



San Francisco Department of Public Health

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City and County of San Francisco
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Sugary Drinks Distributor Tax Advisory Committee

AGENDA & MINUTES

June 19, 2018

4:00pm

101 Grove Street, Room 220
San Francisco, CA 94102

Order of Business:

1. **Call to Order / Roll Call** – The meeting was called to order at 4:20 pm. Linda Barnard is in attendance on behalf of Lorraine Banford and the SF Recreation and Parks Department.
2. **Approval of Minutes for May 22 [Action]** – The minutes were approved with correction to item 5 (Progress on FY 17-18 work). Draft minutes are posted on the SDDTAC website within 10 days of the meeting. Staff will send the minutes to committee members prior to the next meeting for review. Ryan Thayer, Vanesa Bohm and Linda Barnard were not present at the last meeting and abstained from voting.
3. **Approval for Excused Absences [Action]**
Excused absences: Saeeda Hafiz
Unexcused absences: Kent Woo, Areeya Chananudech
Rita Nguyen made a motion to approve excused absences. Vanesa Bohm seconded that motion. All voted in favor to approve absences.
4. **Review and Consideration of Regular Agenda [Action]**
Jorge Rivas made a motion to approve agenda. Libby Albert seconded that motion. All voted in favor and agenda was approved.
5. **Tax Collector Updates**
Loretta R. Lieberman, Director of Business Tax, Office of Treasurer and Tax Collector (TTX), will provide quarterly updates to the committee on tax implementation. Ms. Lieberman's presentation on first quarter tax collection will be posted on the SDDTAC website. As of April 30, 2018, the TTX has collected \$2,949, 608. Taxes are filed online at sftreasurer.org/sugary-drinks-tax. Ms. Lieberman discussed the basics of the legislation, process of filing and paying, outreach to businesses, retailers, distributors, merchant associations, restaurants and inquiries from 311.
 - a. Committee questions for Ms. Lieberman:
 - i. Why was the amount collected less than projected? It was projected that the tax would collect about \$15 million annually. There may be a variety of reasons. Seasonal fluctuations may vary. Consumption could be tied to events. Until a whole year has been collected, it cannot be clear what the cycle is. Other jurisdictions reported lower than expected earnings in the first quarter of collection.

- ii. What does TTX do to ensure compliance? There is a unit that will audit businesses for compliance. The audit unit has found unregistered businesses, so they are taking action. There is monetary penalty for noncompliance, as outlined in Article 6.
- iii. If city proposes expenditures and doesn't collect revenue it anticipated, do we expect across the board cuts? The TTX's responsibility is to identify those who should be filing and paying.
- iv. Do distributors share data on who is selling most sugary drinks? They should know where they are distributing to. Ex. How many trucks go to each store? They are public companies and need to provide annual report of sales. DPH will be purchasing sales data from large distributors. Data is limited and does not include corner stores.
- v. Ms. Lieberman will send copy of the "Get Ready" letter that is available in 8 languages. Make sure retailers have collateral/education material for customers.
- vi. Restaurant Depot requires sellers permit. Those transactions are tracked. They are in SF so they are the distributor. Talk to BOE (board of equalization) about what they are seeing. They cross reference with what you claim and what restaurant depot tracks.

6. Committee Announcements & Proposed Future Agenda Items [Discussion]

- a. **Update on National call for SSB Community Advisory Boards**, convened by Healthy Food America 501c(4). Purpose of these calls is information sharing from jurisdictions with SSB CAB. On the call are reps from Berkeley, Oakland, Seattle, SF, Albany, Philly. Mr. Vargas, Ms. Jackson-Morgan, and Ms. Goette participated. East Palo Alto might propose soda tax. Seattle's tax numbers were lower than expected as well. Next call is July 17 from 1-2.
- b. **Update on Supervisor meetings** – Ms. Bohm, co-chair of Community Input Subcommittee - since last meeting, Ms. Jackson-Morgan and Ms. Bohm met with Supervisor Stefani's aide who felt Stefani would be supportive and that Stefani would align well with what was in the Mayor's proposed budget. Supervisor Fewer felt SDDTAC recommendations should be focused only on food and water access and has been working with SFPUC to find budget savings to increase water stations in the public realm. The Mayor's budget proposal eliminates hydration stations in public realm and puts them all in school sites. Based on input from water researcher, Dr. Anisha Patel, hydration stations in public realm should include beautification element and be culturally relevant.
- c. **Update on regional media campaigns** – Ryan Thayer reported that Alameda County convened two meetings of soda tax committees (except Albany) to discuss coordinated effort around messaging and shared resources. There is general agreement that a regional campaign should focus on water, be community-based and youth-led. Conversation around how to involve the arts, peer advocacy, and how to do this on a regional level that can be adapted on a local level. Ms. Jackson-Morgan, Ms. Albert, Ms. Nguyen and Ms. Szeto attended the meeting. All In will provide backbone for these conversations. Let Mr. Thayer know if interested.
 - a. Ideas that came up: each SSB CAB carve out a little money from infrastructure budget; include a consistent line in RFP around regional messaging; align with rethink your drink efforts; leverage resources supportive of what committees are trying to do. How can there be joint meetings/interactions? Perhaps the best way to communicate is through the health departments. Ms. Nguyen can follow up on this idea.
- d. **Update on water access progress**- according to Supervisor Fewer's aide, potentially \$330K may be allocated from SFPUC budget savings from coming fiscal year to install 2 hydration stations in each district for public realm over 2 year period, with focus on equity. SFPUC is getting \$15M that needs to be reinvested into the community. How is that money being used? Can that fund

public realm water stations? Check with John Scarpulla. Can developers/Contractors sponsor water stations in the public realm?

e. **Proposed Future Agenda Items -**

- a. Need more clarity on the agenda items and announcements to be in compliance with sunshine.
- b. If there is an invitation for SDDTAC representation at a meeting, co-chairs should assign someone from committee to represent for greatest transparency.
- c. Future agendas will have Subcommittee updates to provide more structure for information sharing.
- d. Sustainability of program investments
- e. Priya
- f. Evaluation
- g. Budget update from Mayor's office
- h. DPH staff report on awareness campaign, data, community input (focus groups), town hall planning
- i. RDA update - work plan
- j. Rules and regulations

7. **Introduce Resource Development Associates (RDA), Consultants to SDDTAC and Backbone**

Introduce RDA. Linda Hua, project manager from RDA will lead several parts of this consulting effort. RDA will help develop a work plan and establish priorities, efficiencies and effectiveness and a 3 year strategic plan. Through this process they will conduct 6 leadership interviews to understand priorities. RDA will take guidance from the committee. RDA will set up series of mtgs. Debrief, set priorities, town hall planning. Meet with co-chair to set priorities for upcoming meetings. DPH is implementing the town halls to get input on RFP and we want SDDTAC to attend. DPH may ask for guidance/consultation.

8. **RDA: Sunshine Ordinance Training Needs [Discussion]**

David Klauber, RDA, led a preliminary training on key pieces of SF's Sunshine Ordinance. The presentation will be posted on the SDDTAC website. The presentation reviewed the following key concepts:

- a. What constitutes a meeting? Majority of seats are present, pre/post meetings, seriatim meetings, etc. Subcommittee meetings are conducting public business and need to be in compliance with sunshine.
- b. How to prepare for a meeting – posting agendas 72 hours in advance, meaningful and descriptive agendas
- c. What are the rights of the public? 1) anonymity 2) right to record 3) right to comment 4) rights of speaker
- d. Next meeting will focus on Robert's Rules training.
- e. Public testimony - Sunshine act is a way for the public to see and be engaged and should not be viewed as something bad.

9. **RDA: Clarifying Committee Rules and Regulations [Discussion & Action]**

Mr. Rivas made a motion to table this item until the next meeting. Ms. Jackson-Morgan seconded the motion. The Committee voted to table this item until the next meeting. Committee will review the rules and regs prior to the next meeting to be prepared for discussion.

10. **General Public Comment:** At this time, members of the public may address the SDDTAC Advisory Committee on items of interest to the public that are within the subject matter jurisdiction of the Committee but do not appear on the agenda.

With respect to agenda items, the public will be given an opportunity to address the Committee when the item is reached in the meeting. Each member of the public may address the Committee for up to three minutes.

The Brown Act forbids a Committee from taking action or discussing any item not appearing on the posted agenda, including those items raised at Public Comment. In response to public comment on an item that is not on the agenda, the Committee is limited to:

- Briefly responding to statements made or questions posed by members of the public, or
- Requesting staff to report back on a matter at a subsequent meeting, or
- Directing staff to place the item on a future agenda. (Government Code Section 54954.2(a).) 10.

General public comment -

- a. Larry, OEWD, would like to have a conversation at next meeting about the investment over time given that the amount collected was less than projected and who we are funding with that money. How do we meet the gap if there is a future gap in funding? if less money is collected, what do we say to CBO funded in a 2 year grant that there is less money?
From one of the SSB meetings, staff from Peace Parks were concerned about the money because they thought their employment was tied to that funding. How do we ensure that funding and programs are sustained? Allocations were by percentage, not dollars.
- b. Next regularly scheduled meeting is August 3, 2018 at 1. (First Fridays of the month at 25 Van Ness, suite 70. Ms. Goette will send a doodle to schedule a meeting the week of July 16 since the first Friday in July is July 6, after the holiday.

11. Adjournment

Mr. Butler moved to adjourn the meeting. Ms. Albert seconded that motion. The meeting was adjourned at 6:40 pm.

Notes

Each action item will hold public comment before a vote is made

Explanatory documents are available at the 25 Van Ness Ave, Suite 500 during regular business hours. If any materials related to an item on this agenda have been distributed to the SDDTAC after distribution of the agenda packet, those materials are available for public inspection at the address above during normal business hours.

RINGING AND THE USE OF CELLPHONES

The ringing of and use of cell phones, pagers and similar sound-producing electronic devices are prohibited at this meeting. Please be advised that the Chair may order the removal from the meeting room of any person(s) responsible for the ringing or use of a cell phone, pager, or other similar sound-producing electronic devices.

KNOW YOUR RIGHTS UNDER THE SUNSHINE ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City and County exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and that City operations are open to the people's review. For information on your rights under the Sunshine Ordinance (Chapters 67 of the San Francisco Administrative Code) or to report a violation of the ordinance, please contact:
Sunshine Ordinance Task Force 1 Dr. Carlton B Goodlett Place Room 244, San Francisco, CA 94102

Phone: 415-554-7724, Fax: 415-554-5784; Email: sotf@sfgov.org

Copies of the Sunshine Ordinance can be obtained from the Administrator of the Sunshine Task Force, the San Francisco Public Library and on the City's website at www.sfgov.org

DISABILITY ACCESS

25 Van Ness is accessible by wheelchair on Van Ness Avenue. The 6th floor is accessible by elevator and room 610 is accessible by a chair lift. The nearest accessible BART station is Civic Center (Market/Grove/Hyde Streets). Accessible MUNI Metro lines are the J, K, L, M, and N (Civic Center or Van Ness Stations). MUNI bus lines serving the area are the 47 Van Ness, 9 San Bruno, and the 6, 7, 71 Haight/Noriega. For more information about MUNI accessible services, please call (415) 923-6142. For information about MUNI services, please call (415) 673-6864. There is accessible parking on Oak Street.

To obtain a disability-related modification or accommodation, including auxiliary aids or services, to participate in the meeting, please contact Christina Goette christina.goette@sfdph.org at least 48 hours before the meeting, except for Monday meetings, for which the deadline is 4:00pm the previous Friday. In order to assist the City's efforts to accommodate persons with severe allergies, environmental illnesses, multiple chemical sensitivity or related disabilities, attendees at public meetings are reminded that others may be sensitive to various chemical based products. Please help the City accommodate these individuals.

LOBBYIST ORDINANCE

Individuals that influence or attempt to influence local policy or administrative action may be required by the San Francisco Lobbyist Ordinance (San Francisco Campaign and Governmental Conduct Code Sections 2.100-2.160) to register and report lobbying activity. For more information about the Lobbyist Ordinance, please contact the Ethics Commission at 25 Van Ness Avenue, Suite 220, San Francisco, CA 94102, telephone (415) 252-3100, fax (415) 252-3112 and website: <http://www.sfgov.org/ethics>.