

Sugar-Sweetened Beverage Community Advisory Board
Retreat
Special Meeting Notice
1330 Broadway
3rd Floor, Kingston Conference Room
Oakland, CA 94612
December 1, 2018 2:00 pm - 6:00 pm

Agenda

1. Welcome & Call to Order
2. Allocation Planning *Action*
3. Bylaws Adoption *Action*
4. Selection of New Advisory Board Chair & Vice Chairs *Action*
5. Adjournment

DRAFT - This draft was created by members of the By-Laws AD HOC Committee of the 2017-2020 Sugar-Sweetened Beverage (SSB) Board: Tonya Love, Kimberly Carter-Martinez. Incorporates review and edits from the City Attorney.

Article 1: Establishment and Government Law

NOTE - Sections cited by ordinance, including the Sugar-Sweetened Beverage Distribution Tax Ordinance Ch. 4.52, cannot be amended by the SSB Board. Sections cited are included in SSB Board Bylaws for clarity only.

Section 1: Name: Oakland Sugar-Sweetened Beverage Community Advisory Board (SSB Board)

Section 2: Authority, Statutory Requirements:

November 2016 voters approved an ordinance known as the “Sugar-Sweetened Beverage Distribution Tax Ordinance” which imposed a 1 cent per ounce tax on the distribution of sugar-sweetened beverages and added Chapter 4.52 to Title 4, Revenue and Finance, of the Oakland Municipal Code (“OMC”). OMC 4.52.800 establishes a Community Advisory Board.

Purpose: OMC 4.52.080 A: The Community Advisory Board (SSB Board) shall advise and make recommendations on how and to what extent the City Council should establish and/or fund programs to prevent or reduce the health consequences of the consumption of sugar-sweetened beverages in Oakland communities, including but not limited to programs and projects to improve community nutrition, reduce childhood obesity and tooth decay, increase physical activity and prevent type two diabetes in children and families, especially those most affected by health disparities.

Compliance: The SSB Board shall comply with all applicable laws, including but not limited to:

- Oakland City Charter (as applicable)
- Sugar-Sweetened Beverage Distribution Tax Ordinance (OMC Chapter 4.52)
- Oakland Sunshine Ordinance (OMC Chapter 2.20)
- The Ralph M. Brown Act (Government Code sections 54950 et. seq)
- The Political Reform Act of 1974 (Government Code sections 81000 et. seq)
- The Public Records Act (Government Code sections 6250 et. seq)
- Oakland Conflict of Interest Code (OMC Chapter 3.16)
- These operations policies and other policies adopted by the SSB Board

If any conflict exists between any of the foregoing laws and these bylaws, the applicable Law shall take precedence over the bylaws.

Section 3: Purpose, Vision and Guiding Principles:

As adopted by the SSB Board on March 12, 2018.

Purpose: To advise and make recommendations on how the City Council should establish and/or fund programs to prevent or reduce the health consequences of the consumption of sugar-sweetened beverages in Oakland communities by ensuring an equitable, rigorous and transparent process.

Vision: Ensuring the right to a healthy life by investing in the health of Oakland children and families. Building hope for a better tomorrow.

Guiding Principles:

- We are committed to achieving the highest level of health and well-being for Oakland children and families, particularly those who are most affected by the impacts of sugar-sweetened beverages (“SSBs”), including but not limited to the following:
 - Social justice through food system change
 - Dental disease prevention and overall health promotion including obesity, type two diabetes and oral health
 - Addressing health disparities and inequities for low-income and our most vulnerable communities
 - Health eating and active living for all.
- We will strive for systemic change, strategic coordination, and community-based collaboration among key stakeholders.
- We will ensure that the community voices are included, integrated and upheld.
- We will strive to increase our community’s ability to create change our community members’ self-capacity to live a healthy life.
- We are committed to ensuring a culturally appropriate and ethnic lens to the funding work.
- We are committed to equity, fairness, transparency, and high impact.

Article 2: Commission Structure and Support

Section 1: Sugar-Sweetened Beverage Community Advisory Board (SSB Board)

Sugar-Sweetened Beverage Community Advisory Board (SSB Board): Pursuant to OMC 4.52.080 B, The Community Advisory board shall consist of nine (9) members who are all residents of the City. City Councilmembers shall make recommendations for members to the Mayor. Members of the Advisory Board shall be appointed by the Mayor and confirmed by the City Council in accordance with the City Charter section 601.

- At least three (3) members will be residents who live in areas as defined by the most current census tracts, which are disproportionately impacted by diseases related to the consumption of sugar, as measured by the most recent data available to the Alameda County Department of Public Health.
- At least two (2) members will be one medical and one dental professional who have public health experience who engage in whole or in part in the prevention, diagnosis,

treatment, or research of, or education about, chronic diseases linked to the consumption of sugar.

- At least two (2) parents of students currently enrolled in an Oakland Unified School District (OUSD). The parent representatives shall have a student enrolled in an OUSD school at the commencement of the initial term and any subsequent term.
- At least two (2) members will have experience in addressing public health issues, related to diabetes, obesity and sugary drink consumption, community-based youth food and nutrition programs, school-based food and nutrition programs, oral health or early childhood nutrition.

Section 2: **Time of Service:**

OMC 4.52.080 C. Members shall serve three (3) year terms. No member shall serve more than two (2) consecutive three (3) year terms. The initial two three (3) year term for each of the initial members shall commence as of the date that six (6) members have been appointed, which is when the Advisory Board may begin its work. A quorum of the Advisory Board shall be five (5) members. Absence from three (3) consecutive regular meetings, or four (4) regular meetings during a single fiscal year, may be cause for removal from the Advisory Board, subject to section 601 of the City Charter.

Section 3: **Removal.**

SSB Board members can be removed pursuant to Charter section 601, which states that a commissioner may be removed for cause, after hearing, by the affirmative vote of at least six members of the Council.

Any vacancy shall be filled pursuant to the procedures outline by Charter section 601 and OMC 4.52.080 B. Charter section 601 makes the following stipulations with regard to vacancies:

Vacancies shall be filled for any unexpired term in the same manner as the original appointments were made; provided, however, that if the Mayor does not submit for confirmation a candidate to fill the vacancy within 90 days of the date the vacancy first occurred, the Council may fill the vacancy. If the Mayor does submit for confirmation a candidate to fill a vacancy within the 90-day time frame and the Council does not confirm the candidate, the 90-day period shall commence anew. For purposes of this Section, a seat filled by a holdover appointment will be considered vacant as of the expiration of the holdover's prior term of office.

Section 4: **Oath of Office:**

Acceptance of the Oath of Public Office constitutes a SSB Board member's sworn responsibility of public trust. Members are required to serve well and to faithfully discharge their duties and

responsibilities diligently and consistent with the laws of the City of Oakland and all pertinent state and federal laws.

Section 5: Rules, Regulations, and Procedures:

Rules, regulations, and procedures for the conduct of SSB Board business shall be established by resolution or motion by the affirmative vote a majority of members present.

Section 6: Role of Individual SSB Board Members:

It shall be the duty of individual SSB Board members to:

- Attend monthly SSB Board meetings on a regular and consistent basis, as according to OMC 4.52.080 B missing 4 consecutive regularly scheduled board meetings may result in removal pursuant to Section 601 of the City Charter.
- Serve on at least one standing subcommittee.
- Read materials sent in preparation for each meeting.
- Help approve recommendations for SSB tax expenditures to the Oakland City Council each funding cycle.
- Provide input and /or recommendations concerning communications or reports from the Board to Oakland City Council and/or Mayor.
- Represent stakeholder groups or the community as a whole in providing input which reflects the concerns, visions and ideas of the community.
- Engage in analysis and discussion of issues to be brought before the SSB Board.
- Participate in SSB Board activities and functions.

Section 7: Conflict of Interest:

A SSB Board member shall immediately notify the City Administrator or designee and the Chairpersons of any real or possible conflict of interest between membership on the SSB Board and work or other involvement with entities funded or served by the Sugar-Sweetened Beverage Tax, including any financial interest in or any benefit from any program, project, or organization, agency or other entity that is seeking or will seek funding approval from the SSB Board. Financial interest or benefit includes, without limitation, salaries, consultant fees, commissions, gifts, gratuities, favors, sales income, rental payments, investment income or other business income.

SSB Board members shall comply with the City of Oakland Government Ethics Act, the California Political Reform Act, and other local, state, or federal conflict of interest laws as applicable.

Section 8: Officers and Election of Officers:

Election of Officers. Upon development of bylaws and thereafter at the first regular meeting of each year, commissioners must elect Executive Officers. Election of SSB Board Officers shall commence as follows:

- The SSB Board will elect new officers on a calendar year schedule. The elections will be held in the December meeting, and new officers will serve in January of the next year.
- In December 2018, during the first official election, the board will fill all positions. The election will seat the new Chair, two (2) Vice-Chairs, Financial Transparency Officer, and Communications Chair.
- In December of every year after, the election will seat the 2nd Vice Chair, Financial Transparency Officer and Communications Chair or Officer. (See Chair, Vice Chair section below).
- Each nominee, either by fellow board members or by self-nomination, must be submitted to SSB Board staff 7 days prior to the December Election meeting.
- If more than one commissioner is nominated or volunteers to be nominated for an office, each nominee may speak regarding their qualifications and willingness to serve and answer questions of commissioners or the public.
- The Commission may discuss the nominations and, when the vote is called, each commissioner may cast a single vote for each office.
- Officers are elected by the affirmative vote of a majority of SSB members present.
- Chair, Vice Chairs: Selection of Chair and Vice Chairs will proceed as follows.
 - i. The SSB Board will elect two (2) vice chairs. Every year after, the board will elect the Second Vice Chair.
 - ii. *1st Vice Chair* will serve as second in command to the Chair. Upon the end of the Chair's term, the 1st Vice Chair will transition to the position of Chair.
 - iii. *2nd Vice Chair* will serve as alternate to 1st Vice Chair; learn the role during their term and transition to 1st Vice Chair upon transition of the Chair.
- Officer Terms of Service: Each elected officer will serve a one-year term. Elected officers can only serve two (2) one- year terms in a single officer position during one term as a SSB Board Commissioner (a 3-year term).
 - i. Notwithstanding the preceding section, the 2017-2018 Chair, elected October 2017, will serve until **January 2019**, for the sake of continuity.
- Officer Roles:
 - i. *Chair:* The Chair presides and facilitates all meetings of the SSB Board. The chair is an ex-officio member of all standing committees. The Chair serves as the spokesperson for the SSB Board unless otherwise designated. The Chair coordinates with the Vice Chair to define the agenda for each SSB Board meeting and then works directly with the City staff liaison to finalize. The Chair works with the SSB Board Communications Chair/Officer and SSB Board Staff to develop the annual report to Oakland City Council.

- ii. *1st Vice Chair.* performs the duties and responsibilities that may be delegated by the Chair. In the absence or disability of the Chair, the Vice Chair will perform the duties and responsibilities of the Chair. Along with the Chair, they will help set the agenda of SSB Board meetings.
- iii. *2nd Vice Chair.* serves as the alternate of 1st Vice Chair if said officer cannot perform their duties. The 2nd Vice Chair will transition to 1st Vice Chair upon every election.
- iv. *Financial Transparency Officer* – Coordinates with the Chair to facilitate periodic reports to the Board on the revenues collected and expenditures through the Sugar Sweetened Beverage Tax Fund.
- v. *Communications Chair or Officer.* The Communications Officer will serve as spokesperson for the SSB Advisory Board if the SSB Board Chair is not available and as Chair of the SSB Communications Committee if formed by the Board - to develop recommendations for Board approval for a communications plan to raise awareness to reduce the impact of sugar sweetened beverages, to include media and social marketing strategies, to provide input on communication and marketing deliverables to align with SSB Board Vision and Guiding Principles, and to develop the SSB Board's annual report for approval by the full Board.

Article 3: Community Advisory Meetings and Committees.

Section 1: Quorum

At all meetings of the full SSB Board, the presence of five SSB Board members shall constitute a quorum. In the event that a quorum is not established within 20 minutes of official start time, the meeting shall be cancelled.

The attendance record shall reflect absences and tardiness (arrival more than fifteen (15) minutes after the scheduled start time). A SSB Board member shall notify the Chairperson and SSB Board staff of an anticipated absence.

Section 2: Public Input on Agenda Items

A person wishing to speak must submit his or her name and the item on the agenda he or she wishes to discuss, if any, to SSB Board staff before being recognized by the Chairperson. A person wishing to speak must complete a speaker card for each agenda item on which he/she wishes to speak. Multiple agenda items cannot be listed on one speaker card.

Speakers' cards must be received by the Chairperson prior to the agenda item being called, unless consent to speak is given by the Chairperson.. If a speaker signs up to speak on multiple items listed on the agenda, the Chairperson may rule that the speaker be given an

appropriate allocation of time to address all issues at one time (cumulative) before the items are called.

Each agenda for regular or special meetings of the SSB Board, or its standing Subcommittees, shall provide an opportunity for each member of the public to directly address the SSB Board prior to action thereupon. Each person wishing to speak on an item can submit a speaker's card and shall be permitted to speak once based upon previously adopted time constraints, which are reasonable and uniformly applied.

Section 4: Public Input on Non-Agenda Items (Open Forum)

All regular SSB Board meetings shall provide the opportunity for public comment on items not on the agenda but within the jurisdiction of the SSB Board (Open Forum). Open Forum shall appear on the agenda prior to adjournment. Each person wishing to speak on Open Forum shall be allowed to do so, after filling out a speaker's card. Members of the public may, after submittal of speaker cards, address the SSB Board regarding any items of public interest that are not on the meeting agenda. Ordinarily, each speaker may speak for up to two (2) minutes, but the Chairperson has the discretion to limit or extend the time uniformly applied. Open Forum speaker cards are to be numbered in the order received by the SSB Board Staff.

Section 5: Identification of Speaker Persons

Speakers addressing the SSB Board or Sub-committees shall state their names and the organization they are representing, if any. They shall confine their remarks to the subject under discussion, unless they are speaking during the Open Forum portion of the Agenda.

Section 6: Meeting Minutes

Meeting Minutes shall be taken at every regular and special SSB Board meeting. The Minutes shall be recorded by SSB Board staff. A draft of the minutes will be available for inspection and copying within 10 days after each meeting. The officially adopted minutes shall be available for inspection and copying upon request no later than five days after the meeting at which the minutes are adopted. Meeting minutes, at minimum, should include the start time of the meeting, the names of the members attending the meeting, a one-sentence summary of, and the roll call vote on, each matter considered at the meeting, the start and end time of any closed session, those members of the public who spoke on each matter if the speakers identified themselves, and the time the meeting was adjourned.

Section 7: Regular Meetings

Regular SSB Board meetings shall be held on the second Monday of each month at 6:00 p.m. or as otherwise set forth in the published calendar and posted on the internet with proper notice. Meetings shall be held in Oakland City Hall, One Frank H. Ogawa Plaza, in the City of Oakland, CA, and preferably held in hearing rooms that KTOP Oakland has access to record meetings. All SSB Board meetings shall be audio recorded. The regular meetings will not be held during the month of August for SSB Board recess.

Section 8: Recess

The SSB Board shall recess for the period of August 1 through August 31 each year, which shall be known as the "annual recess."

Section 9: Notice and Conduct of Regular Meetings

Notices and agendas of all regular SSB Board and standing Sub-committee meetings shall be posted in the City Clerk's Office and on an exterior bulletin board accessible twenty-four (24) hours a day. Notice of regular meetings shall be posted at least seventy-two (72) hours before the meeting. Action may only be taken on items that comply with the notice provisions of the Sunshine Ordinance and the Brown Act.

Section 10: Notice and Conduct of Special Meetings

Special Meetings are SSB Board meetings scheduled for a date, time or place other than the date time or place set out in Section 7.

Special SSB Board or Sub-committee meetings may be called at any time by the Chairperson or by a majority of the SSB Board members or standing Sub-committee members or standing SSB Board members. Notice of all special meetings shall comply with the Oakland Sunshine Ordinance and the Brown Act.

Section 11: Ad Hoc and Standing Committees

Standing Sub-committees: The SSB Board may establish Standing Committees. Upon approval of the Board, members of the SSB Board shall be assigned by the Chair to a standing committee as deemed necessary to carry out the responsibilities of the SSB Board. Standing Committees shall meet at a regularly scheduled time or at the call of their chairs, or as deemed necessary by a majority of the Standing Committee membership.

Ad Hoc Committees: The SSB Board may establish Ad Hoc Committees to work on specific projects for a limited duration of time. Individuals can volunteer or shall be appointed to ad hoc sub-committees and shall serve for the period specified by the chairpersons. Once the work of the ad hoc committee is complete, the committee shall dissolve.

Article 4: Agenda Requirements

Section 1: Agenda Preparation

The agenda is prepared through the joint effort of the Chairpersons and SSB Board Staff. The agenda shall contain a meaningful description of each item to be transacted or discussed at the SSB Board or Standing Committee meeting so that a person can reasonably determine if his or her interests may be affected by the item.

Article 5: Voting

Section 1: Majority Vote Requirement

An affirmative vote of a majority of the members present is required for any action.

Section 2: Voting by Proxy

Voting by proxy is prohibited.

Article 6: Parliamentary Procedure

Section 1: Rosenberg's Rules of Order

The business of the SSB Board and its standing committees shall be conducted, to the extent possible, in accordance with parliamentary rules as contained in Rosenberg's Rules of Order (Revised 2011), except as modified by these rules and local open meeting laws, including the Oakland Sunshine Ordinance.

Article 7: Representation of the Sugar-Sweetened Beverage Community Advisory Board

The Chairperson and Communications Chair or Officer, or agreed upon designee, are the official representatives of the SSB Board. The Chairperson and Communications Chair, or their designee, are the only Board members authorized to speak on behalf of the SSB Board to entities including, but not limited to, the media, the public and at public forums. Whenever the SSB Board learns that a view, position or opinion of the SSB Board as a whole has been misinterpreted or misrepresented in the media, at a hearing, or in a public forum, the SSB Board, through the Chairperson and Communications Chair or the Chairperson's appointed representative, shall make every reasonable effort to clarify the SSB Board's true position as soon as practicable.

This does not preclude SSB Board members from being able to attend meetings on their own behalf. Whenever a SSB Board member communicates with the news media or others, or appears at a public hearing or before another City Agency or Department to discuss existing or proposed legislation or policy, the SSB Board member shall make every reasonable effort to specify that the SSB Board member is expressing a personal opinion, view or position.

Article 8: SSB Board Staff and City of Oakland Department Roles

Section 1: Staff Roles

As outlined by the Sugar-Sweetened Beverage Distribution Tax Ordinance, Section 4.52.080 Part E, The City Administrator shall provide clerical assistance and administrative support and technical assistance to the SSB Board.

Section 2: Legal Advisor:

The City Attorney is the SSB Board's legal advisor. The SSB Board may seek legal advice from the City Attorney through SSB Board Staff. Requests for legal assistance should be authorized by the Chair or by a majority vote of the SSB Board..

Section 3: Other City of Oakland Departments

As outlined by the Sugar-Sweetened Beverage Distribution Tax Ordinance, Section 4.52.080 Part E, all city departments, boards, and commissions shall reasonably assist and cooperate with the SSB Board. Any requests for reports or information pertaining to the Sugar- Sweetened Beverage Board requested by the SSB Board shall be made via SSB Board Staff.

Article 9: Bylaws

These Bylaws shall be reviewed annually or as necessary. The SSB Board may adopt Bylaws amendments at any regular meeting of the SSB Board by vote of two-thirds of the SSB Board members present. The SSB Board shall transmit proposed Bylaw amendments to the City Clerk within seven (7) calendar days of adoption by the SSB Board.