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ACTION CALENDAR

October 30, 2018

To: Honorable Mayor and Members of the City Council
From: Councilmembers Worthington and Davila
Subject: Referral to the Sugar-Sweetened Beverage Product Panel of Experts to Draft State Ballot Language to Double the General Tax and Include Diet Beverages

RECOMMENDATION:

The City Council requests that the Sugar-Sweetened Beverage Product Panel of Experts creates a statement, with input from members of the community, about the proposed statewide initiative, its proposed revenue allocations, and approaches to incorporate community-based input that can be widely disseminated.

BACKGROUND:

In November 2014, Berkeley voters approved Measure D, the “Berkeley Soda Tax,” making Berkeley the first city in the United States to place a \$0.01/ounce excise tax on sugary drinks. The intention of the ordinance was to prevent diseases caused by sugary drinks and counteract marketing for sugary drinks, which is disproportionately aimed toward communities of color—especially African Americans and Latinos—youth, and people with low incomes. The ordinance also created a community panel comprised of health and community experts to advise how the city should allocate funds, which has since made recommendations to fund programs that prevent disease and promote wellness at schools, community-based nonprofits, faith organizations, and community health centers.

Measure D was brought to City Council by community members, who had assembled a broad and diverse coalition of Berkeley residents in support. This coalition took a participatory approach to drafting the measure language, incorporated substantive input from community leaders, and prioritized equity and racial justice in its process. Coalition members believe this approach contributed to the strong support Berkeley voters showed for the measure four years ago when 76% voted in favor, and undergirds the continued support for the ordinance today.

As a result of Measure D’s success in Berkeley, in 2016 the cities of Oakland, San Francisco and Albany closely followed Berkeley’s sugar sweetened beverage tax legislation language and were successful in passing their own measures to generate funds to address disease and promote health and wellness. However, this growing success led anti-sugary drink tax advocates to work with California’s elected officials to pass legislation to preempt for 12 years any future attempts to pass local measures designed to generate funds to invest in health and wellness.

Currently, The California Sugar Sweetened Beverages Tax Act of 2020, a statewide initiative calling for a \$0.02/ounce excise tax on sugary drinks has been filed with the California Office of the Attorney General. In addition to placing a \$0.02/ounce tax on the distribution of specific sugary

drinks in California, this measure will also repeal the statewide preemption on future municipal sugary drink taxes.

The City Council requests the Sugar-Sweetened Beverage Product Panel of Experts creates a statement with input from members of the community about the proposed statewide initiative, its proposed revenue allocations, and approaches to incorporate community-based input.

FINANCIAL IMPLICATIONS:

Minimal.

ENVIRONMENTAL SUSTAINABILITY:

Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

CONTACT PERSON:

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