to provide assistance for qualified low income individuals and families in the City of Birmingham is hereby established and shall be known as the “Healthy Food Incentive Program for the City of Birmingham”.

SECTION 3 ADMINISTRATION OF THE PROGRAM

Following the effective date of this ordinance, the City shall advertise and receive bids pursuant to Alabama competitive bid laws for an entity that will contract with the City to administer the program. The initial contract with the administrator shall be for a term ending June 30, 2018. Thereafter, the term of the contract awarded following the competitive bid process shall be up to three years, subject to availability of funding.

The administrator of the program shall receive funds from the City in an amount to be appropriated by the Council, which shall be used to provide the healthy food incentive to qualified participants in the form of the healthy food incentive card to be used for the purchase of eligible foods from participating stores and markets. The administrator shall be entitled to receive such fees as agreed to by the City by acceptance of the lowest responsible bid.

The administrator shall be responsible for the following:

- a. The administrator shall use a request for proposals or other similar means of advertising for participating stores and markets and shall provide a list of participating stores and markets to the City Council by the first day of July of each year.
- b. The administrator shall be responsible for developing a healthy food incentive card which will be distributed to qualified participants to be used to purchase eligible foods at participating stores and markets.
- c. The administrator shall further be responsible for developing an application form, which shall be consistent with the requirements of this ordinance and shall be approved by the city attorney.
- d. The administrator shall employ necessary safeguards to ensure protection from duplication and fraud and that no household receives more than one card.
- e. The administrator will ensure that the healthy food incentive is used only for the purchase of eligible foods.
- f. The administrator shall also comply with all other provisions of this ordinance and state and federal law as well as such other guidelines that the City Council may

establish by resolution prior to advertisement for bids.

SECTION 4. QUALIFIED PARTICIPANTS

Every person desiring to participate in the program shall submit to the administrator a verified, written application form signed under oath with necessary documentation required in accordance with rules to be adopted by the City Council. The application must be filed between April 15 and June 30 each year. The administrator shall review the applications to determine if the applicant satisfies the qualifications set forth in this ordinance and shall distribute healthy food incentive cards to qualified participants beginning August 1 of each year. The healthy food incentive must be used between August 1 and June 1 of each year. Any healthy food incentive issued but not used within such time period shall be forfeited. Healthy food incentive cards shall not be transferable.

Each applicant for a healthy food incentive card must satisfy the following requirements to be eligible to participate in the program:

1. (a) The applicant must be at least eighteen years old and have been a full time resident of the City for a full twelve-month period prior to making an application for the year for which a healthy food incentive is being applied for. The applicant must provide proof of identity and proof of residency. Proof of identity shall be demonstrated by providing a copy of driver's license or other State of Alabama or Federal photo identification and birth certificate. Proof of residency will be verified using copies of a deed or a lease, and utility bills for the residence. The proof of residency must demonstrate at least twelve (12) months residency in the City of Birmingham during the required period; and

(b) Applicants meeting one or more of the following criteria shall be presumed to be eligible for the program:
 - i. Applicants with income at or below the poverty level as defined by the U.S. Census Bureau; or
 - ii. Applicants currently enrolled in SNAP; or
 - iii. Applicants currently enrolled in WIC.
2. If the applicant is an individual, the applicant must establish that he or she has not been claimed as a dependent on anyone other qualified participant or applicant's tax return for the year for which a rebate is claimed;
3. No household shall be eligible for more than one healthy food incentive card;
4. Determination of eligibility shall be made by the administrator based on investigation and sworn application from the applicant which shall include a copy of the applicant's tax return for the preceding year. The administrator may require additional documentation of income eligibility, including, but not limited to, W-2 forms, 1099

forms, Social Security income statements, asset statements, or other similar documentation as necessary;

5. The City Council shall have the authority to annually adjust qualifying income levels and healthy food incentive amounts consistent with the changes in area median family income. The qualifying income levels and healthy food incentive amounts shall be published on the City's website; and
6. No City employee, nor the spouse or a dependent of a City employee, shall be eligible to participate in the program. No City official, nor the spouse, dependent, adult child or his or her spouse, parent, spouse's parents, sibling and his or her spouse, of a City official shall be eligible to participate in the program.

SECTION 5. AMOUNT OF HEALTHY FOOD INCENTIVE

The amounts of the healthy food incentive for qualified participants during the first year of the program and for each subsequent year until adjusted by the City Council as necessary and shall be as follows:

<i>Family Size</i>	<i>Amount of</i>
<i>Individual Household</i>	<i>\$50</i>
<i>1 Dependent</i>	<i>\$75</i>
<i>2 Dependents</i>	<i>\$100</i>
<i>3 Dependents</i>	<i>\$125</i>
<i>4 or more</i>	<i>\$150</i>

Additionally, if a qualified participant is aged 65 or older as of January 1 in the year for which the incentive is claimed, such participant is eligible to receive an additional \$25 household senior citizen allowance. By way of example, if the qualified participant is an individual household with no dependents qualifying for the additional senior citizen allowance, such qualified participant would receive \$75 (\$50 + \$25).

SECTION 6. BUDGET AVAILABILITY

The program shall be contingent on availability of funds each year as approved by the City Council and included as a line item in each year's budget. The program shall be capped at the annually allocated amount, and incentives distributed on a first come, first served basis until funds are exhausted. At the end of each yearly cycle, the administrator shall return any unused funds to the City no later than June 15 of the following year.

SECTION 7. SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable. If any of these sections, provisions, sentences, clauses phrases, or parts is held to be unconstitutional or void, the remainder shall continue in full force and effect.

SECTION 8. EFFECTIVE DATE.

This Ordinance shall become effective upon publication as required by statute.