



Kate Harrison
Councilmember District 4

REVISED AGENDA MATERIAL for Supplemental Packet 2

Meeting Date: June 15, 2021

Item Number: 1

Item Description: Commission Reorganization for Post-COVID19 Budget Recovery

Submitted by: Councilmember Harrison

RECOMMENDATION:

Move to adopt the April 5, 2021, Agenda and Rules Committee qualified positive recommendation to City Council as amended in Attachment 1 to maintain the Zero Waste and Sugar Sweetened Beverage Panel of Expert Commission's separate status.

RATIONALE:

Despite the Zero Waste Commission's key role on environmental and climate issues, its mandate is much broader. The Commission is responsible for making recommendations on City solid waste policy and goals, including commercial and residential garbage and recycling services, budgets, and other decisions relating to solid waste in the City of Berkeley. In other words, in addition to environmental concerns, it has a purview that includes overseeing the services and budgets of functions housed in the Public Works Departments, the largest department by percentage of the general fund. Solid waste collection is a fundamental and historic function of municipal governments. Further, recent developments in the neighboring City and County of San Francisco regarding solid waste contracts have emphasized the importance of maintaining a robust and independent municipal oversight body. Therefore, it is in the public interest that Zero Waste Commission be maintained as independent from other municipal departments and functions.

In addition, the Sugar Sweetened Beverage Panel of Expert (SSBPPE) Commission has a narrow and unique focus established by the Berkeley voters in 2014 pursuant to BMC Chapter 7.72.090 and is generally not well-suited to be combined with the Community Health Commission for the following reasons:

- There are specific criteria for expertise for appointed commissioners which differ from the expertise that is required for the Community Health

Commission.

- This statute will expire at the end of 2026, and the current statewide preemption that prevents new sugary drink taxes, allows jurisdictions with an existing soda tax to renew. It would be short-sighted to undercut voter confidence in the City's implementation of Measure D's mandates. In addition, other ballot measures, specifically Measure P, have copied the Panel of Experts model, and other cities in the Bay Area and across the country have followed Berkeley's example.
- Potential violations of the strict letter of the ordinance would make the City vulnerable to a potential lawsuit by voters or other interested concerned that this change is at odds with the intent of Measure D.
- The statute requires the SSBPPE to provide recommendations to Council on investments to reduce the consumption of sugary drinks. The bulk of their meetings include working on RFPs and reviewing proposals to make recommendations. In the alternate years, the SSBPPE monitors programs, works on policy that also supports the overall mission of Measure D, and seeks to increase the capacity of community grantees through public forums.
- The SSBPPE has consistently recommended funding City staff to support the work of the commission and some of the staff time that is funded by Healthy Berkeley has also supported other public health activities. SSBPPE work compliments staff objectives. For example, the Commission has developed significant experience working on RFPs based on best practices in the field and evidence-based programs.
- The beverage industry has previously called into question how Measure D funds would be used and whether our City Council could be trusted. Measure D advocates were able to reassure voters by pointing to the SSBPPE which would do two things: 1) make recommendations to City Council about how to invest in community programs to reduce consumption of sugary drinks; and, 2) be a watchdog to ensure the integrity of the investments. To date, the SSBPPE has done both of these things successfully.

For these reasons, it is in the public interest that the SSBPPE remain as an independent commission.

ATTACHMENTS

1. Amended Agenda and Rules Committee Recommendation

Attachment 1

POLICY COMMITTEE RECOMMENDATION

On April 5, 2021, the Agenda and Rules Committee made a qualified positive recommendation to City Council to:

1. Refer to the City Manager and City Attorney to bring back changes to the enabling legislation to reorganize existing commissions as proposed below in a phased approach.

Phase 1: Prioritize merging the Homeless Commission/Homeless Services Panel of Experts and Housing Advisory Commission/Measure O Bond Oversight Committee first, and request that the City Manager bring back changes to the enabling legislation to implement these consolidated commissions.

Phase 2: All other Commissions as proposed below.

As staff is able to make recommendations on consolidation, [after consultation with the impacted commissions](#), they can bring those recommendations forward one by one.

New Commission Name (suggested)	Former Commissions to be Reorganized
Commission on Climate and the Environment	Zero Waste , Energy, Community Environmental Advisory, and Animal Care
Parks, Recreation, Waterfront (special Marina subcommittee)	Children, Youth, and Recreation and Parks and Waterfront
Peace, Justice, and Human Welfare	Peace and Justice Commission and Human Welfare and Community Action Commission
Public Health Commission & Sugar Sweetened Beverage Panel of Experts	Community Health Commission and Sugar Sweetened Beverage Panel of Experts
Housing Advisory Commission	Measure O and Housing Advisory Commission
Homeless Services Panel of Experts	Homeless Commission and Measure P Homeless Services Panel of Experts

Public Works and Transportation	Public Works and Transportation
Planning	Planning and Cannabis
<p>All other commissions will maintain their current structure: Aging, Library Board of Trustees, Civic Arts, Disability, Commission on the Status of Women, Design Review Committee, Disaster and Fire Safety, BIDs, Fair Campaign Practices and Open Government, Redistricting, Landmarks Preservation, Labor, Loan Adjustments Board, Personnel, Planning, Police Review/Accountability, Reimagining Public Safety, Mental Health, Zoning Adjustments Board, and Youth, Zero Waste and Sugar Sweetened Beverage Panel of Experts</p>	

2. Refer to the Commissions impacted a process to determine the charge/responsibilities of the newly merged commissions, and bring Commission input to the appropriate Policy Committees (as proposed by Vice-Mayor Droste in 4/5/21 submittal) for further recommendations to the City Manager on revised charge/responsibilities of merged commissions.
3. Refer to staff to develop recommendations on the transition to new consolidated commissions and the effective date of the changes.
4. Consider establishing 18 members on the new Climate and Environment Commission and establishing specific subcommittees focused on the policy areas of the merged commissions.
5. The Peace, Justice and Human Welfare Commission will be comprised of only Mayor and Council appointees.
6. Refer Councilmember Hahn questions to City Manager and Commissions: “Commissions to Combine/Merge - Suggested Considerations”
 - Federal, state or other external mandates that might be impacted, and determine how to handle
 - Whether charters of to-be-merged Commissions were adopted by City Council, through measures or initiatives passed by voters, or are by Charter, and by what means they might be merged/adjusted
 - What elements of each Commission to keep, update, or retire, as well as relevant topics/issues not currently covered that might be added to a more comprehensive and/or relevant merged Commission’s charter.
 - Whether the merged Commission might include 9, or a greater number of members.
 - The possibility of requiring specific qualifications for appointment to

the merged Commission.

- The possibility of recommended or required Standing Committees of the Merged Commission
- Volunteer workload and capacity given scope of Commission's charter