



Sugar-Sweetened Beverage  
Product Panel of Experts Commission

**Sugar-Sweetened Beverage Product  
Panel of Experts Commission**  
**Thursday, September 23, 2021 – 4:30–6:30 pm**

**Virtual Meeting (ZOOM)**

<https://us02web.zoom.us/j/84962084828?pwd=U2VLYjJkE1VTUFC3NIMxZ0Q1QzBMQT09>

Meeting ID: 849 6208 4828  
Passcode: 462984

**AGENDA**

***(Note: Meetings will continue on ZOOM till further notice)***

**Preliminary Matters**

1. Roll Call
2. Approval of Draft Minutes from 6/17/2021 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.

**Presentation (tentative):**

1. Berkeley Sugar-Sweetened Beverage Tax Revenue Report – Finance Department

**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:**
2. **Action 1:** Update from Policy Committee on City Procurement Resolution and vote on recommendation to Council (in response to Council request on June 1, 2021 in Action Item #18a). See language from February 18, 2021, SSBPPE meeting, attachment 2c. (Commissioner Scheider) – **Attachment 2a-2c**
3. **Action 2:** Discussion and proposed Communication to City Council regarding the merging of the Community Health and the SSBPPE Commissions (Commissioner Scheider) – **Attachment 3**
4. **Action 3:** Discussion on updated revenue report from the City Finance Department (Commissioner Scheider)
5. **Action 4:** Adopt the revised updated meeting dates (Commissioner Scheider) – **Attachment 4**
6. **Action 5:** For the good of the order. (Commissioner Scheider)

**Information Items**

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

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1. Approved Meeting Minutes adopted on 5/20/2021 – **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

**NEXT MEETING: Thursday, October 21, 2021 4:30 - 6:30pm.** 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, June 17, 2021. 4:30 – 6:30 PM

**Zoom Meeting**

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

Meeting ID: 810 9120 0344

Passcode: 331747

### **DRAFT MEETING MINUTES**

The meeting convened at 4:35 pm.

#### **ROLL CALL**

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

**Absent:** Commissioner Namkung

**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 5/18/2021.**

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

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

**Noes:** None

**Abstain:** None

**Absent from vote:** Commissioners Gallegos-Castillo and Namkung

**Recused:** None

**Excused:** None

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## **ACTION ITEMS**

- 1. Approved to request the City of Berkeley’s Finance Department to present a detailed report to the SSBPPE Commission on the SSB tax revenues received by the City.**

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

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

- 2. Approved to add Commissioner Joyce “Joy” Moore to the Ad-Hoc Subcommittee with Commissioner Patricia “Pat” Crawford as the backup (in Joy’s absence).**

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

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

- 3. Approve to tentatively keep the July 15, 2021 regular meeting of the SSBPPE Commission on calendar.**

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

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

This meeting adjourned at 6:20 pm.

**NEXT ONLINE (ZOOM) MEETING:**

The next meeting is **TENTATIVELY** scheduled for **Thursday, July 15, 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 September 23, 2021 meeting.**



Office of the City Manager

ACTION CALENDAR  
June 1, 2021

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.

POLICY COMMITTEE RECOMMENDATION

On February 24, 2020, the Health, Life Enrichment, Equity & Community Committee moved 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.

M/S/C (Hahn/Bartlett). All Ayes.

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.

On September 19, 2019, the SSBPPE Commission voted as follows:

**Moved to approve and adopt the SSB Resolution (version #13) and the accompanying Council Report and forward to the City Council.**

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

**Ayes:** Commissioners Browne, Crawford, Moore, Rose, Ishii, and Scheider

**Noes:** None

**Abstain:** None

**Absent from vote:** None

**Recused:** None

**Excused:** Commissioners Morales and Namkung

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>i</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.ii

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.iii

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.iv

#### 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 Commission, and suggested that the Commission put forward a Resolution in place of an Ordinance with the same content.

CITY MANAGER

See the City Manager companion report.

CONTACT PERSON

Dechen Tsering, SSBPPE Commission Secretary (510) 981-5394

Attachments:

1: Resolution

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

RESOLUTION ESTABLISHING CITY POLICY / AMENDING THE ADMINISTRATIVE CODE TO DIRECT CITY OF BERKELEY DEPARTMENTS 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) Procure sugar-sweetened beverages with City funds; and,
- 2) Serve or sell sugar-sweetened beverages on City property, including in vending machines.

BE IT FUTHER 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.

BE IT FUTHER 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.

BE IT FUTHER RESOLVED to 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.

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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



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, sugar-sweetened beverage (SSB) consumption is linked to diabetes, heart disease, obesity and poor oral health which increases human suffering and decreases the quality of life while driving health care costs up.<sup>i</sup>

WHEREAS, work sites that have removed the availability of sugary drinks from their premises have demonstrated a reduction in employee rates of pre-diabetes and diabetes.

WHEREAS, the City of Berkeley requires that *all* Healthy Berkeley funded programs, adopt an organizational policy that prohibits the service, procurement and sales of sugary drinks. This includes the Berkeley Unified School District.

WHEREAS, diabetes, obesity, and tooth decay have been on the rise for decades. Although no group has escaped these epidemics, children, people of color, and low resource communities are disproportionately affected.<sup>ii</sup>

WHEREAS, beverage marketing disproportionately targets people of color, young people and underinvested communities.<sup>iii</sup>

WHEREAS, there are also economic costs. Diabetes and pre-diabetes cost an estimated \$37.1 billion in California each year.<sup>iv</sup>

WHEREAS, the City is committed to promoting access to healthy, nutritious food and beverages.

WHEREAS, positive changes in the nutritional quality of beverages sold on City property and served by the City can help people make healthier beverage choices.

WHEREAS, as of fiscal year 2020, over 2,000 people are employed by the City of Berkeley. Giving City employees access to healthier beverages in the workplace helps reduce the impact of diet-related disease, supports a healthier and more productive workforce, and reduces the City's health care expenses.

WHEREAS, providing access to healthier beverage options for members of the public when they visit City property also promotes public health and contributes to community norms around healthy beverage choices.

WHEREAS, Chapter 7.72 of the City of Berkeley Municipal Code<sup>v</sup> defines 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.

WHEREAS, Berkeley Municipal Code Chapter 7.72 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> <http://www.kickthecan.info/fact-sheets>: Health Consequences of Sugar Sweetened Beverages.

<sup>ii</sup> City of Berkeley 2013 Health Status Report:  
[http://www.ci.berkeley.ca.us/Health\\_Human\\_Services/Public\\_Health/2013\\_Health\\_Stat us\\_Report.aspx](http://www.ci.berkeley.ca.us/Health_Human_Services/Public_Health/2013_Health_Stat us_Report.aspx)

<sup>iii</sup> <http://www.bmsg.org/blog/new-brief-highlights-how-food-and-beverage-companies-target-latino-youth>  
<http://www.uconnruddcenter.org/targeted-marketing>

<sup>iv</sup> [The Burden of Diabetes by State - American Diabetes Association](http://main.diabetes.org/dorg/PDFs/Advocacy/burden-of-diabetes/california.pdf)  
[main.diabetes.org/dorg/PDFs/Advocacy/burden-of-diabetes/california.pdf](http://main.diabetes.org/dorg/PDFs/Advocacy/burden-of-diabetes/california.pdf)

<sup>v</sup> [B.M.C. 7388-NS § 7.72, 2014, City of Berkeley](#)



## Sugar-Sweetened Beverage Product Panel of Experts Commission

Thursday, February 18, 2021. 4:30 – 6:30 PM

**Zoom Meeting**

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

Meeting ID: 810 9120 0344

Passcode: 331747

### **DRAFT MEETING MINUTES**

The meeting convened at 4:42 pm.

#### **ROLL CALL**

**Present:** Commissioners Browne (5:20pm), Gallegos-Castillo, Moore, Morales, Rose, and Scheider  
**Absent:** Commissioners Crawford and Namkung  
**Excused:** None  
  
**Staff present:** Dechen Tsering

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

Presentation: City Data Services, online platform for reviewing applications.

#### **ACTION ON MINUTES**

**Approval of Minutes - Moved to approve the draft minutes of the meeting on 1/20/2021.**

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

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

*A Vibrant and Healthy Berkeley for All*



## **ACTION ITEMS**

- 1. Approved to adopt the scoring criteria for reviewing application from Berkeley Unified School District for FY22 and FY23 funding.**

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

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

- 2. In response to the request of the City Council Health, Life, Enrichment Equity and Community (HLEEC) policy sub-committee, 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 City of Berkeley Sugary Drink 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.”*

**The SSBPPE Commission approves a motion that the SSBPPE Commission Chair follow up with the HLEEC sub-committee.**

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

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

- 3. Approve the appointment of Holly Scheider as the Chair and Xavier Morales as the Vice-Chair of the SSBPPE Commission.**

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

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

This meeting adjourned at 6:30 pm.

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

The next meeting is scheduled for **Thursday, March 18, 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 March 18, 2021 meeting.**

September [REDACTED], 2021

Dear Mayor Arreguin, Vice Mayor Droste and City Council Members:

The Berkeley Sugar Sweetened Beverage Product Panel of Experts (SSBPPE) appreciates your on-going support for our recommendations. Since the commission began in 2015, you have voted in favor of our recommendations that have funded over \$12 million to community agencies, the school district and the City's public health division through the Healthy Berkeley Program. Created by the 2014 sugary drink tax initiative (Measure D), this program supports critical health and nutrition education designed to reduce consumption of sugary drinks and increase the consumption of water. Over 75% of Berkeley voters supported Measure D, trusting that this tax initiative guided by the SSBPPE would change community norms, reduce health disparities and improve the health of our most marginalized communities.

We are writing in response to the Council proposal to combine the SSBPPE with the Community Health Commission. We oppose this proposed merger. Although we understand the burden that commissions place on staff, we believe that there are several reasons that the SSBPPE should remain an independent commission. These reasons are:

- The SSBPPE is legally mandated in Section 7.72.090 of the Municipal Code (copied below for your convenience).
- There are specific criteria for expertise for appointed commissioners which are different from the expertise that is required for the Community Health Commission.
- The statute requires the SSBPPE to provide recommendations to Council on investments to reduce the consumption of sugary drinks. This consumes all of our meetings during the years that we write the RFP and review proposals to make recommendations. In the alternate years, we monitor the programs, work on policy that also supports the overall mission of Measure D and we increase the capacity of community grantees through public forums.
- The SSBPPE has always recommended funding City staff to support the work of the commission and in fact some of the staff time that is funded by Healthy Berkeley has also supported other public health activities.
- The SSBPPE does a lot of work that extends the work that City staff do. For example, we write the RFP based on best practices in the field and evidence-based programs.
- This statute will expire at the end of 2026. The current statewide preemption that prevents new sugary drink taxes, allows jurisdictions with an existing soda tax to renew. It would be short-sighted to undercut voter confidence in the City's implementation of Measure D's mandates.
- Other ballot measures, specifically Measure P, have copied the Panel of Experts model. It would also be short sighted to reduce voter confidence in this model for future initiatives.
- Other cities in the Bay Area and across the country have followed Berkeley's example. The SSBPPE asks the City Council to honor the original intent of the ordinance and continue to set a strong example.
- Finally, violating the ordinance would make the City vulnerable to a potential lawsuit by voters or other interested parties who feel that this change will go against Measure D.

We would like to remind you that during the 2014 campaign, the beverage industry called into question how these funds would be used and whether our City Council could be trusted. Measure D advocates were able to reassure voters by pointing to the SSBPPE which would do two things: 1) make recommendations to City Council about how to invest in community programs to reduce consumption of sugary drinks; and, 2) be a watchdog to ensure the integrity of the investments. To date, the SSBPPE has done both of these things.

We urge the Council not to alter the original agreement with the voters and reject any notions of subsuming the SSBPPE into other Commissions. Does the Berkeley City Council want to risk this model that has maintained community faith in the legislation? The Beverage Industry would love to have fuel to stir up opposition to any future measures in Berkeley or elsewhere. Let's not give it to them.

Sincerely,

Ad-hoc subcommittee re: merger of SSBPPE and CHC:

Holly Scheider, Chair

Xavier Morales, Vice Chair

Angela Gallegos Castillo, Commissioner

DRAFT

Section 7.72.090 reads:

**Section 7.72.090 Sugar-Sweetened Beverage Product Panel of Experts**

- A. There shall be established the Sugar-Sweetened Beverage Product Panel of Experts to make recommendations on how and to what extent the City should establish and/or fund programs to reduce the consumption of sugar-sweetened beverages in Berkeley and to address the effects of such consumption.
- B. An officer or employee of the City designated by the City Manager shall serve as secretary of the Panel.
- C. In accordance with Chapter 2.04, the Panel shall be composed of nine members appointed by the City Council.
- D. Terms shall expire and vacancies shall be filled in accordance with the provisions of Section 2.04.030 through 2.04.145 of this Code.
- E. Each member of the Panel must:

1. Have experience in community-based youth food and nutrition programs; or
  2. Have experience in school-based food and nutrition programs and be referred by the Berkeley Unified School District; or
  3. Have experience in early childhood nutrition education; or
  4. Have experience in researching public health issues or evaluating public health programs related to diabetes, obesity, and sugary drink consumption; or
  5. Be a licensed medical practitioner.
- F. In accordance with Section 3.02.040, members of the Panel may be reappointed but shall not serve more than eight consecutive years.
- G. The Panel shall, by majority vote, do each of the following:
1. Annually appoint one of its members as chair and one of its members as vice-chair;
  2. Approve bylaws to facilitate the proper functioning of the Panel;
  3. Establish a regular time and place of meeting. All meetings shall be noticed as required by law and shall be scheduled in a way to allow for maximum input from the public. Minutes for each meeting shall be recorded, kept, and maintained; and
  4. Publish an annual report that includes the following:
    - a. recommendations on how to allocate the City's general funds to reduce the consumption of sugar sweetened beverages in Berkeley and to address the results of such consumption;
    - b. information, if available, concerning the impact of this Chapter on the public health of the residents of the City; and
    - c. any additional information that the Panel deems appropriate.

DRAFT

**REVISED - 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
	Saturday 3/27/2021	9am-Noon
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	Moved to 3/20/2021	
August 2021	No Meeting	
September 2021	Thursday 9/23/2021	4:30 pm
October 2021	Thursday 10/21/2021	4:30 pm
November 2021	Thursday 11/18/2021	4:30 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



## Sugar-Sweetened Beverage Product Panel of Experts Commission

Thursday, May 20, 2021. 4:30 – 6:30 PM

**Zoom Meeting**

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

Meeting ID: 810 9120 0344

Passcode: 331747

### **APPROVED MEETING MINUTES**

The meeting convened at 4:37 pm.

#### **ROLL CALL**

**Present:** Commissioners Browne (4:52pm), Crawford, Moore, Morales, Namkung, Rose, and Scheider  
**Absent:** Commissioner Gallegos-Castillo  
**Excused:** None  
  
**Staff present:** Janice Chin and Dechen Tsering

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

Healthy Black Families

#### **ACTION ON MINUTES**

**Approval of Minutes - Moved to approve the draft minutes of the meeting on 2/18/2021.**

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

*A Vibrant and Healthy Berkeley for All*



**Motion to approve the minutes from 2/18/2021 did not meet the minimum quorum requirement of 5 Ayes; therefore, this motion has been re-submitted at the 5/20/2021 meeting.**

**Approval of Minutes - Moved to approve the draft minutes of the meeting on 3/18/2021.**

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

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

**Noes:** None

**Abstain:** Commissioner Moore

**Absent from vote:** Commissioner Browne

**Recused:** None

**Excused:** None

## **ACTION ITEMS**

- 1. Approved to re-elect Holly Scheider for Commission Chair and Xavier Morales for Commission Vice-Chair.**

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

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

**Noes:** None

**Abstain:** None

**Absent from vote:** Commissioner Browne

**Recused:** None

**Excused:** None

- 2. Approved to extend the meeting to 6:40pm.**

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

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

**Noes:** None

**Abstain:** None

**Absent from vote:** Commissioner Moore

**Recused:** None

**Excused:** None

- 3. Approved to creating an ad-hoc subcommittee with Holly Scheider, Angela Gallegos-Castillo, and Xavier Morales to draft a response in June 2021 to the City Council's proposed merger of the Community Health Commission and the SSBPPE Commission.**

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

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

This meeting adjourned at 6:40 pm.

**NEXT ONLINE (ZOOM) MEETING:**

The next meeting is scheduled for **Thursday, June 17, 2021**. Please check the SSBPPE Commission page on the City of Berkeley Commission webpage for updated information.

Respectfully Submitted, Dechen Tsering, Commission Secretary  
**Minutes were approved at the June 17, 2021 meeting.**