

Sugar-Sweetened
Beverage Product
Panel of Experts
Commission

**Sugar-Sweetened Beverage Product
Panel of Experts Commission**
Thursday, September 19th, 2024, 6:00pm – 8:00pm
Meeting Location:
South Berkeley Senior Center
2939 Ellis Street, Berkeley, CA 94703
P: 510-981-5350

MEETING AGENDA

Preliminary Matters

1. Roll Call
2. Introduction of new Commission members
3. Approval of Draft Minutes from 07/18/2024 regular 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.

Presentations:

1. **Public Health Division and Alameda County Community Assessment, Planning and Evaluation (CAPE) Unit – Dr. Liz Maker and JoAnn Evangelista:** Healthy Berkeley Evaluation FY2022-2024 and Healthy Berkeley Dashboard – **Attachment 8**

Discussion and 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. **Discussion 1:** Review Work Plan (Status of Tasks/Progress) (Kao)
3. **Discussion 2:** SSB Revenues (Hecht) – **Attachment 7.**
4. **Discussion 3:** Follow-up on Healthy Berkeley funded agencies communication (Hecht)
5. **Discussion 4:** Retailers subject to the Healthy Checkout ordinance (Hecht) – **Attachment 9**
6. **Action 1:** Review Final Work Plan (status of tasks) (Kao)
7. **Action 2:** Approve communication to City Council on status of Ordinance prohibiting the use of City funds for purchase of SSBs (Hecht) – **Attachment 11**
8. **Action 3:** Add/Remove Subcommittees/ Members (Hecht)
9. **Action 4:** For the good of the order (Hecht)

Information Items

1. Commission Work Plan – **Attachment 2**
2. Approved Meeting Minutes 06/20/2024 – **Attachment 3**
3. Commission Meeting Dates 2024 – **Attachment 4**
4. Subcommittee Roster 2024– **Attachment 5**

A Vibrant and Healthy Berkeley for All

1947 Center Street, 2nd Floor, Berkeley, CA 94704 Tel: 510. 981.5300 TDD: 510.981.6903 Fax: 510. 981.5395
E-mail: publichealth@ci.berkeley.ca.us - <http://www.cityofberkeley.info/health/>

5. City Council Timeline 2024 – **Attachment 6**
6. Soda Tax Revenues – **Attachment 7**
7. Healthy Berkeley Evaluation FY2022-2024 and Healthy Berkley Dashboard – **Attachment 8**
8. Healthy Checkout Retailer List – **Attachment 9**
9. Measure Z ballot language – **Attachment 10**
10. Communication to City Council on status of ordinance prohibiting the use of City funds to purchase SSBs for City events and/or premise – **Attachment 11**

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

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

THERE IS NO MEETING IN AUGUST/DECEMBER. 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, July 18th, 2024. 6:00 – 8:00 PM

Meeting Location:

South Berkeley Senior Center
2939 Ellis Street, Berkeley, CA 94703
P: 510-981-5350

MEETING MINUTES

The meeting convened at 6:25pm.

ROLL CALL

Present: Commissioners Morales, Mashama, Kao, Lopez,
Crawford, Esonwune, Hecht.
Absent: None.
Excused: Commissioner Chan, Rodriguez.
Staff present: Kellie Knox.

COMMENTS FROM THE PUBLIC 8.

ACTION ON MINUTES

Approval of Minutes - Moved to approve the draft minutes of the meeting on 06/20/2024 with edits.

M/S/C: Commissioners Morales/Lopez.

Ayes: Commissioners Mashama, Crawford, Morales, Kao.
Noes: None.
Abstain: None.
Absent from vote: Commissioners Esonwune, Hecht, Lopez.
Recused: None.
Excused: Commissioners Rodriguez, Chan.

The meeting adjourned at 8:17pm.

A Vibrant and Healthy Berkeley for All

NEXT MEETING:

The next meeting is scheduled for **Thursday, September 19th, 2024**. Please check the SSBPPE Commission page on the City of Berkeley Commission webpage for updated information.

Respectfully Submitted, Roberto Terrones, Commission Secretary
Minutes will be approved at the September 19th, 2024 regular meeting.

Sugar-Sweetened Beverage Product Panel of Experts Commission

Proposed Work Plan –4/2024 – 3/2025

Task	Activity	Actions Needed in Advance	2024									2025		
			April	May	June	July	Aug	Sept	October	November	December	January	February	Mar
1)	Conduct periodic commission	Distribution of agenda	X	X	X	X		X	X	X		X	X	X
2)	Discuss with fiscal about current revenues vs. projected revenues and discuss disbursement plan (quarterly	Fiscal data requested and distributed		X				X		X			x	
3)	Annual grantee presentations to the commission	Grantees contacted and scheduled; Ask grantees to share how they disseminate re: SSB tax funds	X	X	X	X								X
4)	Discuss with city staff internal activities funded by soda tax (e.g.	Schedule staff for discussion		X	X	X								
5)	Discuss Epi research related to health as well as evaluation data from grantees including BUSD & YRBS.	Schedule staff for discussion Email request for health status report that incl. chronic disease data, dental caries, and any health behaviors related to sugar/diet)		X										
6)	Discuss city beverage procurement implementation.	Send communication to Council to obtain beverage procurement data; Roberto will help get request into right template		X	X									
7)	Discuss creation of a system to evaluate city beverage procurement	Obtain information of current beverage procurement data			X	X								
8)	Discuss status of healthy checkout policy implementation	Arrange meeting with public health nutrition staff/get update from nutritionist (Angelica)		X										
9)	Discuss numbers of stores assessed and outcomes by public health environmental department.	Arrange meeting with public health environmental health department			X	x								
10)	Create a plan for educating the public re soda tax success	Gather information on options for educating the public; add'l steps TBD, depending on \$			X	X								
11)	Write report for council, press, etc.	Gather data and information for report						X						
12)	Discuss fiscal data from the prior 12 months of tax revenue (to determine grant funds for 2025-26)	Fiscal data requested and distributed											Policy committee →council	
13)	Prepare new proposal guidelines for 2025-2026 (18 mo)	Distribute past proposal guidelines as a template						X		Nov 15: Issue new RFP	Dec 20: proposals due			
14)	Plan workshop for assisting with grant writing for community groups	Promote and coordinate meeting for potential grantees						X	X					
15)	Review and recommend proposals for funding	Distribute past review criteria and letters for funding										Resolutio n	Funding recs due to council	



Sugar-Sweetened Beverage Product Panel of Experts Commission

Thursday, June 20th, 2024. 6:00 – 8:00 PM

Meeting Location:

South Berkeley Senior Center
2939 Ellis Street, Berkeley, CA 94703
P: 510-981-5350

MEETING MINUTES

The meeting convened at 6:09pm.

ROLL CALL

Present: Commissioners Morales, Rodriguez, Mashama, Kao, Crawford.
Absent: Commissioners Lopez.
Excused: Commissioners Esonwune, Hecht, Chan.
Staff present: Roberto Terrones.

COMMENTS FROM THE PUBLIC None.

ACTION ON MINUTES

Approval of Minutes - Moved to approve the draft minutes of the meeting on 06/20/2024 with edits.

M/S/C: Commissioners Morales/Rodriguez.

Ayes: Commissioners Morales, Rodriguez, Mashama, Kao, Crawford.
Noes: None.
Abstain: None.
Absent from vote: Commissioner Lopez.
Recused: None.
Excused: Commissioners Esonwune, Hecht, Chan.

The meeting adjourned at 7:25pm.

A Vibrant and Healthy Berkeley for All

NEXT MEETING:

The next meeting is scheduled for **Thursday, July 18th, 2024**. Please check the SSBPPE Commission page on the City of Berkeley Commission webpage for updated information.

Respectfully Submitted, Roberto Terrones, Commission Secretary
Minutes were approved at the July 18th, 2024 regular meeting.

2024 Commission Meeting Dates

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

Name of Commission: Sugar-Sweetened Beverage Product Panel of Experts Commission

Commission Secretary: Roberto Terrones

Please Note the Commission Meeting Dates for 2024 Below

Please fill in meeting date below. If no meeting for the month is scheduled please note as "No Meeting."

2024 Meeting Dates

Month	Meeting Day and Date	Time
January 2024	Thursday 1/18/2024	6:00 pm
February 2024	Thursday 2/15/2024	6:00 pm
March 2024	Thursday 3/21/2024	6:00 pm
April 2024	Thursday 4/18/2024	6:00 pm
May 2024	Thursday 5/16/2024	6:00 pm
June 2024	Thursday 6/20/2024	6:00 pm

Month	Meeting Day and Date	Time
July 2024	Thursday 7/18/2024	6:00 pm
August 2024	No Meeting	
September 2024	Thursday 9/19/2024	6:00 pm
October 2024	Thursday 10/17/2024	6:00 pm
November 2024	Thursday 11/21/2024	6:00 pm
December 2024	No Meeting	

commission@cityofberkeley.info

City Clerk Department

Please contact our office at (510) 981-6908 with any questions.

SSBPPE Subcommittee Roster

Subcommittee	Subcommittee Description	Members
Ad-hoc Work Plan	<i>Revision of 2024 Commission work plan.</i>	Xavier Morales Michael Rodriguez Pat Crawford Peace Esonwune
Media	<i>Give feedback on media materials that the Public Health Division disseminates to the public, prepare talking points for the media.</i>	Xavier Morales Janice Kao Michael Chan Themba Mashama
Prevention Strategies and Outcomes	<i>Review and revise requests for proposals, increase knowledge of the community, and evaluation.</i>	Pat Crawford Kenneth Hecht Vivian Lopez Janice Kao
Sugary Drinks Policy	<i>Recommend policies for the City Council.</i>	Pat Crawford Michael Rodriguez

2024			Thursday 12:00 PM	Thursday 12:00 PM	Monday 2:30 PM	Wednesday 11:00 AM	Thursday 5:00 PM
COUNCIL MEETING DATE	Reports Due to Dept. Director	Reports Due to CAO	Dept. Reports Due to Clerk Day 33	Agenda Committee Packet to Print Day 19	Agenda Committee Meeting Day 15	Final Agenda Meeting - (Print Agenda on wed.) Day 13	Council Agenda Delivery Day 12
Winter Recess [December 13, 2023 through January 15, 2024]							
Jan 16	11/30	11/30	12/14	1/2 - Tue	1/4 - Thur	1/4 - Thur	1/5 - Fri
Jan 30	12/14	12/14	12/28	1/11	1/16 - Tue	1/17	1/18
Feb 13	12/28	12/28	1/11	1/25	1/29	1/31	2/1
Feb 27	1/11	1/11	1/25	2/8	2/13 - Tue	2/14	2/15
Mar 12	1/25	1/25	2/8	2/22	2/26	2/28	2/29
Mar 19	2/1	2/1	2/15	2/29	3/4	3/6	3/7
Spring Recess [March 20 through April 15, 2024]							
Apr 16	2/29	2/29	3/14	3/28	4/1	4/3	4/4
May 7	3/21	3/21	4/4	4/18	4/25 - Thur	4/25 - Thr	4/26 - Fri
May 14	3/28	3/28	4/11	4/25	5/1 - Wed	5/1	5/2
May 21	4/4	4/4	4/18	5/2	5/7 - Tue	5/8	5/9
Jun 4	4/18	4/18	5/2	5/16	5/21 - Tue	5/22	5/23
Jun 25	5/9	5/9	5/23	6/6	6/10	6/12	6/13
Jul 9	5/23	5/23	6/6	6/20	6/24	6/26	6/27
Jul 23	6/6	6/6	6/20	7/3 - Wed	7/8	7/10	7/11
Jul 30	6/13	6/13	6/27	7/11	7/15	7/17	7/18
Summer Recess [July 31 through September 9, 2024]							
Sep 10	7/25	7/25	8/8	8/22	8/26	8/28	8/29
Sep 24	8/8	8/8	8/22	9/5	9/9	9/11	9/12
Oct 1	8/15	8/15	8/29	9/12	9/16	9/18	9/19
Oct 15	8/29	8/29	9/12	9/26	9/30	10/2	10/3
Oct 29	9/12	9/12	9/26	10/10	10/15 - Tue	10/16	10/17
Nov 12	9/26	9/26	10/10	10/24	10/28	10/30	10/31
Nov 19	10/3	10/3	10/17	10/31	11/4	11/6	11/7
Dec 3	10/17	10/17	10/31	11/14	11/18	11/20	11/21
Dec 10	10/27	10/27	11/7	11/21	11/25	11/27	11/27 - Wed
Winter Recess [December 11, 2024 through January 14, 2025]							

VTO Affected Dates

Holiday Affected Dates

Religious Holiday Affected
Date

Updated 11/30/2023

Reports not submitted by the deadlines listed will not be included on the agenda.



City of Berkeley
Soda Tax Revenue-FY 2024
For the Months of July 2023 - June 2024

Month	Amount
Jul-23	101,700.72
Aug-23	91,096.92
Sep-23	83,544.48
Oct-23	107,467.71
Nov-23	91,699.61
Dec-23	115,244.29
Jan-24	68,755.47
Feb-24	119,393.56
Mar-24	70,308.05
Apr-24	62,726.26
May-24	98,679.86
Jun-24	99,641.77
Gross Revenue	\$ 1,110,258.70

FY 2015	\$ 242,986.39
FY 2016	\$ 1,757,271.70
FY 2017	\$ 1,578,389.00
FY 2018	\$ 1,517,949.28
FY 2019	\$ 1,606,177.73
FY 2020	\$ 1,378,196.46
FY 2021	\$ 995,387.49
FY 2022	\$ 1,047,801.97
FY 2023	\$ 1,185,893.91
FY 2024	\$ 1,110,258.70
Total	\$ 12,420,312.63

Healthy Berkeley Evaluation FY 2022-2024

Presentation to the
Sugar-Sweetened Beverage Panel of Experts (SSBPPE) Commission

Berkeley Public Health Division
and Alameda County Community Assessment,
Planning and Evaluation (CAPE) Unit
September 19, 2024



Revised Healthy Berkeley Logic Model

Outputs (Process)

Strategies to Reduce Consumption Of SSBs And Increase Healthy Behaviors

- Enforce SSB Tax
- Develop and implement policies, systems and environmental changes
- Train community and staff
- Deliver health education messages about SSBs
- Implement social media campaigns
- Provide direct services to community residents: (outreach, special events, skills building, medical, dental)

Outcomes

- ↓ Access to SSBs and Unhealthy Foods
- ↑ Access to Water and Healthy Foods
- ↑ Access to health and social programs.
- ↑ Knowledge motivation and commitment to consume fresh produce and healthy food; reduce SSBs and sugars
- ↓ Consumption of SSBs and unhealthy foods
- ↑ Consumption of water and healthy foods
- ↑ Confidence to make positive change in community
- ↑ Healthy behaviors (physical activity, screenings)
- Healthier Environments**
 - Higher SSB Prices
 - Fewer SSBs; Healthy Checkout Aisles in stores
 - Water stations in buildings and parks
 - Safe public places for physical activity
 - Healthier options at agencies and events

Impact on Berkeley Population

- Population-Level**
- ↓ Reduced SSB Consumption
 - Better Health – Reduced:**
 - ↓ Obesity
 - ↓ Diabetes
 - ↓ Oral health problems and tooth decay
 - ↓ Hypertension
 - ↓ Coronary Heart Disease

Healthy Berkeley Funded Contractors FY 2022 – 2024				
Contractor	Program	Cycle 6	Cycle 5	
		FY 2024	FY 2023	FY 2022
Berkeley Unified School District	Gardening and Cooking Program	\$352,528.00	\$475,726	\$475,726
18 Reasons	Cooking Matters	NA	\$29,750	\$29,750
Bay Area Community Resources	Healthy Options at Point of Sale (HOPS)	\$42,932.00	\$58,000	\$58,000
Berkeley Youth Alternatives	Urban Agriculture & Team Nutrition	\$53,075.00	\$38,800	\$38,800
Community Health Education Inst.	Artists Against Soda	NA	\$27,724	\$27,724
Ecology Center	For Thirst Water First!	\$50,189.00	\$121,125	\$121,125
Fresh Approach	Veggie Rx	NA	\$18,800	\$18,800
Healthy Black Families	Thirsty For Change!	\$107,687.00	\$222,665	\$222,665
Lifelong Medical Care	Healthy Berkeley Chronic Disease and Oral Health Prevention Project	\$65,217.00	\$118,575	\$118,575
Multicultural Institute	Life Skills/Day Laborer Program	\$27,500.00	\$15,000	\$15,000
YMCA of the East Bay	Healthy Me! & Diabetes Prevention	\$48,462.00	\$85,275	\$85,275
	Total	\$747,590.00	\$1,211,440	\$1,211,440

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Program Performance Measures

Results Based Accountability Dashboards

- **Background:** In 2023, the City of Berkeley Health, Housing and Community Services Department (HHCS) contracted with RDA Consulting (RDA) to implement a Results Based Accountability (RBA) framework and provide training to all of our Public Health Programs to implement RBA throughout all of our programs.

RBA provides a data-driven approach to measuring client and community impact. The framework starts with developing performance measures that answer **three basic questions:**

- How much did we do?
- How well did we do it?
- Is anyone better off?

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Program Performance Measures

	QUANTITY	QUALITY
EFFORT	HOW MUCH DID WE DO? How much service did we deliver?	HOW WELL DID WE DO IT? How well did we deliver it?
EFFECT	IS ANYONE BETTER OFF? How much change/effect did we produce?	
		What quality of change/effect did we produce?

Results Based Accountability (RBA) goes beyond units of service to examine the qualitative value as well as the cumulative effect of the service.

Using RBA, decision-makers can target those measures that offer the greatest potential for improving the quality of people's lives at the population level. This is called "performance accountability,"

5

Program Performance Measures

Healthy Berkeley Headline Measures

Data Source: Agency Quarterly Program Reports entered into City Data Services (online database)

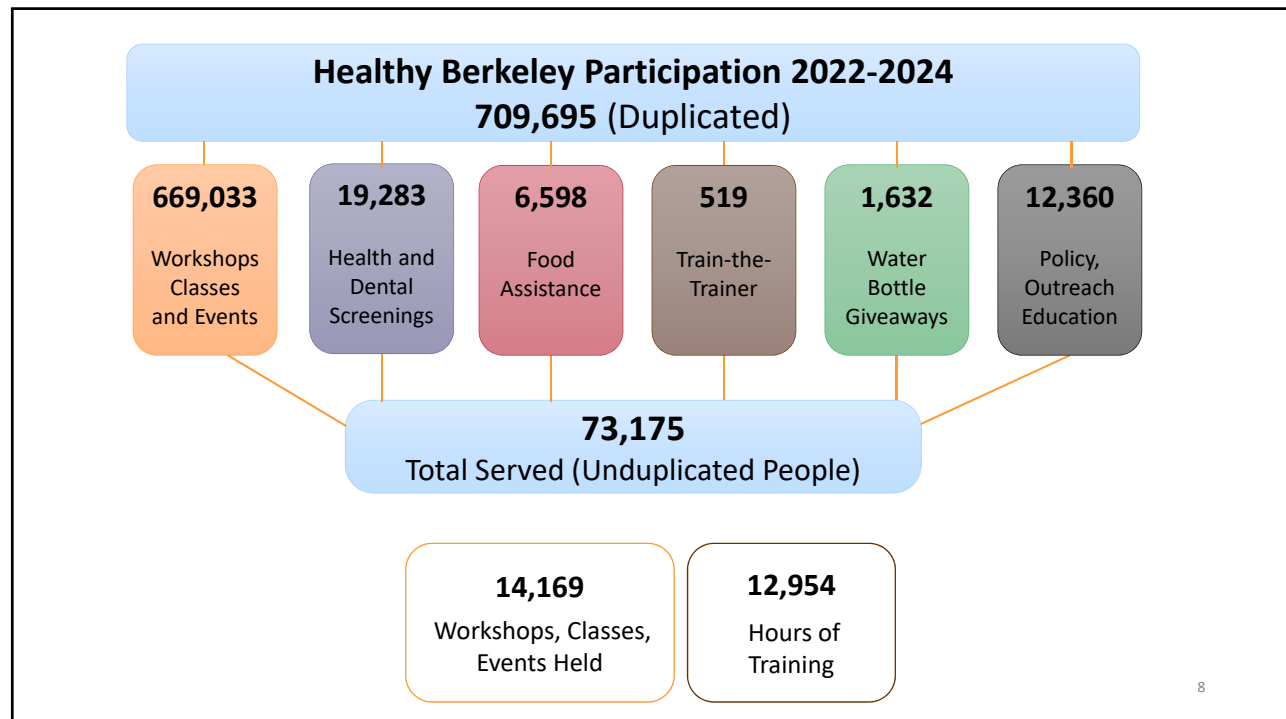
Measure Type	Measure
How much	# of classes, workshops & events
	# of individuals served through classes, workshops, and events
	# of hours of training provided
	# of encounters through classes, workshops, and events
	# of community members reached through classes, workshops, and events
	# and type of changes made in policies, systems and environments (PSE)
How well	% of participants that would recommend the event to a family member
Better off	% of participants that feel more motivated to reduce the amount and/or frequency they drink sugary drinks

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RBA Performance Measures in the HB Evaluation

- Each contractor chose their own set of performance measures that answered the 3 questions.
- Contractors collected most data on individual change via self-report (surveys).
- Over time, HB staff encouraged contractors to use some of the same performance measures, when they were measuring similar concepts.
- We could then group RBA data across programs to determine overall impact of Healthy Berkeley contracts.

7



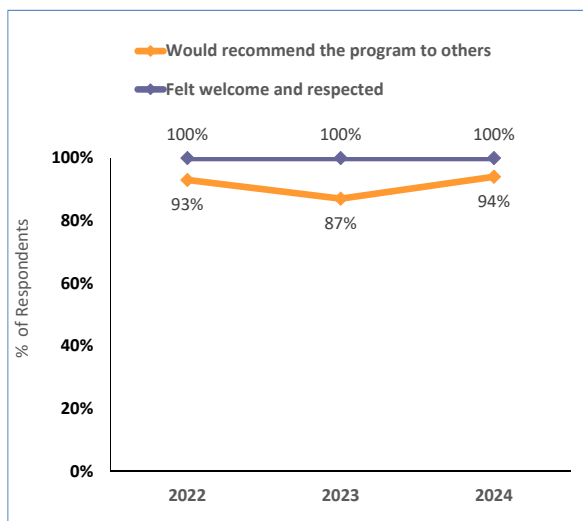
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Unduplicated Counts of HB Participants by Program and Year

	2022	2023	2024
18 Reasons	2,313	2,331	NA
Bay Area Community Resources	NA	6	691
Berkeley Unified School District	4,613	6,273	10,149
Berkeley Youth Alternatives	799	2,409	1,268
Community Health Education Institute	42	494	NA
Ecology Center	1,013	1,380	5,009
Fresh Approach	10	NA	NA
Healthy Black Families	643	Missing	268
Lifelong Medical Care	10,066	7,504	1,693
Multicultural Institute	1,401	2,038	1,703
YMCA of the East Bay	7,185	1,716	158
Total numbers served (Unduplicated)	28,085	24,151	20,939

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Satisfaction With HB Programs 2022-2024 (Goals Range from 70-90%)

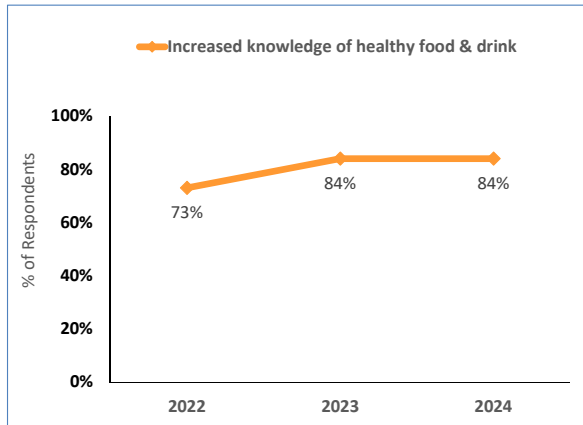


Number of Participants Who Felt Welcome and Respected			
Program	2022	2023	2024
Artists Against Soda	16	5	NA
For Thirst Water First!	16	7	17
Thirsty For Change!	241	NA	106
Total	273	12	123

Number of Participants Who Would Recommend The Program			
Program	2022	2023	2024
Artists Against Soda	29	147	NA
BYA Team Nutrition	NA	NA	95
BYA Urban Agriculture and Team Nutrition	16	25	NA
Chronic Disease and Oral Health Prevention Project	899	392	613
Cooking Matters	4,498	2,304	
For Thirst Water First!	48	21	133
Healthy Black Families Inc. Thirsty For Change!	482	NA	119
HOPS: Increasing Healthy Food Access	NA	NA	3
Life Skills/Day Laborer Program	243	112	224
YMCA Healthy Me! Program	NA	343	114
Total	6,215	3,001	1,187

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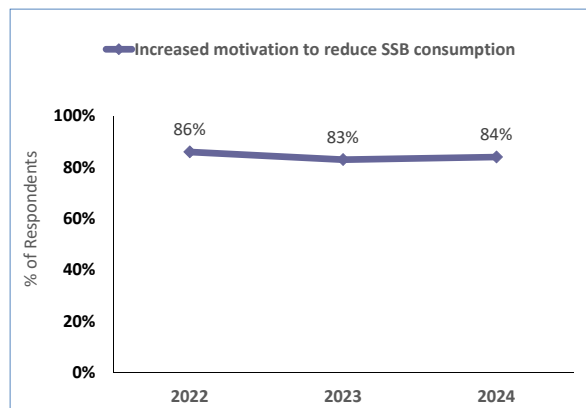
Increased Knowledge of Healthy Food and Drink 2022-2024 (Goals Range from 30-82%)



Number of Participants With Increased Knowledge of Healthy Food and Drink			
Program	2022	2023	2024
Artists Against Soda	10	146	NA
Cooking Matters	1,905	2,098	NA
Drinking Water Promotion Project	80	NA	NA
BUSD Gardening and Cooking Program	231	NA	229
Chronic Disease and Oral Health	896	353	515
Thirsty For Change!	428	NA	NA
Total	3,550	2,597	744

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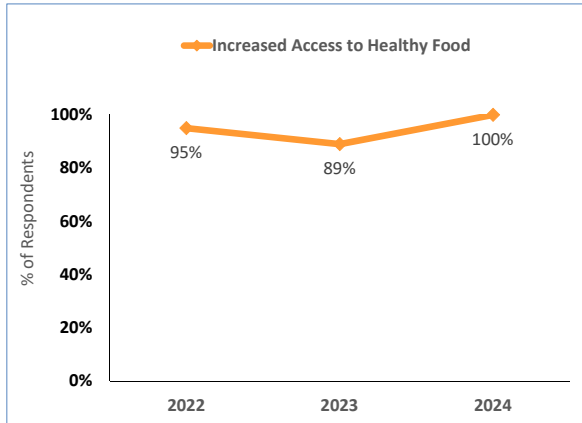
Increased Motivation to Consume Healthy Food and Drink 2022-2024 (Goals range from 60- 90%)



Number of Participants With Increased Motivation to Consume Healthy Food and Drink			
Program	2022	2023	2024
Artists Against Soda	11	160	NA
Urban Agriculture and Team Nutrition	16	25	NA
BYA Team Nutrition Program	NA	NA	104
Cooking Matters	1,397	1,307	NA
For Thirst Water First!	31	23	120
Thirsty For Change!	241	NA	NA
Life Skills/Day Laborer Program	246	111	200
YMCA Healthy Me! Program	NA	2,015	323
Total	1,942	1,626	424

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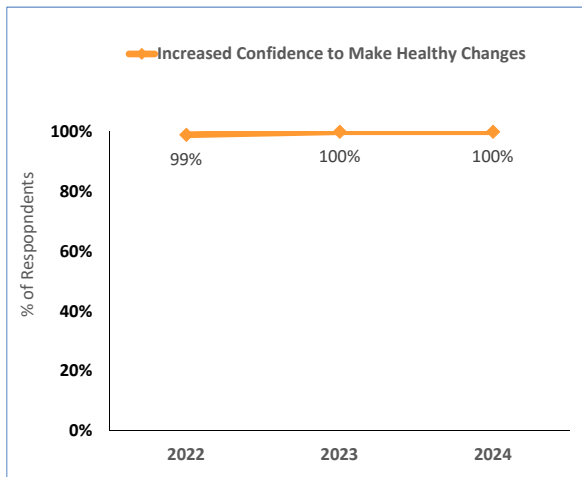
Increased Access to Healthy Food 2022-2024 (Goals range from 70- 90%)



Number of Participants with Increased Access to Healthy Food			
Program	2022	2023	2024
For Thirst Water First!	30	16	NA
Life Skills/Day Laborer Program Health Activity	402	335	786
Thirsty For Change!	NA	NA	51
YMCA Healthy Me! Program	NA	1,225	NA
Total	432	1,576	837

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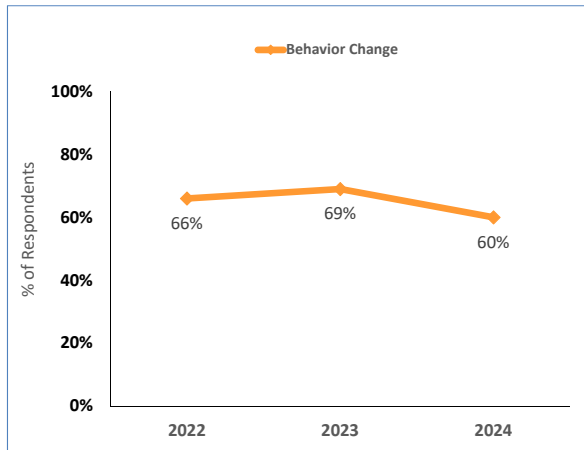
Increased Confidence to Make Positive Changes in Their Communities 2022-2024 (Goals Range from 80-90%)



Number of Participants with Increased Confidence to Make Healthy Changes			
Program	2022	2023	2024
Artists Against Soda	16	5	NA
Cooking Matters	2,208	2,293	NA
For Thirst Water First!	16	7	17
Healthy Options at Point of Sale (HOPS)	5	5	3
Team Nutrition Program	NA	NA	26
Thirsty For Change!	NA	NA	72
Urban Agriculture and Team Nutrition	16	25	NA
VeggieRx Program	80	NA	NA
Total	2,341	2,335	118

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Made Behavior Changes to Support Healthy Food and Drink Choices 2022-2024 (Goals Range from 50-85%)



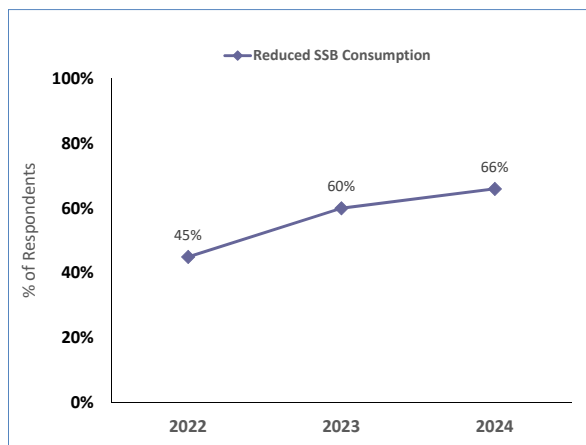
Number of Participants who Reported Behavior Change			
Program	2022	2023	2024
Cooking Matters	1,991	3,477	
BUSD Gardening and Cooking Program	131		179
YMCA Healthy Me! Program		2,027	381
Total	2,122	5,504	560

Examples of Behavior Changes

- Reduced consumption of SSBs
- Drinking Spa Water at Home
- Using health promotion materials with children

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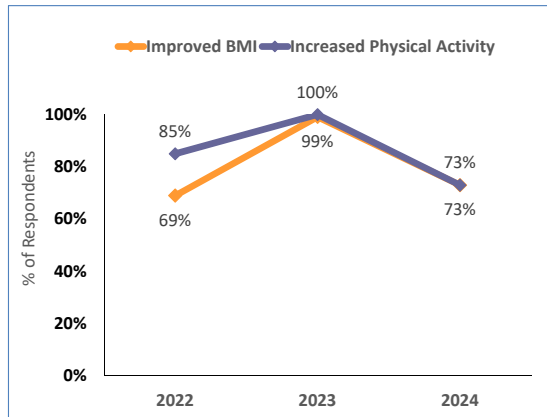
Reported Reduction in SSB Consumption 2022-2024 (Goals Range from 52-85%)



Number of Participants who Reported Reduced SSB Consumption			
Program	2022	2023	2024
Cooking Matters		1,404	
BUSD Gardening and Cooking Program	131		179
YMCA Healthy Me! Program			
Total	131	1,404	179

16

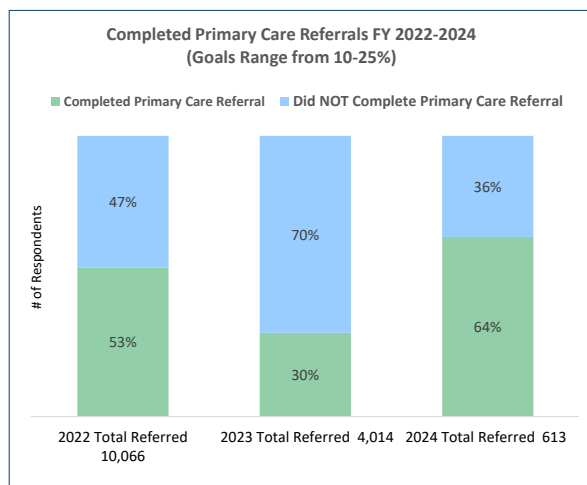
Health Outcomes for YMCA Diabetes Program Participants (Goals range from 70-100%)



Number Who Reported Positive Health Outcomes			
Program	2022	2023	2024
Improved BMI	47	122	74
Increased Physical Activity	197	112	74

17

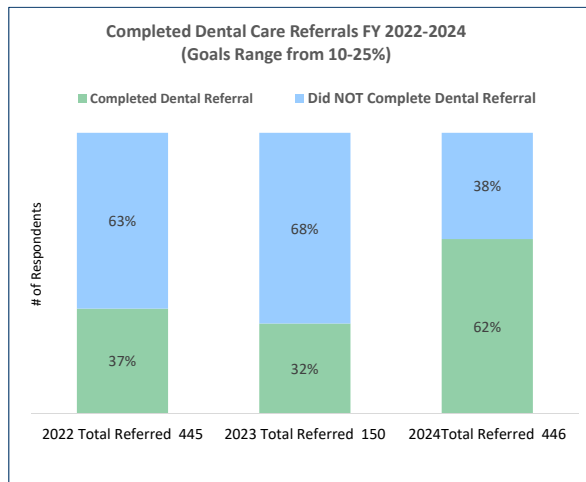
Lifelong Medical: Healthy Berkeley Chronic Disease and Oral Health Prevention Project (Hypertension)



Completed Primary Care Referrals (Showed up to Appointment)			
	2022 Total Referred 10,066	2023 Total Referred 4,014	2024 Total Referred 613
Completed Primary Care Referral	5,337	1,195	392
Did NOT Complete Primary Care Referral	4,729	2,819	221
Total Number Referred to Primary Care	10,066	4,014	613

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Healthy Berkeley Chronic Disease and Oral Health Prevention Project (Oral Health)



Completed/Did not Complete Dental Care Referral			
	2022 Total Referred 445	2023 Total Referred 150	2024 Total Referred 446
Completed Dental Referral	166	48	277
Did NOT Complete Referral	279	102	169
Total Number Referred to a Dental Appt	445	150	446
% Referred who Attended Dental Care Appts	37%	32%	62%

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Summary of Findings

- Participant satisfaction rates were generally high
- Overall, programs met their RBA targets:
 - Increased knowledge
 - Motivation
 - Access to healthy food and veggies
 - Confidence to make changes
 - Behavior Change
 - Sugar sweetened beverage reduction
 - Increased physical activity
 - Decreased BMI
 - Completed referrals
- What measures are useful to show the impact of Healthy Berkeley contracts?

20

Evaluation Limitations and Next Steps

- Evaluation Capacity/Resources
 - No resident street (intercept) survey since 2017; No CHKS since 2016
 - California Health Interview Survey Berkeley oversample not done since 2014
- Research Design/Interpretation
 - Cross-sectional snapshots in time
 - Cannot do random sampling
 - Other factors besides HB may be affecting change in attitudes, behavior and chronic disease
 - Hard to isolate any one contracted program or intervention
- Evaluation Next Steps
 - Try again to work with BUSD to implement the Sugar Sweetened Beverage supplement of the California Healthy Kids Survey.

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Program Performance Measures

Dashboard

- *Live review of webpage for Healthy Berkeley dashboard, if issues showing, we will review screenshot slides in this ppt.*
- *We will review aggregate data page, note that this is a work in progress. FY2024 data not yet entered.*
- *Platform is mySidewalk - tools for community data storytelling*

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Healthy Berkeley

The Healthy Berkeley program supports community- and school-based strategies for reducing the consumption of sugar-sweetened beverages and raising awareness about the harmful health impacts of sugar-sweetened beverages in children, youth, and adults in Berkeley. In 2024, the program funded eight contracted agencies. The measures below aggregate data across these agencies.

Note: Because individuals may receive multiple services from multiple agencies, individuals may be counted more than once (i.e. duplicated).

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Program Performance Measures

Note: Slides after Listening Session slides are screenshots *to be shown as backup*, if internet connection doesn't allow for previewing it online:

Healthy Berkeley Results Based Accountability (RBA) Dashboard

How much?
How Well?
Is Anyone Better Off

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Program Performance Measures

2 LISTENING SESSIONS with Healthy Berkeley Agencies on:

Sept 9, 2024 and Sept 11, 2024

What did you see that was valuable?

What was not valuable?

Anything missing or you would like to include?

Other feedback?



Program Performance Measures

FEEDBACK FROM 2 LISTENING SESSIONS

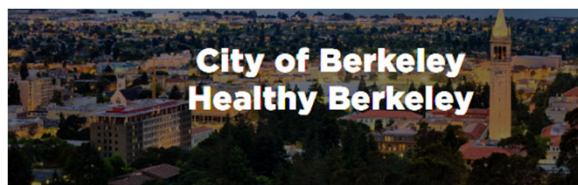
Sept 9, 2024 and Sept 11, 2024

(Attended by reps. from Ecology Center, BUSD, Healthy Black Families, YMCA-ECI, Multicultural Institute, LifeLong Medical Care, Bay Area Community Resources)

- Would like spaces for photos, stories, quotes, to help bring the data alive and connect viewers to what they are doing
- Appreciated seeing the data and are working towards implementing RBA in their agency
- Who is the intended audience for this?
- If this will be made public, such as on a website, is there a timeline for that?
- Appreciated the dotted line showing where 100% of goal is for their agency, showed that although there was a decrease from previous year, their efforts still exceeded 100% of their goal
- Would like to see their agency pages when FY2024 data is updated

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Program Performance Measures



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Healthy Black Families
LifeLong Medical Care
Multicultural Institute
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Healthy Berkeley

The Healthy Berkeley program supports community- and school-based strategies for reducing the consumption of sugar-sweetened beverages and raising awareness about the harmful health impacts of sugar-sweetened beverages in children, youth, and adults in Berkeley. In 2024, the program funded eight contracted agencies. The measures below aggregate data across these agencies.

Note: Because individuals may receive multiple services from multiple agencies, individuals may be counted more than once (i.e. duplicated).

Questions to SSBPPE Commissioners for Healthy Berkeley RBA Dashboard

What did you see that was valuable?

What was not valuable?

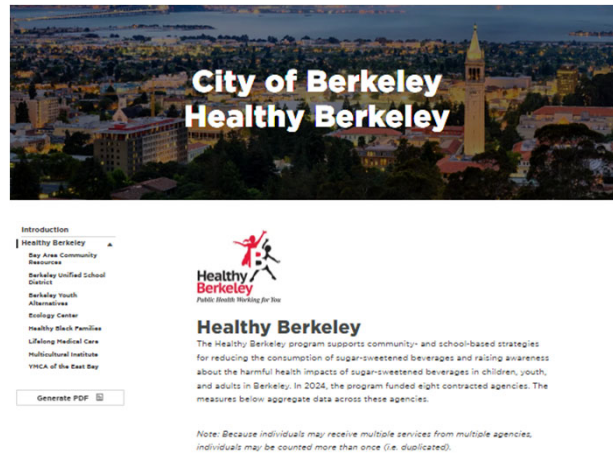
Anything missing or you would like to include?

Other feedback?

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Program Performance Measures

RBA Dashboard- Aggregate Data Screenshot pages (show if live webpage is having issues)



**City of Berkeley
Healthy Berkeley**

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Lifelong Medical Care
Multicultural Institute
YMCA of the East Bay

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Healthy Berkeley
Public Health Working for You

The Healthy Berkeley program supports community- and school-based strategies for reducing the consumption of sugar-sweetened beverages and raising awareness about the harmful health impacts of sugar-sweetened beverages in children, youth, and adults in Berkeley. In 2024, the program funded eight contracted agencies. The measures below aggregate data across these agencies.

Note: Because individuals may receive multiple services from multiple agencies, individuals may be counted more than once (i.e. duplicated).

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Program Performance Measures

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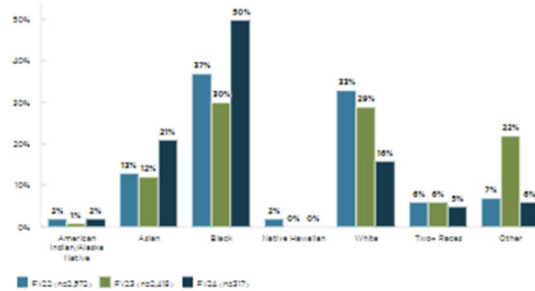
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How much are we doing?

Demographics

Healthy Berkeley contractors track the demographics of their participants to ensure they are equitably serving the community. Several contractors reported the race, ethnicity, income level, and age ranges of their participants.

Healthy Berkeley participants, by race and fiscal year (FY22-24)

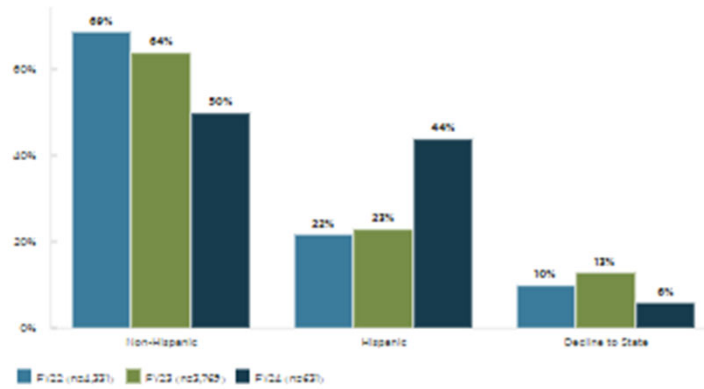


Agencies included: 18 Reasons, Bay Area Community Resources, Berkeley Unified School District, Berkeley Youth Alternatives, Community Health Education Institute, Ecology Center, Fresh Approach, Healthy Black Families, Innovative Health Solutions, Lifelong Medical Care, Multicultural Institute (MI), and YMCA of the East Bay.

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Program Performance Measures

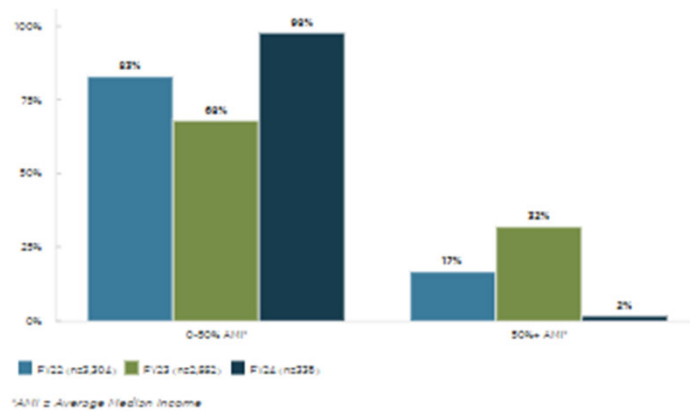
Healthy Berkeley participants, by ethnicity and fiscal year (FY22-24)



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Program Performance Measures

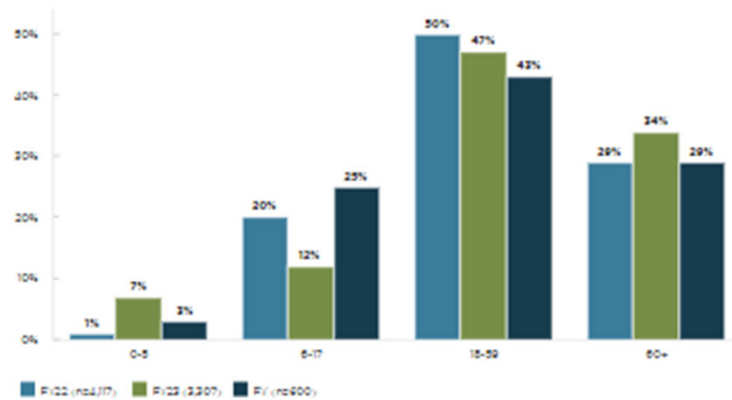
Healthy Berkeley participants, by income and fiscal year (FY22-24)



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Program Performance Measures

Healthy Berkeley participants, by age and fiscal year (FY22-24)



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Program Performance Measures

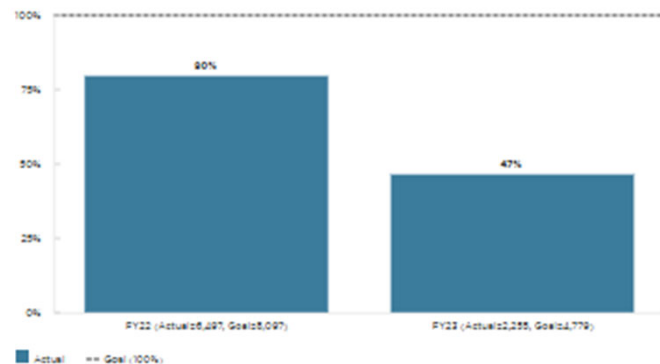
Number of classes, workshops & events

Healthy Berkeley contractors offer a variety of classes, workshops, and events. These include gardening classes, cooking classes, professional development workshops, school assemblies, pop up events, farmer's market tours, grocery store tours, oral health outreach events, workshops delivered to day laborers, and movement and music classes for families.

During the 2022-2023 fiscal year, contractors experienced delays in offering classes, workshops, or events. Several contractors were unable to start these services until the 2023-2024 fiscal year, which is reflected in the dip in FY23.

Number of classes, workshops, and events	Current	Goal
	2,242	4,721
	classes, workshops, and events	classes, workshops, and events in FY22

Number of classes, workshops, and events - progress towards goals, by fiscal year (FY22-23)



Agencies have not yet submitted data for FY2024. Agencies included: 18 Reasons, Berkeley Unified School District, Berkeley Youth Alternatives, Community Health Education Institute, Ecology Center, Fresh Approach, Healthy Black Families, Lifelong Medical Care, Multicultural Institute (MI), and YHCA of the East Bay.

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Program Performance Measures

Number of individuals served

Healthy Berkeley also tracks the number of individuals served by their contractors. This may include individuals served through the workshops, classes, and events, individuals who receive food or water bottles, individuals who received a screening, and other services.

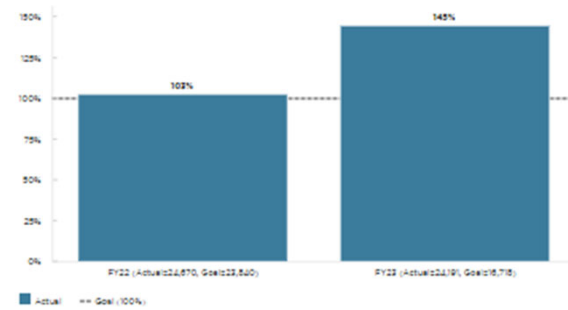
Number of individuals served

Current
24,191
individuals

Goal
16,718
individuals
in FY22

Achieved Goal 

Number of individuals served - progress towards goals, by fiscal year (FY22-23)



Agencies have not yet submitted data for FY2024. Agencies included: 18 Reasons, Bay Area Community Resources, Berkeley Unified School District, Berkeley Youth Alternatives, Community Health Education Institute, Ecology Center, Fresh Approach, Healthy Black Families, Lifelong Medical Care, Multicultural Institute, and YHICA of the East Bay.

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Program Performance Measures

Number of hours of training provided

Healthy Berkeley contractors also provide training to their program participants. Training can include policy and advocacy training, professional development training, onboarding interns, and food justice and health equity training.

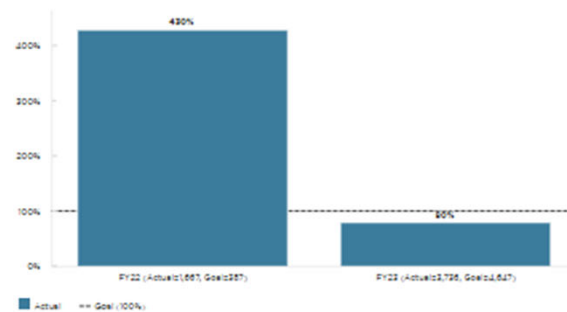
Number of hours of training provided

Current
2,536
hours

Goal
147
hours
in FY22

Achieved Goal 

Number of hours of training provided - progress towards goals, by fiscal year (FY22-23)



Agencies have not yet submitted data for FY2024. Agencies included: 18 Reasons, Bay Area Community Resources, Berkeley Youth Alternatives, Community Health Education Institute, Ecology Center, and Healthy Black Families.

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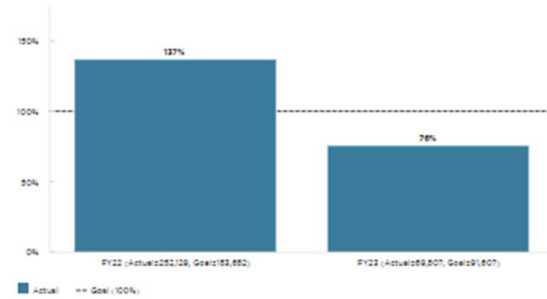
Program Performance Measures

Number of encounters through workshops, classes, events, and outreach

Many participants attend multiple workshop sessions, classes, events, and outreach events. The below data shows the duplicated number of encounters at these activities.

Number of encounters through workshops, classes, events, and outreach	Current 69,807 encounters	Goal 91,607 encounters in FY23
---	--	--

Number of encounters through workshops, classes, events, and outreach - progress towards goals, by fiscal year



Agencies have not yet submitted data for FY2024. Agencies included: Berkeley Unified School District, Community Health Education Institute, Fresh Approach, Healthy Black Families, and Lifelong Medical Care.

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Program Performance Measures

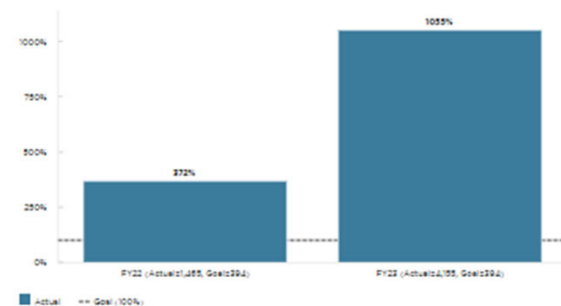
Number of community members reached through policy and advocacy work

In addition to providing direct services to the community, Healthy Berkeley contractors participate in policy and advocacy work aimed at reducing the consumption of sugar-sweetened beverages and highlighting health impacts of sugar-sweetened beverages. This work includes community listening sessions, interviews, pop-up tabling events, letters of support, advocacy meetings with City Council, op-eds, social media activity, email newsletters, and information shared on their websites.

Number of community members reached through policy and advocacy work	Current 4,155 community members	Goal 394 community members in FY23
--	--	--

Achieved Goal 🏆

Number of community members reached through policy and advocacy work - progress towards goals, by fiscal year (FY22-23)



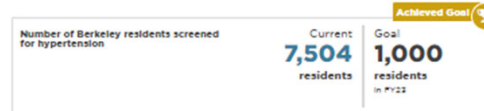
Agencies have not yet submitted data for FY2024. Agencies included: Bay Area Community Resources, Berkeley Youth Alternatives, and Community Health Education Institute.

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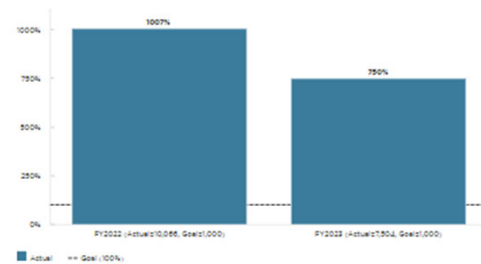
Program Performance Measures

Number of Berkeley residents screened for hypertension

Lifelong Medical Care provides residents with screenings for hypertension, with the ultimate goal of connecting patients with care that meets their needs.



Number of Berkeley residents screened for hypertension - progress towards goals, by fiscal year (FY22-23)



Agencies have not yet submitted data for FY2024. Agency included: Lifelong Medical Care

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Program Performance Measures

How well are we doing it?

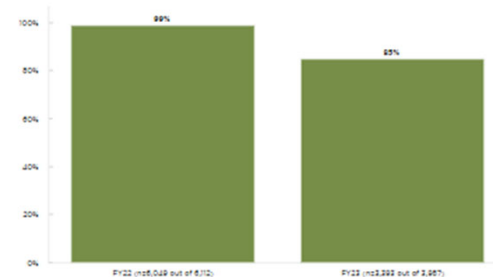
Percent of participants that would recommend the workshop, class, event, or training to family and friends

Several contractors administer satisfaction surveys at the end of their workshops, classes, events, and trainings. This data is from their post-event surveys.



Goals ranged from 40% to 97%, averaging 72%.

Percent of participants who would recommend the workshop, class, event, or training to family and friends, by fiscal year (FY22-23)



Goals ranged from 40% to 97%. Agencies have not yet submitted data for FY2024. Agencies included: 18 Reasons, Berkeley Youth Alternatives, Community Health Education Institute, Ecology Center, Healthy Black Families, Lifelong Medical Care, and Multicultural Institute (MI).

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Program Performance Measures

Is anyone better off?

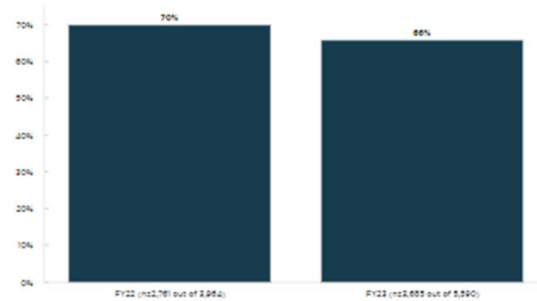
Percent of participants that feel more motivated to reduce the amount and/or frequency they drink sugary drinks

Several contractors also administer outcomes surveys at the end of their workshops, classes, events, and trainings. This data is from their post-event surveys.



Goals ranged from 40% to 80%, averaging 66%

Participants that feel more motivated to reduce the amount and/or frequency they drink sugary drinks, by fiscal year (FY22-23)



Goals ranged from 28% to 80%. Agencies have not yet submitted data for FY2024. Agencies included: 18 Reasons, Berkeley Youth Alternatives, Community Health Education Institute, Ecology Center, Healthy Black Families, and Multicultural Institute (HI).

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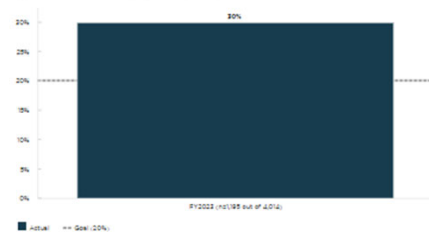
Program Performance Measures

Percent of patients provided with a primary care visit within 2 months of hypertension screening

Once a patient is screened for hypertension, the goal is to get them connected to the care they need. Lifelong Medical Care connects those who they screen with primary care. This measure looks at patients who attend a primary care appointment after being screened for hypertension.



Patients provided with a primary care visit within 2 months of hypertension screening, by fiscal year (FY2023)



Data not tracked in FY2022. Agencies have not yet submitted data for FY2024. Agency included: Lifelong Medical Care.

END OF
Healthy Berkeley aggregate pages

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Program Performance Measures



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 Ecology Center
 Healthy Black Families
 Linking Medical Care
 Multicultural Institute
 VNCA of the East Bay

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Healthy Berkeley

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Note: Because individuals may receive multiple services from multiple agencies, individuals may be counted more than once (i.e. duplicated).

Questions to SSBPPE Commissioners for Healthy Berkeley RBA Dashboard

What did you see that was valuable?

What was not valuable?

Anything missing or you would like to include?

Other feedback?

Name	Site Address	Program/Element
Sacramento MARKET	2974 SACRAMENTO ST	1635 - MEAT & FOOD MKT W/2501-5000 SQ FT
MONTEREY MARKET	1550 HOPKINS ST	1636 - MEAT & FOOD MKT W/5001-7500 SQ FT
SAFEWAY STORE #691	1444 SHATTUCK PL	1637 - MEAT & FOOD MKT W/OVER 7500 SQ FT
WHOLE FOODS MARKET	3000 TELEGRAPH AVE	1637 - MEAT & FOOD MKT W/OVER 7500 SQ FT
7-ELEVEN STORE #2369-36482A	2000 SAN PABLO AVE	1617 - FOOD MARKET W/2501-5000 SQ FT
MI TIERRA FOODS #2	2082 SAN PABLO AVE	1617 - FOOD MARKET W/2501-5000 SQ FT
MILAN 1099/1617	990 UNIVERSITY AVE	1617 - FOOD MARKET W/2501-5000 SQ FT
TARGET EXPRESS	2187 SHATTUCK AVE	1617 - FOOD MARKET W/2501-5000 SQ FT
WALGREENS #15025/2190SHAT	2190 SHATTUCK AVE	1617 - FOOD MARKET W/2501-5000 SQ FT
ZERO GROCERY	733 ALLSTON WAY	1617 - FOOD MARKET W/2501-5000 SQ FT
BERKELEY BOWL MARKET PLACE	2020 OREGON ST	1618 - FOOD MARKET W/5001-7500 SQ FT
TARGET	1414 UNIVERSITY AVE	1618 - FOOD MARKET W/5001-7500 SQ FT
ANDRONICO'S COMMUNITY MARKETS #2451	1850 SOLANO AVE	1619 - FOOD MARKET W/OVER 7500 SQ FT
ANDRONICO'S COMMUNITY MARKETS #2453	1550 SHATTUCK AVE	1619 - FOOD MARKET W/OVER 7500 SQ FT
BERKELEY BOWL WEST #1-FOOD MKT	920 HEINZ AVE	1619 - FOOD MARKET W/OVER 7500 SQ FT
CVS PHARMACY	2655 TELEGRAPH AVE	1619 - FOOD MARKET W/OVER 7500 SQ FT
CVS PHARMACY #9941	1451 SHATTUCK AVE	1619 - FOOD MARKET W/OVER 7500 SQ FT
DOLLAR TREE	1284 SAN PABLO AVE	1619 - FOOD MARKET W/OVER 7500 SQ FT
WALGREENS #10045/TEL	2310 TELEGRAPH AVE	1619 - FOOD MARKET W/OVER 7500 SQ FT
WALGREENS #2314/GILM	1050 GILMAN ST	1619 - FOOD MARKET W/OVER 7500 SQ FT
WALGREENS #4614/ADEL	2801 ADELINE ST	1619 - FOOD MARKET W/OVER 7500 SQ FT
WHOLE FOODS MARKET #10530	1025 GILMAN ST	1619 - FOOD MARKET W/OVER 7500 SQ FT
TRADER JOE'S	1885 UNIVERSITY AVE	1643 - RESTAURANT W/1001-2500 SQ FT

Measure Z
Sugar-Sweetened Beverage Tax Amendments

Shall the measure to remove the current January 1, 2027 expiration date and extend until ended by voters the general tax on the distribution of sugary drinks and sweeteners, paid by distributors at the rate of 1¢ per fluid ounce, previously approved by voters in 2014, with exceptions for small retailers, milk products, and baby formula, raising approximately \$1,150,000 per year for general government use, be adopted?

**CITY ATTORNEY'S IMPARTIAL ANALYSIS
OF MEASURE Z**

This measure was placed on the ballot by the City Council. It requires a majority vote for passage.

Responding to increased rates of diabetes, obesity, and tooth decay, particularly in low-income communities and communities of color, connected to the consumption of sugar-sweetened beverages, the City Council placed a measure on the ballot in 2014 to impose a general tax on the distribution of sugar-sweetened beverages at a rate of 1 cent per fluid ounce. The measure included exceptions for small retailers, milk products, juice, baby formula, medical drinks, typical sweeteners added by consumers, diet drinks, and alcohol. The measure also established the Sugar-Sweetened Beverage Product Panel of Experts to make recommendations on how and to what extent the City should establish or fund programs to reduce the consumption of sugar-sweetened beverages in Berkeley and to address the effects of such consumption. The measure requires the City Council to consider, but need not follow, the Panel's recommendations and to annually inform the Panel as to the extent to which it has implemented the Panel's recommendations.

The voters adopted the measure in 2014, and it is currently set to expire on January 1, 2027.

This measure would extend the tax on the distribution of sugary beverages and the requirement that the City Council consider the Panel's recommendations on how and to what extent the City should establish or fund programs to reduce the consumption of sugar-sweetened beverages in Berkeley and to address the effects of such consumption, until repealed or modified by the City's voters.

The tax currently raises roughly \$1.15 million a year for the City's general fund, which is expected to remain the same if the tax is reauthorized by voters through this measure.

This measure changes nothing else about the tax. The tax rate, method of collection, method of implementation, exemptions, and other provisions in Chapter 7.72 of the Municipal Code would remain unchanged.

s/FARIMAH FAIZ BROWN
Berkeley City Attorney

ARGUMENT IN FAVOR OF MEASURE Z

This measure is simple!

It extends the EXISTING tax on soda distributors that was passed by over 75% of Berkeley voters in 2014 and will expire soon unless we all vote YES! to keep it in place.

Measure Z is the same as in 2014: it taxes wholesale soda distributors and maintains all existing exceptions including natural fruit and vegetable juice, milk products, baby formula, and drinks taken for medical reasons.

Sugary drinks are proven risk factors for many health problems, including obesity, type 2 diabetes, cardiovascular disease, tooth decay, and some cancers. Almost 50% of African American and Latino children are predicted to get diabetes in their lifetimes.

By voting YES! on Measure Z we can continue to reduce soda consumption and prevent the health problems it causes.

The soda tax, in place now for almost ten years, has been a huge success!

- Since 2014, consumption of sugary drinks has gone down, water consumption is up, and obesity rates for Berkeley's kids have decreased.
- The tax helps pay gardening teachers in all 17 BUSD schools so kids of all ages can participate in Cooking and Gardening Programs.
- It has supported over 77,000 health and dental screenings for low-income community members and over 31,000 community workshops, classes, and events.
- It provides funds to teach kids about healthy eating and for free food pantries and grocery boxes for food-insecure families.
- It provides critical funding for healthcare services to low-income Berkeley residents.

Without Measure Z, which extends the existing tax on wholesale soda distributors, funds for all of these programs will be lost.

Vote YES! on Measure Z to support health equity and continue funding Cooking and Gardening Programs, community food and health organizations, and programs that improve the wellbeing of Berkeley's youth and families.

s/Sophie Hahn
Berkeley City Councilmember

s/Ka'Dijah A. Brown
Vice-President, Berkeley School Board

s/Xavier Morales, Ph.D.
Sugar Sweetened Beverage Product Panel of Experts Commissioner

s/Lupe Gallegos-Diaz
Co-chair, Latinos Unidos de Berkeley

s/Jaleh Niazi, MD
Pediatrician

ORDINANCE NO. _____

REAUTHORIZING AND EXTENDING THE GENERAL TAX ON THE
DISTRIBUTION OF SUGAR-SWEETENED BEVERAGE PRODUCTS

BE IT ORDAINED by the People of the City of Berkeley as follows:

Section 1. Findings.

- A. Responding to the major public health crisis of increased rates of diabetes, obesity, and tooth decay, particularly in low-income communities and communities of color, connected to the consumption of sugary beverages, on November 4, 2014, the voters of the City of Berkeley passed Measure D, which added Chapter 7.72 to the Berkeley Municipal Code and imposed a general tax on the distribution of sugary beverages at a rate of 1 cent per fluid ounce.
- B. Since its adoption, Measure D has measurably reduced the consumption of sugary beverages in the City of Berkeley, as compared to neighboring cities that have not imposed a tax on the distribution of sugary beverages. For example, a report by the Berkeley Food Institute of the University of California found that three years after the passage of Measure D residents of the City of Berkeley were drinking half the amount of soda and consuming 29 percent more water than before Measure D.
- C. Measure D will terminate on January 1, 2027, unless reauthorized by the People of the City of Berkeley.

Section 2. Reauthorization.

- A. The general tax imposed on the distribution of sugary beverages in the City of Berkeley at the rate of 1 cent per fluid ounce, which was imposed by Ordinance No. 7,388-N.S.(Imposing a General Tax on the Distribution of Sugar-Sweetened Beverage Products) and codified as Chapter 7.72 of the Berkeley Municipal Code, is hereby reauthorized beyond December 31, 2026, its last effective date.
- B. The second sentence of section 4 of Ordinance No. 7,388-N.S., which states that “[t]he last effective date of this Ordinance shall be December 31, 2026, and it shall terminate as of January 1, 2027” is hereby deleted and replaced with the following sentence: “This Ordinance shall be effective until repealed or modified by the voters of the City of Berkeley.”

Section 3. Code Amendment. Chapter 7.72 of the Berkeley Municipal Code is hereby amended as follows (additions denoted by underlined text and deletions denoted by ~~strike-through~~):

Chapter 7.72
SUGAR-SWEETENED BEVERAGE PRODUCT DISTRIBUTION TAX

Sections:

- 7.72.010 Excise tax.**
- 7.72.020 Exemptions.**
- 7.72.030 Definitions.**
- 7.72.040 Duties, responsibilities and authority of the City Manager.**
- 7.72.050 Collection.**
- 7.72.060 Refunds.**
- 7.72.070 Enforcement.**
- 7.72.080 Not a sales and use tax.**
- 7.72.090 Sugar-Sweetened Beverage Product Panel of Experts.**
- 7.72.100 Increase appropriations limits.**
- 7.72.110 Amendment.**
- 7.72.120 Duration.**

7.72.010 Excise tax.

A. In addition to any other taxes imposed by the City, the City hereby levies a tax of one cent (\$0.01) per fluid ounce on the privilege of Distributing Sugar-sweetened beverage products in the City.

B. For the purposes of this Chapter, the volume, in ounces, of a Sugar-sweetened beverage product shall be calculated as follows:

1. For a Sugar-sweetened beverage, the volume, in fluid ounces, of Sugar-sweetened beverages distributed to any person in the course of business in the City.
2. For Added caloric sweeteners, the largest volume, in fluid ounces, of Sugar-sweetened beverages that could be produced from the Added caloric sweeteners. In accordance with rules and regulations promulgated by the City pursuant to

Section 7.72.040, the largest volume, in fluid ounces, that would typically be produced from the Added caloric sweeteners shall be determined based on the manufacturer's instructions or, if the Distributor uses the Added caloric sweeteners to produce a Sugar-sweetened beverage, the regular practice of the Distributor.

C. The tax shall be paid upon the first nonexempt Distribution of a Sugar-sweetened beverage product in the City. To the extent that there is a chain of Distribution within Berkeley involving more than one Distributor, the tax shall be levied on the first Distributor subject to the jurisdiction of the City. To the extent the tax is not paid as set forth above for any reason, it shall be payable on subsequent Distributions and by subsequent Distributors; provided, that the Distribution of Sugar-sweetened beverage products may not be taxed more than once in the chain of commerce.

7.72.020 Exemptions.

The tax imposed by this Chapter shall not apply:

- A. To any Distributor that is not subject to taxation by the City under the laws of the United States or the State of California;
- B. To any Distribution of a Sugar-sweetened beverage product to a Retailer with less than \$100,000 in annual gross receipts, as defined in Section 9.04.025, in the most recent year;
- C. To any Distribution of Natural or common sweeteners; or
- D. To any Distribution of Added caloric sweeteners to a Food Products Store as defined in Section 23F.04.010, if the Food Products Store then offers the Added caloric sweetener for sale for later use by customers of that store.

7.72.030 Definitions.

A. "Added caloric sweetener" means any substance or combination of substances that meets all of the following four criteria:

1. Is suitable for human consumption;
2. Adds calories to the diet if consumed;

3. Is perceived as sweet when consumed; and
4. Is used for making, mixing, or compounding Sugar-sweetened beverages by combining the substance or substances with one or more other ingredients including, without limitation, water, ice, powder, coffee, tea, fruit juice, vegetable juice, or carbonation or other gas.

An Added caloric sweetener may take any form, including but not limited to a liquid, syrup, and powder, whether or not frozen. "Added caloric sweetener" includes, without limitation, sucrose, fructose, glucose, other sugars, and high fructose corn syrup, but does not include a substance that exclusively contains natural, concentrated, or reconstituted fruit or vegetable juice or any combination thereof.

B. "Alcoholic beverage" means any beverage subject to tax under Part 14 (commencing with Section 32001) of the California Revenue and Taxation Code, as that Part may be amended from time to time.

C. "Beverage for medical use" means a beverage suitable for human consumption and manufactured for use as an oral nutritional therapy for persons who cannot absorb or metabolize dietary nutrients from food or beverages, or for use as an oral rehydration electrolyte solution for infants and children formulated to prevent or treat dehydration due to illness. "Beverage for medical use" shall also mean a "medical food" as defined in Section 109971 of the California Health and Safety Code, as that definition may be amended from time to time. "Beverage for medical use" shall not include drinks commonly referred to as "sports drinks" or any other common names that are derivations thereof.

D. "Business Entity" means any Person except for a natural person.

E. "City" means the City of Berkeley, California.

F. "City Manager" means the City Manager of the City of Berkeley or his or her designee.

G. "Consumer" means a natural person who purchases a Sugar-sweetened beverage product in the City for a purpose other than resale in the ordinary course of business.

H. "Distribution" or "Distribute" means the transfer of title or possession (1) from one Business entity to another for consideration or (2) within a single Business entity, such

as by a wholesale or warehousing unit to a retail outlet or between two or more employees or contractors. "Distribution" or "Distribute" shall not mean the retail sale to a Consumer.

I. "Distributor" means any Person who Distributes Sugar-sweetened beverage products in the City.

J. "Milk" means natural liquid milk, regardless of animal source or butterfat content, natural milk concentrate, whether or not reconstituted, regardless of animal source or butterfat content, or dehydrated natural milk, whether or not reconstituted and regardless of animal source or butterfat content, and plant-based milk substitutes, that are marketed as milk, such as soy milk and almond milk.

K. "Natural or common sweetener" means granulated white sugar, brown sugar, honey, molasses, xylem sap of maple trees, or agave nectar.

L. "Person" means an individual, trust, firm, joint stock company, business concern, business trust, government, receiver, trustee, syndicate, social club, fraternal organization, estate, corporation, including, but not limited to, a limited liability company, and association or any other group or combination acting as a unit.

M. "Retailer" means any Person who serves Sugar-sweetened beverage products to a Consumer.

N. "Simple syrup" means a mixture of water and one or more Natural or common sweeteners without any additional ingredients.

O. "Sugar-sweetened beverage" means any beverage intended for human consumption to which one or more Added caloric sweeteners has been added and that contains at least 2 calories per fluid ounce.

1. "Sugar-sweetened beverage" includes, but is not limited to all drinks and beverages commonly referred to as "soda," "pop," "cola," "soft drinks," "sports drinks," "energy drinks," "sweetened ice teas," or any other common names that are derivations thereof.

2. "Sugar-sweetened beverage" shall not include any of the following:

- (a) Any beverage in which milk is the primary ingredient, i.e., the ingredient constituting a greater volume of the product than any other;

- (b) Any beverage for medical use;
- (c) Any liquid sold for use for weight reduction as a meal replacement;
- (d) Any product commonly referred to as "infant formula" or "baby formula"; or
- (e) Any alcoholic beverage.

P. "Sugar-sweetened beverage product" means a Sugar-sweetened beverage or Added caloric sweetener.

7.72.040 Duties, responsibilities and authority of the City Manager.

A. It shall be the duty of the City Manager to collect and receive all taxes imposed by this Chapter, and to keep an accurate record thereof.

B. The City Manager is hereby charged with the enforcement of this Chapter, except as otherwise provided herein, and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this Chapter, including provisions for the reexamination and correction of returns and payments, and for reporting. Such rules and regulations may include, but are not limited to, the following:

1. The determination of the frequency with which a Distributor must calculate the tax. This determination shall not constitute an increase of the tax.
2. The determination of the frequency with which a Distributor must pay the tax. This determination shall not constitute an increase of the tax.
3. The determination of whether and how a Distributor must register with the City.
4. The determination of whether and how a Distributor who receives, in the City, Sugar-sweetened beverage products from another Distributor must report to the City the name of that Distributor.
5. The determination of whether and how a Distributor who receives, in the City, Sugar-sweetened beverage products from another distributor must report to the City the volume of Sugar-sweetened beverage products received from that Distributor.
6. The determination of what other documentation is required to be created or maintained by a Distributor.

C. The City Manager shall annually verify that the taxes owed under this Chapter have been properly applied, exempted, collected, and remitted.

7.72.050 Collection.

A. The amount of any tax, penalty, and interest imposed under the provisions of this Chapter shall be deemed a debt to the City. Any Distributor owing money under the provisions of this Chapter shall be liable in an action brought in the name of the City for the recovery of such amount.

B. In order to aid in the City's collection of taxes due under this Chapter, any Retailer that receives Sugar-sweetened beverage products from a Distributor shall, in accordance with rules and regulations promulgated by the City Manager pursuant to Section 7.72.040, either:

1. report to the City all such transactions, the volume in ounces of Sugar-sweetened beverage products received in each transaction, and the identity and contact information of the Distributor from whom the Sugar-sweetened beverage products were received; or
2. collect the tax that would be payable as a result of the transaction by the Distributor from whom the Sugar-sweetened beverage product was received and remit it to the City; or
3. provide to the City evidence that the Distributor from whom the Sugar-sweetened beverage products were received has registered as a Distributor with the City and that registration is current.

C. The City Council is authorized to have the taxes imposed by this Chapter collected by the County of Alameda or the California Board of Equalization in conjunction with the collection of other taxes for the City. If the City Council exercises this authorization, the duties and responsibilities of the City Manager shall be given, as appropriate, to the County of Alameda or the California Board of Equalization, which may delegate such duties and responsibilities as necessary and as authorized by law.

7.72.060 Refunds.

Whenever any tax under this Chapter has been paid more than once or has been erroneously or illegally collected or received by the City, it may be refunded only as provided in Chapter 7.20 of the Berkeley Municipal Code.

7.72.070 Enforcement.

Except as otherwise provided by this Chapter or by rule or regulation promulgated by the City Manager, the tax imposed by this Chapter shall be administered in the same manner as taxes imposed pursuant to Chapter 9.04 and, without limitation, shall be subject to the same delinquency penalties, appeals processes and other enforcement provisions set forth in Chapter 9.04.

7.72.080 Not a sales and use tax.

The tax imposed by this Chapter is a tax upon the privilege of conducting business, specifically, Distributing Sugar sweetened beverage products within the City of Berkeley. It is not a sales, use, or other excise tax on the sale, consumption or use of Sugar-sweetened beverage products.

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.

H. Within 15 days of receipt of the publication of the Panel's annual report, the City Manager shall cause the report to be published on the City's Internet website and to be

transmitted to the City Council and the Governing Board of the Berkeley Unified School District.

I. The City Council shall consider, but need not follow, the Panel's recommendations and shall annually inform the Panel as to the extent to which it has implemented the Panel's recommendations.

7.72.100 Increase appropriations limits.

Pursuant to California Constitution article XIII B, the appropriation limit for the City is increased by the aggregate sum authorized to be levied by this tax for each of the four fiscal years from ~~20245-246~~ through ~~20248-249~~.

7.72.110 Amendment.

The City Council, without a vote of the people, may, either permanently or temporarily, increase the dollar amount of the threshold for the small-business exemption in Section 7.72.020.B.

7.72.120 Duration.

This Ordinance shall be effective until repealed or modified by the voters of the City of Berkeley.

Section 4. Amendment, repeal, and reenactment. The City Council may repeal this ordinance, or amend it in any manner that does not result in an increase in the tax imposed herein, or add or modify exemptions, without further voter approval. If the City Council repeals this ordinance, it may subsequently reenact it without voter approval, as long as the reenacted ordinance does not result in an increase in the tax imposed herein.

Section 5. California Environmental Quality Act Requirements.

This Ordinance is exempt from the California Environmental Quality Act, Public Resources Code section 21000 et seq., including without limitation Public Resources Code section 21065, CEQA Guidelines section 15378(b)(4) and 15061(b)(3), as it can be seen with certainty that there is no possibility that the activity authorized herein may have a significant effect on the environment and pursuant to Public Resources Code

section 21080, subdivision (b)(8) and CEQA Guidelines section 15273 as the approval of government revenues to fund existing services.

Section 6. General Tax; Simple Majority Vote Requirement. This Ordinance imposes a general tax and shall be effective if approved by a simple majority of the voters voting thereon.



Sugar-Sweetened Beverage Product
Panel of Experts Commission

COMMUNICATION TO COUNCIL

Date: September 19, 2024

To: Mayor and Members of the City Council

From: Kenneth Hecht, Chair, Sugar-Sweetened Beverage Products Panel of Experts Commission (SSBPPE)

Subject: Ordinance Prohibiting the use of City Funds to Purchase SSBs for City Events

On behalf of the members of Berkeley's Sugar-Sweetened Beverage Panel of Product Experts, we are requesting a report on the monitoring and enforcement of the Berkeley ordinance which prohibits the sale, purchase and serving of sugary drinks with City funds or on City premises.

The SSBPPE thanks you in advance for your direction, management and assistance with our mission.

If you have any questions or comments, please do not hesitate to contact the SSBPPE Commission Chair, Kenneth Hecht through the Commission Secretary, Roberto Terrones at rtorrone@berkeleyca.gov.