



Sugar-Sweetened Beverage  
Product Panel of Experts Commission

Sugar-Sweetened Beverage Product  
Panel of Experts Commission  
Thursday, January 21, 2021 – 4:30 to 6:30 pm

**Virtual Meeting (ZOOM)**

<https://us02web.zoom.us/j/84962084828?pwd=U2VLYjJkE1VUJFc3NlMxZ0Q1QzBMQT09>

Meeting ID: 849 6208 4828  
Passcode: 462984

**APPROVED AGENDA**

***(Please note the virtual meeting time)***

**Preliminary Matters**

1. Roll Call
2. Approval of Draft Minutes from 12/10/2020 meeting - ***Attachment 1***

The public may comment virtually about any item **not** on the agenda. Public comments are limited to two minutes per speaker. Public comments regarding agenda items will be heard while the Commission is discussing the item.

**Action Items**

Public comments regarding agenda items will be heard while the Commission is discussing the item. Public comments are limited to two minutes per speaker.

1. **Subcommittee Reports:**
  - a. Prevention, Strategies and Outcomes (PS&O) (Commissioner Rose)
  - b. Policy (Commissioner Scheider)
2. **Staff Report** on Request for Proposal timeline and funding, including rationale and documentation for the funding level that was put forward by Kelly Wallace, Deputy Director of Health, Human and Community Services Department, at the December 15, 2020 Council meeting and an explanation as to why the City is now charging a Finance Department fee above and beyond the 15-20% overhead that it receives as part of the Healthy Berkeley program. (City staff members)
3. **Action 1:** Discuss and approve any follow-up action stemming from the Berkeley City Council's allocation vote at the Council's meeting on December 15, 2020. (Commissioner Scheider) – ***Attachment 2***
4. **Action 2:** Review and approve proposed Work Plans for 2021 from the PS&O and Policy Subcommittees. (Commissioner Scheider)
5. **Action 3:** Discuss and decide on 2021 meeting dates of this Commission (Commissioner Scheider) – ***Attachment 3***
6. **Action 4:** Discuss and approve the following recommendation regarding the City of Berkeley Sugar-Sweetened Beverage Procurement Resolution:

***A Vibrant and Healthy Berkeley for All***

1947 Center Street, 2<sup>nd</sup> Floor, Berkeley, CA 94704 Tel: 510.981.5300 TDD: 510.981.6903 Fax: 510.981.5395  
E-mail: [publichealth@ci.berkeley.ca.us](mailto:publichealth@ci.berkeley.ca.us) - <http://www.cityofberkeley.info/health/>

The SSBPPE recommends that the Berkeley City Council follow the example of the City and County of San Francisco and include all City sponsored events in the Procurement Resolution such that all City Contracts and Grants include the following language:

*“No person shall sell, provide, or otherwise distribute Sugar-Sweetened Beverages (as defined in the Sugar-Sweetened Beverage Product Distribution Tax - Chapter 7.72 .030 of the Berkeley Muni Code) as part of its performance of a City Contract or Grant.” – Attachments 4a, 4b, 4c.*

7. **Action 5:** For the good of the order. (Commissioner Scheider)

### **Information Items**

1. Approved Meeting Minutes from 11/19/2020 – **Attachment 5**

**CONFLICT OF INTEREST INFORMATION:** City commissioners, pursuant to Government Code section 1090, are responsible for recusing themselves from all commission discussions and actions in which they may have a conflict of interest. If your affiliation, paid or unpaid, with other agencies has changed since the last meeting of this commission, your ability to participate in commission activities may have changed. Individual guidance is available from the City Attorney’s Office (CAO). Commissioners are encouraged to consult with the CAO if they have questions, concerns, or would like clarification about matters related to potential conflicts of interest.

**The CAO may be reached at:**

Email: [attorney@cityofberkeley.info](mailto:attorney@cityofberkeley.info)

TEL: (510) 981-6950 TDD: (510) 981-6903, FAX: (510) 981-6960

2180 Milvia Street 4th Floor, Berkeley, CA 94704 - Office Hours: Mon-Fri, 8am-5pm

**The next ZOOM meeting will be on Thursday, February 18, 2021 at the same time.**

Please visit the City of Berkeley’s Commission webpage

<http://www.cityofberkeley.info/commissions> for meeting details and updates.

**AMERICAN DISABILITIES ACT DISCLAIMER:** This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

**SB 343 DISCLAIMER:**

Any writings or documents provided to a majority of the commission regarding any item on this agenda will be made available for public inspection at the Public Health Division

located on 1947 Center Street, Berkeley, CA 94704.

**COMMUNICATION DISCLAIMER:**

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the commission secretary for further information.



## **Sugar-Sweetened Beverage Product Panel of Experts Commission**

Thursday, December 10, 2020. 4:30 – 6:30 PM

**Zoom Meeting**

<https://us02web.zoom.us/j/81091200344?pwd=S1h3Z001ZUw3SXJxNG9ibEdhcVFvQT09>

Meeting ID: 810 9120 0344

Passcode: 331747

### **DRAFT SPECIAL MEETING MINUTES**

The meeting convened at 4:37 pm.

#### **ROLL CALL**

**Present:** Commissioners Crawford (4:50pm), Gallegos-Castillo, Moore, Morales, Namkung, Rose, and Scheider  
**Absent:** Commissioner Browne.  
**Excused:** None  
  
**Staff present:** Dechen Tsering

#### **COMMENTS FROM THE PUBLIC** None

#### **ACTION ON MINUTES**

**Approval of Minutes - Moved to approve the draft minutes of the meeting on 11/19/2020.**

**M/S/C:** Commissioners Rose/Gallegos-Castillo

**Ayes:** Commissioners Gallegos-Castillo, Moore, Morales, Namkung, Rose, and Scheider  
**Noes:** None  
**Abstain:** None  
**Absent from vote:** Commissioners Browne and Crawford  
**Recused:** None  
**Excused:** None

*A Vibrant and Healthy Berkeley for All*

## **ACTION ITEMS**

- 1. Approved the draft Request for Proposal (RFP) presented by the Prevention, Strategies and Outcomes subcommittee.**

**M/S/C:** Commissioners Namkung/Gallegos-Castillo

**Ayes:** Commissioners Crawford, Gallegos-Castillo, Morales, Namkung, Rose, and Scheider  
**Noes:** None  
**Abstain:** Commissioner Moore  
**Absent from vote:** Commissioner Browne  
**Recused:** None  
**Excused:** None

- 2. Approve to extend the meeting till 6:45pm.**

**M/S/C:** Commissioners Rose/Scheider

**Ayes:** Commissioners Crawford, Gallegos-Castillo, Moore, Morales, Namkung, Rose, and Scheider  
**Noes:** None  
**Abstain:** None  
**Absent from vote:** Commissioner Browne  
**Recused:** None  
**Excused:** None

- 3. Approve the RFP scoring tool with proposed language and with the public health staff finalizing the format and point tabulation system.**

**M/S/C:** Commissioners Rose/Moore

**Ayes:** Commissioners Crawford, Gallegos-Castillo, Moore, Morales, Namkung, Rose, and Scheider  
**Noes:** None  
**Abstain:** None  
**Absent from vote:** Commissioner Browne  
**Recused:** None  
**Excused:** None

- 4. Absent the previous motion approving the Request for Proposal (RFP) and move to approve the amended RFP with added edits agreed to during the discussion about the scoring tool.**

**M/S/C:** Commissioners Namkung/Scheider

**Ayes:** Commissioners Crawford, Gallegos-Castillo, Moore, Morales, Namkung, Rose, and Scheider  
**Noes:** None  
**Abstain:** None  
**Absent from vote:** Commissioner Browne  
**Recused:** None  
**Excused:** None

**5. Approve to extend the meeting till 7pm.**

**M/S/C:** Commissioners Scheider/Rose

**Ayes:** Commissioners Crawford, Gallegos-Castillo, Moore, Morales, Namkung, Rose, and Scheider  
**Noes:** None  
**Abstain:** None  
**Absent from vote:** Commissioner Browne  
**Recused:** None  
**Excused:** None

**6. Approve to share the scoring tool along with the RFP for the public.**

**M/S/C:** Commissioners Moore/Crawford

**Ayes:** Commissioners Crawford, Gallegos-Castillo, Moore, Morales, Namkung, Rose, and Scheider  
**Noes:** None  
**Abstain:** None  
**Absent from vote:** Commissioner Browne  
**Recused:** None  
**Excused:** None

This meeting adjourned at 7:00 pm.

**NEXT ONLINE (ZOOM) SPECIAL MEETING:**

The next meeting is scheduled for **Thursday, January 21, 2021**. Please check the SSBPPE Commission page on the City of Berkeley Commission webpage for updated information.

Respectfully Submitted, Dechen Tsering, Commission Secretary  
**Minutes will be approved at the January 21, 2021 (date to be confirmed).**

## 2021 Commission Meeting Dates

Please complete this form and email it to the  
[Commission Inbox](#)

Name of Commission: Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE)  
Commission

Commission Secretary: Dechen Tsering

### Please Note the Commission Meeting Dates for 2021 Below

If no meeting is scheduled for a month, please note as “No Meeting.”

*Example:*

Month	Meeting Day and Date	Time
February 2021	Thursday 2/6/21	7:00 pm

Month	Meeting Day and Date	Time
July 2021	No Meeting	

## 2021 Meeting Dates

Month	Meeting Day and Date	Time
January 2021	Thursday 1/21/2021	4:30 pm
February 2021	Thursday 2/18/2021	4:30 pm
March 2021	Thursday 3/18/2021	4:30 pm
April 2021	Thursday 4/15/2021	4:30 pm
May 2021	Thursday 5/20/2021	4:30 pm
June 2021	Thursday 6/17/2021	4:30 pm

Month	Meeting Day and Date	Time
July 2021	Thursday 1/15/2021	6:30 pm
August 2021	No Meeting	
September 2021	Thursday 9/16/2021	6:30 pm
October 2021	Thursday 10/21/2021	6:30 pm
November 2021	Thursday 11/18/2021	6:30 pm
December 2021	No Meeting	

[commission@cityofberkeley.info](mailto:commission@cityofberkeley.info)  
City Clerk Department

<b>2021 Holidays</b>	
New Year's Day	Friday, January 01, 2021
Martin Luther King Jr.'s Birthday	Monday, January 18, 2021
Abraham Lincoln's Birthday	Friday, February 12, 2021
George Washington's Birthday (observed 3rd Monday in Feb)	Monday, February 15, 2021
Malcolm X's Birthday (observed on Monday/Friday nearest May 19)	Friday, May 21, 2021
Memorial Day (observed on last Monday in May)	Monday, May 31, 2021
Independence Day	Monday, July 05, 2021
Labor Day (observed on 1st Monday in Sept)	Monday, September 06, 2021
Indigenous Peoples' Day (observed on 2nd Monday in Oct)	Monday, October 11, 2021
Veteran's Day	Thursday, November 11, 2021
Thanksgiving Day	Thursday, November 25, 2021
Day after Thanksgiving Day	Friday, November 26, 2021
Christmas Day	Friday, December 24, 2021



RESOLUTION NO. 69,669-N.S.

ALLOCATION: \$2,662,506 MILLION TOTAL FOR SUGAR-SWEETENED BEVERAGE CONSUMPTION AND REDUCTION GRANT PROGRAM IN FY22 AND FY23

WHEREAS, the consumption of sugar-sweetened beverages ("SSB") in Berkeley is impacting the health of the people in Berkeley; and

WHEREAS, in FY22 and FY23, the City Council awarded a total of \$3 million upon the recommendation of the SSBPPE Commission to demonstrate the City's long-term commitment to decreasing the consumption of SSB and mitigate the harmful impacts of SSB on the population of Berkeley; and

WHEREAS, many studies demonstrate that high intake of SSB is associated with risk of Type 2 Diabetes, obesity, tooth decay, and coronary heart disease; and

WHEREAS, the above conditions are all demonstrated to increase both the severity of COVID19 related illness and risk of death; and

WHEREAS Latinx and Black communities are disproportionately affected by COVID-19; and

WHEREAS, hundreds of millions of dollars have been spent in an ongoing massive marketing campaign, which particularly targets children and people of color; and

WHEREAS, an African American resident of Berkeley is 14 times more likely than a White resident to be hospitalized for diabetes; and

WHEREAS, 40% of 9th graders in Berkeley High School are either overweight or obese; and

WHEREAS, tooth decay is the most common childhood disease, experienced by over 70% of California's 3rd graders; and

WHEREAS, in 2012, a U.S. national research team estimated levying a penny-per-ounce tax on sweetened beverages would prevent nearly 100,000 cases of heart disease, 8,000 strokes, and 26,000 deaths over the next decade and 240,000 cases of diabetes per year nationwide.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to allocate \$2,662,506 million from the General Fund to be disbursed in two (2) installments of \$1,331,253 million in FY22 and \$1,331,253 million in FY23 and invested as follows:

1. Allocate up to 42.5% of the allocated funds to Berkeley Unified School District (BUSD) through a grant proposal to reduce the consumption of sugar-

sweetened beverages (SSBs) through the implementation and enhancement of the BUSD cooking and gardening programs for the period, July 1, 2021 to June 30, 2023; and

2. Allocate at least 42.5% of the allocated funds through a RFP process managed by the Public Health Division for grants to community-based organizations consistent with the SSBPPE's goals to reduce the consumption of SSB and to address the effects of SSB consumption for the period, July 1, 2021 to June 30, 2023; and
3. Allocate 15% of the allocated funds to support the Berkeley Public Health Division (BPHD) to coordinate and monitor the grant process, coordinate the overall program evaluation, and produce an annual report that disseminates process and outcome data resulting from the SSBPPE funding program.


A records signature copy of the said agreement and any amendments to be on file in the Office of the City Clerk.

The foregoing Resolution was adopted by the Berkeley City Council on December 15, 2020 by the following vote:

Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numainville, City Clerk



Sugar-Sweetened Beverage  
Product Panel of Experts Commission

ACTION CALENDAR  
November 19, 2019

To: Honorable Mayor and Members of the City Council  
From: Sugar Sweetened Beverage Product Panel of Experts (SSBPPE)  
Submitted by: Poki Namkung, Chairperson, SSBPPE Commission  
Subject: Recommendation that the City Council pass a resolution regarding procurement, sales and serving of sugar-sweetened beverages.

RECOMMENDATION

The Sugar Sweetened Beverage Product Panel of Experts recommends that the Berkeley City Council adopt a Resolution that City of Berkeley departments and City food services contractors shall not:

- 1) serve sugar-sweetened beverages at City meetings and events on City property;
- 2) procure sugar-sweetened beverages with City funds; or,
- 3) sell sugar-sweetened beverages on City property, including in vending machines.

FISCAL IMPACTS OF RECOMMENDATION

Cost of promulgating information, notifying City Departments and revising clauses in City contracts.

CURRENT SITUATION AND ITS EFFECTS

Currently, the City of Berkeley has no policy regarding either the procurement of sugar-sweetened beverages with City funds or the sales or distribution of sugar-sweetened beverages at City meetings and events or on City property.

Definitions: Sugar-sweetened beverages or SSBs refer to all beverages with added caloric sweeteners with a minimum of 2 calories per fluid ounce, as defined in Chapter 7.72 of the City of Berkeley Municipal Code.<sup>1</sup> SSBs include juices with added sweetener, sodas, energy drinks, sweetened teas and coffee drinks, and sport drinks. These drinks offer little or no nutritional value, but include massive quantities of added sugar. For instance, a single 20-ounce bottle of soda typically contains the equivalent of approximately 16 teaspoons of sugar.

In BMC Chapter 7.72, SSBs exclude 100% juice, diet drinks, waters, and milk drinks as well as medical drinks and baby formula.

### BACKGROUND

In November of 2014, the Berkeley voters passed Measure D with 76% of the vote, which requires both the collection of a 1 cent-per-ounce tax on the distribution of SSBs in the City of Berkeley and the convening of the Sugar Sweetened Beverage Products Panel of Experts (SSBPPE) to recommend investments to both reduce the consumption of SSBs as well as to address the health consequences of the consumption of SSBs including diabetes, dental caries, heart disease and obesity.<sup>ii</sup>

To accomplish these goals, the SSBPPE recommended that the City create the Healthy Berkeley program to reduce the consumption of sugar-sweetened beverages (“SSB”) in Berkeley and to address the effects of SSB consumption. The City Council unanimously adopted this recommendation on November 29, 2016 and awarded a \$1.5 million per year investment to be granted to community agencies and the Berkeley Unified School District garden and nutrition program. \$225,000, or 15%, of this funding is allocated to the City Public Health Division to administer and evaluate the Healthy Berkeley Program. See November 29, 2016, Council agenda items 33a and 33b.<sup>iii</sup>

The City of Berkeley requires that all Healthy Berkeley funded programs (including the school district) adopt an organizational policy curtailing the service, procurement and sale of SSBs. The purpose of these organizational policies is to change norms in our community about consuming sugary drinks and support the educational work of these programs.

We know from the public health campaigns to reduce tobacco use, that institutional policies that change norms have a powerful impact on behavior and are a vital tool to improving health in our communities. Education and media campaigns are not enough to change behaviors, especially when pervasive and persuasive marketing by corporations influence choices that people make, and when there is an addictive aspect to the behavior as is the case with both tobacco and sugar.<sup>iv</sup>

### ENVIRONMENTAL SUSTAINABILITY

None

### RATIONALE FOR RECOMMENDATION

In 2014, Berkeley voters overwhelmingly passed Measure D and since then the City of Berkeley has led the effort to reduce the consumption of sugary drinks and resulting health impacts and disparities, not only in Berkeley but also in the Bay Area and nationwide. Sales of sugary beverages have decreased and school and community groups have been funded to continue the effort to reduce sugary drink consumption and improve health. Now is an opportune time for the City to once again provide leadership for City employees and the community by enacting a healthy beverage policy for the City that restricts procurement of sugary drinks as well as the serving and sales of sugary drinks at City events. This policy would be responsive to the will of the voters, supportive of school and community efforts to improve Berkeley residents' health, and a

model to other cities. This policy will align the City with Healthy Berkeley grantees who have already adopted similar policies. The SSBPPE encourages the City to take this step to set an example and demonstrate its own commitment to the further reducing sugary drink consumption and improvement in community health.

### ALTERNATIVE ACTIONS CONSIDERED

In January 2018, the SSSBPPE voted to recommend that the Berkeley City Council adopt an Ordinance amending the Administrative Code to direct the City of Berkeley departments and City food services contractors to refrain from: 1) Procuring sugar-sweetened beverages with City funds; 2) Selling sugar-sweetened beverages on City property, including in vending machines; and, 3) Serving sugar-sweetened beverages at City meetings and events on City property. On March 27, 2018, the City Council voted to refer the recommendation to the City Manager and request that the City Manager draft an ordinance for consideration by the City Council. In June 2018, the City Council ranked this ordinance around 32 among items to develop for the City. No further action was taken until May of 2019, when Council Member Harrison reached out to Holly Scheider, her appointee on the SSBPPE, and suggested that the Commission put forward a Resolution in place of an Ordinance with the same content.

### CITY MANAGER

The City Manager [TYPE ONE] concurs with / takes no position on the content and recommendations of the Commission's Report. [OR] Refer to the budget process.

**Note: If the City Manager does not (a) concur, (b) takes any other position, or (c) refer to the budget process, a council action report must be prepared. Indicate under the CITY MANAGER heading, "See companion report."**

### CONTACT PERSON

Dechen Tsering

Attachment:

1: Resolution

Exhibit A: RESOLUTION ESTABLISHING CITY POLICY / AMENDING THE ADMINISTRATIVE CODE TO DIRECT CITY OF BERKELEY DEPARTMENTS AND CONTRACTORS TO REFRAIN FROM PROCURING, SERVING OR SELLING SUGARY DRINKS

## RESOLUTION NO. ##,###-N.S.

## RESOLUTION ESTABLISHING CITY POLICY / AMENDING THE ADMINISTRATIVE CODE TO DIRECT CITY OF BERKELEY DEPARTMENTS AND CONTRACTORS TO REFRAIN FROM PROCURING, SERVING OR SELLING SUGARY DRINKS

WHEREAS, the City of Berkeley is known for its commitment to reducing inequities in diet and disease and in promoting access to healthy food and beverages.

WHEREAS, drinking just **one** serving of sugar-sweetened beverage per day poses a **30 percent or higher risk** of becoming diabetic.

WHEREAS, drinking just **one** serving of sugar-sweetened beverage per day poses a **30 percent or higher risk** of early death from cardiovascular disease.

WHEREAS, city employees deserve a healthy work environment, with an increased variety of healthier low-sugar alternative beverages such as flavored waters, plain or carbonated water, 100% juice, milk drinks, diet drinks, unsweetened or artificially sweetened iced teas and coffee drinks.

WHEREAS, it is recognized that city staff are free to bring and consume their own sugary beverages at work.

WHEREAS, other public institutions that have completely eliminated the sales of sugar sweetened beverages on their premises and have demonstrated that as a result, positive changes have been documented in the staff's metabolic disease indicators associated with lower risk of diabetes and heart disease

WHEREAS, giving City employees access to healthier beverages in the workplace will increase healthy beverage consumption and reduce the impact of diet-related disease, thus reducing the City's health care expenses.

WHEREAS, the City of Berkeley requires that *all* organizations receiving funding from Healthy Berkeley not serve or sell sugar sweetened beverages on their premises.

WHEREAS, the Berkeley Unified School District does not serve or sell soda to students of all ages and students on their premises and this contributes to positive adult role modeling regarding healthy beverage consumption.

WHEREAS, Chapter 7.72 of the City of Berkeley Municipal Code<sup>v</sup> has already defined sugar-sweetened beverages as all beverages with added caloric sweeteners with a minimum of 2 calories per fluid ounce, including juices with added sweetener, sodas, energy drinks, sweetened teas and coffee drinks, and sport drinks which offer little or no nutritional value, but include massive quantities of added sugar and in addition,

Berkeley Municipal Code Chapter 7.72 also defines exemptions and thus excludes waters, 100% juice, milk drinks, diet drinks, as well as medical drinks and baby formula.

THEREFORE BE IT RESOLVED that the City of Berkeley and City food services contractors **shall not**:

- 1) serve sugar-sweetened beverages at City meetings and events on City property,
- 2) procure sugar-sweetened beverages with City funds; and,
- 3) sell sugar-sweetened beverages on City property, including in vending machines.

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<sup>i</sup> B.M.C. 7388-NS § 7.72, 2014, City of Berkeley

<sup>ii</sup> B.M.C. 7388-NS § 7.72, 2014, City of Berkeley

<sup>iii</sup> Berkeley Nov. 29, 2016 agenda:

[https://www.cityofberkeley.info/Clerk/City\\_Council/2016/11\\_Nov/City\\_Council\\_11-29-2016\\_-\\_Regular\\_Meeting\\_Agenda.aspx](https://www.cityofberkeley.info/Clerk/City_Council/2016/11_Nov/City_Council_11-29-2016_-_Regular_Meeting_Agenda.aspx) Language in the Nov. 29, 2016 Resolution, Agenda item 33a, pages 9 and 11, follows:

“BUSD will not sell or serve sugar-sweetened beverages (as defined by the SSB tax) at any BUSD schools or campuses.”

“Funded organizations must have in place or agree to adopt prior to being funded an organizational policy prohibiting serving SSBs at organization sponsored events or meetings.”

<sup>iv</sup> <https://www.theatlantic.com/health/archive/2014/01/the-sugar-addiction-taboo/282699/>

<sup>v</sup> B.M.C. 7388-NS § 7.72, 2014, City of Berkeley





**BERKELEY CITY COUNCIL HEALTH, LIFE ENRICHMENT, EQUITY &  
COMMUNITY COMMITTEE  
REGULAR MEETING MINUTES**

**Monday, February 24, 2020  
10:00 AM**

2180 Milvia Street, 6th Floor - Redwood Room

Committee Members:

Councilmembers Rashi Kesarwani, Ben Bartlett, and Sophie Hahn  
Alternate: Councilmember Rigel Robinson

**Roll Call:** 10:06 a.m. Councilmember Kesarwani absent.

**Public Comment on Non-Agenda Matters – 2 speakers**

### **Minutes for Approval**

*Draft minutes for the Committee's consideration and approval.*

#### **1. Minutes - February 10, 2020**

**Action:** M/S/C (Bartlett/Hahn) to approve the minutes of January 10, 2020.

**Vote:** Ayes – Bartlett, Hahn; Noes – None; Abstain – None; Absent – Kesarwani.

Councilmember Kesarwani present at 10:08 a.m.

### **Committee Action Items**

*The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.*

*Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.*

## Committee Action Items

2. **Listening Session on Homelessness (15 minutes) – 2 speakers**
3. **Healthy Checkout Ordinance** *(Item contains revised materials)*  
**From: Councilmembers Harrison and Hahn**  
**Referred: October 28, 2019**  
**Due: April 26, 2020**  
**Recommendation:** 1. Adopt an ordinance requiring stores over 2,500 square feet in size to sell more nutritious food and beverage options in their checkout areas.  
2. Refer to the City Manager to determine funding and staffing needs to implement and enforce the ordinance and sources of funding to support this program.  
**Financial Implications:** See report  
Contact: Kate Harrison, Councilmember, District 4, (510) 981-7140  
  
Item continued to next meeting on March 9, 2020.
- 4a. **Recommendation that the City Council Pass a Resolution Regarding Procurement, Sales and Serving of Sugar-Sweetened Beverages.**  
**From: Sugar Sweetened Beverage Product Panel of Experts**  
**Referred: January 21, 2020**  
**Due: June 9, 2020**  
**Recommendation:** The Sugar Sweetened Beverage Product Panel of Experts recommends that the Berkeley City Council adopt a Resolution that City of Berkeley departments and City food services contractors shall not: 1. Serve sugar-sweetened beverages at City meetings and events on City property; 2. Procure sugar-sweetened beverages with City funds; or, 3. Sell sugar-sweetened beverages on City property, including in vending machines.  
**Financial Implications:** See report  
Contact: Dechen Tsering, Commission Secretary, (510) 981-5300
- 4b. **Companion Report: Recommendation that the City Council Pass a Resolution Regarding Procurement, Sales, and Serving Sugar-Sweetened Beverages**  
**From: City Manager**  
**Referred: January 21, 2020**  
**Due: June 9, 2020**  
**Recommendation:** Recommend that the City Council adopt an amended resolution that recognizes the important principles in the Commission recommendation, clarifies the intent of the measure and provides some flexibility for City programs and staff while still emphasizing availability of healthy options. This amended resolution would require that the majority of all beverages provided or sold at any City event or on any City property (including vending machines) be non-sugar sweetened beverages (as defined in chapter 7.72 of the Berkeley Municipal Code) and education materials be provided to all COB staff to actively discourage the consumption of sugar-sweetened beverages and encourage the consumption of water.  
**Financial Implications:** See report  
Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400

## Committee Action Items

**Action:** 3 speakers. Discussion held. M/S/C (Hahn/Bartlett) to move an item to Council recommending approval of the Sugar Sweetened Beverage Product Panel of Experts Resolution regarding procurement, sales and serving of sugar-sweetened beverages with the following changes in the resolved clause:

Therefore be it resolved that the City of Berkeley shall not:

1. Procure sugar-sweetened beverages with City funds; and
2. Serve or sell sugar-sweetened beverages on City property, including in vending machines.

And be it further resolved that the City discourages sugar-sweetened beverages at events on City property that receive City of Berkeley funding, and mandate that these events be required to provide options other than sugar-sweetened beverages.

And be it further resolved that in areas or facilities where employees regularly work beyond the core business hours of 8 a.m. – 6 p.m., the City of Berkeley shall provide refrigerators in good working order and of adequate size for the number of employees in that area, to bring and store their own beverages.

In addition, ask the City Council to make a referral to the Sugar-Sweetened Beverage Product Panel of Experts to consider how to regulate sugar sweetened beverages at events held on City of Berkeley Property hosted by non-City entities who receive City of Berkeley funds.

**Vote:** All Ayes.

## Unscheduled Items

*These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.*

**5a. Recommendation to Modify Policies Related to the Enforcement of the Berkeley Smoke-Free Multi-Unit Housing Ordinance**

**From: Housing Advisory Commission**

**Referred: October 29, 2019**

**Due: April 27, 2020**

**Recommendation:** Approve modifications to policies related to the enforcement of the Smoke-Free Multi-Unit Housing Ordinance, as follows:

1. Increase staffing to implement enforcement of the ordinance as part of the next budget;
2. Improve signage related to the ordinance in residential buildings;
3. Make the complaint process less onerous and more user-friendly, including enabling complainants to submit complaints electronically, providing complaint forms in different languages, and removing language requiring the statements to be “sworn,” and considering other, less threatening language that still expects a complaint be provided under the best of appellant’s knowledge;
4. Relax the current requirements around how the Ordinance-based complaint form must be completed in order to be processed (e.g., removing the requirement of providing two separate complaints from different individuals within a six-month period, if the building contains two or fewer units, removing the requirement of providing a sworn statement under penalty of perjury); and
5. Refer to the Community Health and Cannabis Commissions the question of whether the use of recreational (non-medical) cannabis should be incorporated into the Smoke-Free Housing Ordinance.

**Financial Implications:** See report

Contact: Mike Uberti, Commission Secretary, (510) 981-7400

**5b. Companion Report: Recommendation to Modify Policies Related to the Enforcement of the Berkeley Smoke-Free Multi-Unit Housing Ordinance**

**From: City Manager**

**Referred: October 29, 2019**

**Due: April 27, 2020**

**Recommendation:** The City Manager appreciates the Housing Advisory Commission’s efforts to strengthen the implementation of the Smoke-free Multi-Unit Housing ordinance and recommends that the proposed modifications be referred to the City Manager Office for an analysis of the financial and legal feasibility of the proposed changes.

**Financial Implications:** See report

Contact: Kelly Wallace, Housing and Community Services, (510) 981-5400

## Items for Future Agendas

- **Discussion of items to be added to future agendas**
  - Add a presentation item to the March 23, 2020, agenda regarding the public health implications for the unsanitary conditions in Aquatic Park.
- **Discussion of future hearings and open forums**

## Adjournment

Adjourned at 12:17 p.m.

I hereby certify that this is a true and correct record of the Health, Life Enrichment, Equity & Community Committee meeting held on February 24, 2020.

---

April Richardson, Assistant City Clerk

## Communications

*Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA.*

## SUBSTITUTE

5/19/2015

FILE NO. 150243

ORDINANCE NO. 99-15

1 [Administrative Code - Barring City Departments from Purchasing and City Contractors or  
2 Grantees from Selling or Distributing Sugar-Sweetened Beverages]

3 **Ordinance amending the Administrative Code to bar City departments from using City**  
4 **funds to purchase sugar-sweetened beverages and to bar the sale or distribution of**  
5 **sugar-sweetened beverages under City contracts and grants.**

6  
7 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
8 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
9 **Deletions to Codes** are in ~~*italics Times New Roman font*~~.  
10 **Board amendment additions** are in double-underlined Arial font.  
11 **Board amendment deletions** are in ~~Arial font~~.  
12 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
13 subsections or parts of tables.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. The Administrative Code is hereby amended by adding Chapter 101,  
16 Sections 101.1 through 101.7, to read as follows:

17 **CHAPTER 101. RESTRICTING THE PURCHASE, SALE, OR DISTRIBUTION**  
18 **OF SUGAR-SWEETENED BEVERAGES BY OR FOR THE CITY.**

19 Section 101.1. Title.

20 Section 101.2. Definitions.

21 Section 101.3. Barring City Departments From Using City Funds To Purchase  
22 Sugar-Sweetened Beverages.

23 Section 101.4. Barring the Sale, Provision, or Distribution of Sugar-Sweetened Beverages  
24 Under a City Contract or Grant.

25 Section 101.5. Waivers and Exclusions.

Section 101.6. Enforcement and Penalties.

1 Section 101.7. Administrative Regulations.

2  
3 **SEC. 101.1. TITLE.**

4 The title of this Chapter 101 shall be the Sugar-Sweetened Beverage Funding Ban Ordinance.

5  
6 **SEC. 101.2. DEFINITIONS.**

7 For purposes of this Chapter 101,

8 “Base Product” means the same as Powder.

9 “Beverage Dispensing Machine” means an automated device that mixes Concentrate with one  
10 or more other ingredients and dispenses the resulting mixture into an open container as a ready-to-  
11 drink beverage.

12 “Caloric Substance” means a substance that adds calories to the diet of a person who  
13 consumes that substance.

14 “Caloric Sweetener” means any Caloric Substance suitable for human consumption that  
15 humans perceive as sweet and includes, but is not limited to, sucrose, fructose, high fructose corn  
16 syrup, glucose and other sugars.

17 “City” means the City and County of San Francisco.

18 “Concentrate” means a Syrup, Powder, or Base Product that is used for mixing, compounding,  
19 or making Sugar-Sweetened Beverages in a Beverage Dispensing Machine. Notwithstanding the  
20 foregoing sentence, “Concentrate” does not include the following:

21 (a) Any product that is designed to be used primarily to prepare coffee or tea.

22 (b) Any product that is sold and is intended to be used for the purpose of an individual  
23 consumer mixing, compounding, or making a Sugar-Sweetened Beverage.

24 (c) Any product sold for consumption by infants, which is commonly referred to as  
25 “infant formula,” or any product whose purpose is infant rehydration.

1                   (d) Medical Food.

2                   (e) Any product designed as supplemental, meal replacement, or sole-source nutrition  
3 that includes proteins, carbohydrates, and multiple vitamins and minerals.

4                   “Contract” means any agreement between the City and a person to provide or procure  
5 labor, materials, equipment, supplies, or services to, for, or on behalf of the City for a price to be paid  
6 out of monies deposited in the City Treasury or out of trust monies under the control of or collected by  
7 the City, but excluding agreements for a cumulative amount of \$5,000 or less per vendor in each fiscal  
8 year.

9                   “Grant” means any agreement between the City and a nonprofit entity to provide services to the  
10 public or a portion of the public, whether the agreement is funded by the City or by Federal or State  
11 grant funds.

12                   “Medical Food” means medical food as defined in Section 109971 of the California Health and  
13 Safety Code, including amendments to that Section.

14                   “Milk” means natural liquid milk, natural milk concentrate, or dehydrated natural milk  
15 (whether or not reconstituted), regardless of animal source or butterfat content. For purposes of this  
16 definition, “Milk” includes flavored milk containing no more than 40 grams of total sugar  
17 (naturally-occurring and from added Caloric Sweetener) per 12 ounces.

18                   “Natural Fruit Juice” means the original liquid resulting from the pressing of fruit, the liquid  
19 resulting from the complete reconstitution of natural fruit juice concentrate, or the liquid resulting from  
20 the complete restoration of water to dehydrated natural fruit juice.

21                   “Natural Vegetable Juice” means the original liquid resulting from the pressing of vegetables,  
22 the liquid resulting from the complete reconstitution of natural vegetable juice concentrate, or the  
23 liquid resulting from the complete restoration of water to dehydrated natural vegetable juice.

24                   “Nonalcoholic Beverage” means any beverage that is not subject to tax under Part 14  
25 (commencing with Section 32001) of the California Revenue and Taxation Code.



1 "Person" means any natural person , corporation, sole proprietorship, partnership, association,  
2 joint venture, limited liability company, or other legal entity.

3 "Powder" means a solid or liquid mixture of ingredients with added Caloric Sweetener used in  
4 making, mixing, or compounding Sugar-Sweetened Beverages by mixing the Powder with any one or  
5 more other ingredients, including, without limitation, water, ice, Syrup, Simple Syrup, fruits,  
6 vegetables, fruit juice, vegetable juice, or carbonation or other gas.

7 "Simple Syrup" means a mixture of sugar and water.

8 "Sugar-Sweetened Beverage" means any Nonalcoholic Beverage sold for human consumption  
9 that has one or more added Caloric Sweeteners and contains more than 25 calories per 12 ounces of  
10 beverage. Notwithstanding the foregoing sentence, "Sugar-Sweetened Beverage" does not include any  
11 of the following:

12 (a) Milk.

13 (b) Milk alternatives, including but not limited to non-dairy creamers or beverages  
14 primarily consisting of plant-based ingredients (such as soy, rice, or almond milk products), regardless  
15 of sugar content.

16 (c) Any beverage that contains solely 100 percent Natural Fruit Juice, Natural  
17 Vegetable Juice, or combined Natural Fruit Juice and Natural Vegetable Juice.

18 (d) Any product sold for consumption by infants, which is commonly referred to as  
19 "infant formula," or any product whose purpose is infant rehydration.

20 (e) Medical Food.

21 (f) Any product designed as supplemental, meal replacement, or sole-source nutrition  
22 that includes proteins, carbohydrates, and multiple vitamins and minerals.

23 (g) Any product sold in liquid form designed for use as an oral nutritional therapy for  
24 persons who may have a limited ability to absorb or metabolize dietary nutrients from traditional food  
25 or beverages.

1                   (h) Any product sold in liquid form designed for use for weight reduction.

2                   “Syrup” means the liquid mixture of ingredients used in making, mixing, or compounding  
3 Sugar-Sweetened Beverages using one or more ingredients, including, without limitation, water, ice, a  
4 Base Product, Powder, Simple Syrup, fruits, vegetables, fruit juice, vegetable juice, or carbonation or  
5 other gas.

6  
7                   **SEC. 101.3. BARRING CITY DEPARTMENTS FROM USING CITY FUNDS TO PURCHASE**  
8 **SUGAR-SWEETENED BEVERAGES.**

9                   No City officer, department, or agency (collectively, "department") shall use City funds to  
10 purchase Sugar-Sweetened Beverages in any form, except as specifically exempted from or allowed  
11 under this Chapter 101.

12  
13                   **SEC. 101.4. BARRING THE SALE, PROVISION, OR DISTRIBUTION OF SUGAR-**  
14 **SWEETENED BEVERAGES UNDER A CITY CONTRACT OR GRANT.**

15                   No person shall sell, provide, or otherwise distribute Sugar-Sweetened Beverages, in any form,  
16 as part of its performance of a City Contract or Grant.

17  
18                   **SEC. 101.5. WAIVERS AND EXCLUSIONS.**

19                   (a) A City officer, department, or agency (collectively, "department"), with the approval of the  
20 Purchaser, may waive the requirements of Sections 101.3 and 101.4 in full or in part if the department  
21 determines that strict application of the requirement would not be feasible, would create an undue  
22 hardship or practical difficulty, or that similar circumstances otherwise warrant granting of the waiver.  
23 The department's decision to grant a waiver shall be in writing.

24                   (b) The provisions of Sections 101.3, 101.4, or both, shall not apply where the department  
25 makes a written finding that the application or inclusion of such provisions would violate or be

1 inconsistent with the terms or conditions of a grant, subvention or contract with an agency of the State  
2 of California or the United States or the instructions of an authorized representative of any such  
3 agency with respect to any such grant, subvention or contract.

4 (c) The provisions of Sections 101.3 shall not apply to the purchase by the Department of  
5 Public Health of Sugar-Sweetened Beverages for its patients, to be used in cases where a medical  
6 professional has determined that providing such beverages is part of the appropriate course of  
7 treatment for the patient. The provisions of Sections 101.4 shall not apply to the sale, provision, or  
8 other distribution of Sugar-Sweetened Beverages to patients as part of the performance of a Contract  
9 with or a Grant from the Department of Public Health in cases where a medical professional has  
10 determined that supplying such beverages is part of the appropriate course of treatment for the patient.

11 (d) Nothing in this Chapter 101 shall be construed to impair a contract, lease, management  
12 agreement or other agreement to which the City is a party on the effective date of this Chapter.

13 (e) Departments shall annually report all waivers granted under subsection (a) and  
14 determinations of non-applicability made under subsections (b) and (c) to the City Administrator, and  
15 include the reason for each waiver.

16  
17 **SEC. 101.6. ENFORCEMENT AND PENALTIES.**

18 (a) Any person that sells, provides, or otherwise distributes Sugar-Sweetened Beverages in  
19 violation of Section 101.4 may be subject to administrative fines imposed by the City Administrator in  
20 the amount of:

21 (1) Up to \$500 for the first violation;

22 (2) Up to \$750 for a second violation within a twelve-month period; and,

23 (3) Up to \$1,000 for a third and subsequent violations within a twelve-month period.

24 (b) Except as provided in subsection (a), setting forth the amount of administrative fines,  
25 Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative Fines," as

1 may be amended from time to time, is hereby incorporated in its entirety and shall govern the  
2 imposition, enforcement, collection, and review of administrative citations issued by the Director to  
3 enforce this Chapter 101 or any administrative regulation adopted under this Chapter.

4 (c) Any person that sells, provides, or otherwise distributes Sugar-Sweetened Beverages in  
5 violation of Section 101.4 shall be deemed to have committed a material breach of the Contract or  
6 Grant and, after a noticed hearing, the person or entity may be barred for two years from receiving any  
7 City contract, grant agreement, or loan agreement.


8  
9 **SEC. 101.7. ADMINISTRATIVE REGULATIONS.**

10 The City Administrator, or at the City Administrator's discretion, the Purchaser, may adopt  
11 rules, regulations, or guidelines for the implementation of this Chapter 101.

12  
13 Section 2. Effective and Operative Dates. This ordinance shall become effective 30  
14 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor  
15 returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it,  
16 or the Board of Supervisors overrides the Mayor's veto of the ordinance. The operative date  
17 of this ordinance shall be September 1, 2015.

18  
19 APPROVED AS TO FORM:  
20 DENNIS J. HERRERA, City Attorney

21  
22 By:

  
23 THOMAS J. OWEN  
24 Deputy City Attorney

25 n:\egana\as2015\1500454\01015759.docx



City and County of San Francisco

Tails  
Ordinance

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

File Number: 150243

Date Passed: June 16, 2015

Ordinance amending the Administrative Code to bar City departments from using City funds to purchase sugar-sweetened beverages and to bar the sale or distribution of sugar-sweetened beverages under City contracts and grants.

June 01, 2015 Land Use and Transportation Committee - RECOMMENDED

June 09, 2015 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

June 16, 2015 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Christensen, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 150243

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/16/2015 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo  
Clerk of the Board

  
Mayor

Date Approved



## **Sugar-Sweetened Beverage Product Panel of Experts Commission**

Thursday, November 19, 2020. 6:30 – 8:30 PM

**Virtual Meeting (ZOOM)**

<https://us02web.zoom.us/j/82350407707?pwd=UWdLS09qVXc2WkZOTkJVc0tI0GVlQT09>

**Meeting ID: 823 5040 7707**

**Passcode: 419184**

### **APPROVED MEETING MINUTES**

The meeting convened at 6:36 pm.

#### **ROLL CALL**

**Present:** Commissioners Browne, Crawford (6:40pm), Gallegos-Castillo, Moore, Morales, Namkung (6:45pm), Rose, and Scheider

**Absent:** None

**Excused:** None

**Staff present:** Dechen Tsering

#### **COMMENTS FROM THE PUBLIC**

Ayanna Davis, Director of Programs, Healthy Black Families

#### **ACTION ON MINUTES**

**Approval of Minutes - Moved to approve the draft minutes of the meeting on 10/22/2020.**

**M/S/C:** Commissioners Moore/Morales

**Ayes:** Commissioners Browne, Crawford, Gallegos-Castillo, Moore, Morales, Rose, and Scheider

**Noes:** None

**Abstain:** None

**Absent from vote:** Commissioner Namkung

**Recused:** None

**Excused:** None

*A Vibrant and Healthy Berkeley for All*

## **ACTION ITEMS**

### **1. Moved to extend the meeting to 9:00 pm.**

**M/S/C:** Commissioners Moore/Gallegos-Castillo

**Ayes:** Commissioners Browne, Gallegos-Castillo, Moore, Morales, Namkung, Rose, and Scheider  
**Noes:** None  
**Abstain:** Commissioner Crawford  
**Absent from vote:** None  
**Recused:** None  
**Excused:** None

### **2. Approve the Request for Proposal with final edits by Commissioners Pat Crawford and Holly Scheider per discussion in today's Commission meeting.**

**M/S/C:** Commissioners Namkung/Moore

**Ayes:** Commissioners Browne, Crawford, Gallegos-Castillo, Moore, Morales, Namkung, Rose, and Scheider  
**Noes:** None  
**Abstain:** None  
**Absent from vote:** None  
**Recused:** None  
**Excused:** None

### **3. Approve sending the Memo from the SSBPPE Commission to the City Manager and as Communication to Council with the final edits made by the Commission Chair, Holly Scheider, and approved by this Commission.**

**M/S/C:** Commissioners Namkung/Moore

**Ayes:** Commissioners Browne, Crawford, Gallegos-Castillo, Moore, Morales, Namkung, Rose, and Scheider  
**Noes:** None  
**Abstain:** None  
**Absent from vote:** None  
**Recused:** None  
**Excused:** None

### **4. Approve the next Special Meeting of this Commission on Thursday December 10, 2020 from 4:30 – 6:30pm.**

**M/S/C:** Commissioners Scheider/Morales

**Ayes:** Commissioners Browne, Crawford, Gallegos-Castillo, Moore, Morales, Namkung, Rose, and Scheider  
**Noes:** None  
**Abstain:** None  
**Absent from vote:** None  
**Recused:** None  
**Excused:** None

This meeting adjourned at 8:27 pm.

**NEXT ONLINE (ZOOM) SPECIAL MEETING:**

The next meeting will be on **Thursday, December 10, 2020** from **4:30–6:30 pm** on <https://us02web.zoom.us/j/81091200344?pwd=S1h3Z001ZUw3SXJxNG9ibEdhcVFvQT09>  
Meeting ID: 810 9120 0344  
Passcode: 331747

Respectfully Submitted, Dechen Tsering, Commission Secretary  
**Minutes were approved on December 10, 2020.**