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COUNTY COUNSEL

June 16, 2020

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Board of Supervisors
Marin County Civic Center
3501 Civic Center Drive
San Rafael, California 94903

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**SUBJECT: DRAFT RESOLUTION AND ORDER ESTABLISHING A
TEMPORARY LIMIT OF 15% ON COMMISSIONS CHARGED BY THIRD-
PARTY FOOD DELIVERY COMPANIES**

Patrick M. K. Richardson
Stephen R. Raab
Steven M. Perl
Brian C. Case
Jenna J. Brady
Valorie R. Boughey
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Tarisha K. Bal
Deidre K. Smith
Brandon W. Halter
Sarah B. Anker

Dear Supervisors:

Pursuant to the request of Supervisors Arnold and Connolly, this Office has prepared and now transmits for your consideration the enclosed draft resolution and order regarding food delivery commissions.

DEPUTIES

Colleen McGrath
ADMINISTRATIVE SERVICES
OFFICER

The draft resolution and order would – effective Monday, June 22, 2020 – limit the fees a third-party delivery service may charge a retail food service establishment during the COVID-19 emergency. The limit would be in place until both (1) the Marin County Public Health Officer has lifted the order prohibiting indoor dining; and (2) Your Board acts to rescind this resolution. This 15% limit would only apply to restaurants located in unincorporated Marin County. The draft resolution prohibits a third-party delivery service from charging a restaurant a delivery fee that is more than 15 percent of the cost of the purchase price of an online order.

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Any violation of the resolution and order can be enforced through a private right of action after a third-party delivery service has been given a period of seven (7) days to cure the violation. Due to the current state of emergency and the critical issues retail food services establishments are facing during the COVID-19 emergency and the prohibition of indoor dining, the order can be immediately adopted at today's meeting. (Cal. Gov. Code § 8634.)

Very truly yours,

Brian Washington
County Counsel

Attachment: Resolution of The County of Marin Board of Supervisors
Establishing a Temporary Limit of 15% on Commissions Charged by Third-Party
Food Delivery Companies to Support Restaurants In Unincorporated Marin
County During the COVID-19 Pandemic