



Community Health Commission  
Andy Katz, Chair  
Kellie Knox, Staff Secretary

## Community Health Commission

Thursday, October 26, 2023, 6:30 – 9:00pm

### Meeting Location:

West Berkeley Family Wellness Center  
1900 Sixth Street  
Berkeley, CA 94710

## AGENDA

### Preliminary Matters

1. Call to Order by Chair
2. Roll Call by Secretary
3. Land Acknowledgement – **Attachment 6**
4. Announcements & Introductions
5. Confirm note taker – if needed
6. Public Comment

The public may comment virtually about any item **not** on the agenda. Public comments are limited to two minutes per speaker.

**Presentation** : Janice Chin / Rachel Rodriguez, Public Health Division, HHCS

### 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. Approval of Draft Minutes from 9/28/2023 Regular Meeting – **Attachment 1**
2. Add/Remove Subcommittees/ Members (Katz) – **Attachment 3**
3. Public Health Officer's Report
4. Commission Chair's Report
5. Subcommittee Reports
6. Commission's November Meeting
7. City Council Referral on Long Term Care Facility Oversight - Bartlett (Katz) – **Attachment 7**

### Future Agenda items

### Adjournment

### Attachments

1. Draft minutes from September 28, 2023 CHC Regular meeting
2. CHC 2023 Work Plan
3. CHC Subcommittee Roster 2023
4. CHC Meeting Calendar 2023
5. City Council and Community Health Commission Timeline 2023
6. Land Acknowledgement

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7. Long Term Health Care Facility Oversight Referral

The *next meeting* of the Community Health Commission is scheduled to be held on Thursday, November 26, 2024 with a *deadline of Tuesday, November 17, 2023 for the public's submission of agenda items and materials for the agenda packet*. **Dates are subject to change.** Please contact the Commission Secretary to confirm.

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 Health, Housing & Community Services Department located at 2180 Milvia Street, 2<sup>nd</sup> floor, Berkeley, CA 94704 during regular business hours. The Commission Agenda and Minutes may be viewed on the City of Berkeley website: [Boards & Commissions | City of Berkeley \(berkeleyca.gov\)](#) (SB 343)

**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](mailto: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

**COMMUNITY ACCESS INFORMATION:** 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.

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.

**Secretary:**

Kellie Knox

Health, Housing & Community Services Department

2180 Milvia Street, 2<sup>nd</sup> Floor

Berkeley, CA 94704

(510) 981-5301

[kknox@berkeleyca.gov](mailto:kknox@berkeleyca.gov)



Community Health Commission

## Community Health Commission

### **DRAFT MINUTES**

### **Regular Meeting, Thursday, September 28, 2023**

The meeting convened at 6:45 p.m. with Commission Chair Katz presiding.

#### **ROLL CALL**

**Present:** Commissioners Webber, Smart (7:20), Spigner, Adams, Katz (6:45).

**Absent:** None.

**Excused:** Commissioners Bechtolsheim, Lee

**Staff present:** Kellie Knox.

**Community Members:** One.

**COMMENTS FROM THE PUBLIC:** One

#### **ACTION ITEM**

1. M/S/C (Adams/Katz): Motion to adopt minutes from the July 27, 2023 meeting.

**Ayes:** Commissioner Webber, Spigner, Adams, Katz

**Noes:** None.

**Abstain:** None.

**Absent from vote:** Commissioner Smart

**Excused:** Commissioners Bechtolsheim, Lee. .

**Motion Passed.**

#### **ACTION ITEM**

8. M/S/C (Adams/Webber): Motion to submit Public Health Comments on Dark Skies Ordinance to City Council.

**Ayes:** Commissioner Webber, Smart, Spigner, Adams, Katz

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**Noes:** None.

**Abstain:** None.

**Absent from vote:** None

**Excused:** Commissioners Bechtolsheim, Lee. .

**Motion Passed.**

**PRESENTATION:** Sarah Moore, City of Berkeley, Planning Department on Environmental Justice Plan.

**DISCUSSION ITEMS:**

2. Add/Remove Subcommittees/ Members (Katz) – *N/A*
3. Public Health Officer's Report - *Secretary gave update in absence of PHO.*
4. Commission Chair's Report by Chair Katz - Discussion
5. Subcommittee Reports
  - e. Health Facilities – discussion
6. November's scheduled meeting - discussion
7. City Council Referral on Long Term Care Facility Oversight - Bartlett (Katz) – *Discussion*
8. Light Pollution Control (Katz) – *Discussion and Motion*

This meeting adjourned at 8:18 p.m.

**Minutes will be voted on at October 26, 2023 meeting.**

Minutes approved on: \_\_\_\_\_

Respectfully submitted,  
Kellie Knox, Commission Secretary \_\_\_\_\_

## Community Health Commission 2023 Work Plan

ATT-02

Guiding Philosophy: To look at health through the lens of equity, and to address, ameliorate, and abolish health inequities in Berkeley through our work while advancing other public health efforts.

### Mission/Purpose:

1. Collaborate with the community and the Berkeley Health Officer Unit and Public Health Division, and City of Berkeley to eliminate health inequity by:
  - a. Advocating for good policy to council that has the potential to improve the health of Berkeley residents that can be implemented, monitored, and evaluated.
  - b. Representing the community through the diversity of this commission
  - c. Increasing the public education/social marketing efforts, understanding, and awareness of issues.
  - d. Advocating together with the residents of Berkeley most affected by institutional, social, organizational inequities/disparities.
  - e. Providing a public forum for all community members to share concerns, ideas
2. Achieve general public health progress by being responsive to community needs and facilitating general health and safety.

### Overall goals, issues & priorities: All issues can be addressed through a health equity lens.

- Include a focus on the impact of COVID-19 and the city's response to it
- Increase healthy food security
- Advocate for the expansion of affordable housing
- Continue to urge that Alta Bates Berkeley Medical Campus remain open while also helping to suggest actions to address consequences of planned closure
- Be responsive in potential recommendations to help Berkeley residents, and care providers and clinics cope with potential federal disruption in healthcare policy and federal spending cuts
- Further address more social determinants of health
- Continue to be a community advocate to City Council to address structural, institutional, and health inequities impacting all underserved populations
- Work to have community health data measures documented in a timely manner and to promptly evaluate and act on novel data such as the Health Status Report
- Work to support policies and initiatives that advance UHC such as Medicare for all
- Advise the City Council as HHCS and Public Health Division develop their

strategic plans, community health assessment and community health improvement plan.

### **General steps and actions needed to meet priorities:**

1. Conduct outreach to encourage Berkeley community members to engage with the CHC
2. Collaborate with other commissions to share resources and support recommendations
3. Focused/specialized ad-hoc subcommittees, as needed
4. Keep track of local, state, and federal policy and data flow

### **Specific steps and actions needed to meet priorities:**

#### ➤ Basic Needs Security

Focus on healthy food security and affordable/accessible housing

- In terms of healthy food security:
  - Advocate for policies to mitigate unhealthy food consumption
  - Advocate for affordability and accessibility of healthy foods in supporting programs like the Berkeley Food Institute, etc.,
- In terms of accessible/affordable housing:
  - Advocate for affordable housing
  - Advocate for increased rent control
- Connect with the community based organizations and appropriate city of Berkeley departments to acquire information about available resources for Berkeley residents.

#### ➤ Chronic Disease Prevention

- Recommend interventions to address diabetes, obesity, heart diseases, and other chronic conditions highlighted by the Berkeley health status report.
- Recommend interventions to respond to deferred preventative care due to COVID-19

#### ➤ Health Equity

- Review the Health Status Report- dialogues with staff and community to investigate the data and identify populations experiencing inequities, and recommend program interventions for the City Public Health Division
  - Engage Stakeholders on LGBT health equity issues to help complement findings of the Health Status Report
  - Investigate and implement efforts to improve immigrant access to health care
- Advocate for the implementation of strategies that will reduce health inequities:
  - Investigate community access to telehealth and other technologies to improve healthcare equity
  - Work on cultural competency for health care providers
  - Continue to support the development of the African American Holistic Resource Center

➤ Health Facilities

- Continue to recommend actions to keep Alta Bates open
- Consider ways to increase emergency care access in Berkeley
- Respond to City Council referral regarding Long Term Care Facilities

➤ Policy tracking

- Track City Council minutes, state, and national legislative actions
- Bring policy updated to the Commission as appropriate.

District	Last	First	Community Health Commission Subcommittees 2023				
			Health Facilities	Health Equity	Basic Needs Security	Chronic Disease Prevention	Entheogenic
1	Webber	Sara			X		
2	Bechtolsheim	Benjamin	X			X	
3							
4	Smart	Karma		X	X		X
5	Spigner	Tora	X	X			
6	Adams	Joseph					X
7	Lee	Eric	X				
8							
M	Katz	Andy	X				
			4	2	2	1	2

updated 9/27/23



# 2023 Commission Meeting Dates

ATT-04

Name of Commission: Community Health Commission

Commission Secretary: Kellie Knox

## Please Note the Commission Meeting Dates for 2023 Below

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

*Example*

Month	Meeting Day and Date	Time
February 2022	Wednesday 2/10/2022	7:00 pm

Month	Meeting Day and Date	Time
July 2022	No Meeting	

## 2023 Meeting Dates

Month	Meeting Day and Date	Time
January 2023	Thursday 1/26/2023	6:30 pm
February 2023	Thursday 2/23/2023	6:30 pm
March 2023	Thursday 3/23/2023	6:30 pm
April 2023	Thursday 4/27/2023	6:30 pm
May 2023	Thursday 5/25/2023	6:30 pm
June 2023	Thursday 6/22/2023	6:30 pm

Month	Meeting Day and Date	Time
July 2023	Thursday 7/27/2023	6:30 pm
August 2023	CHC Does not meet in August 2023	
September 2023	Thursday 9/28/2023	6:30 pm
October 2023	Thursday 10/26/2023	6:30 pm
November 2023	Thursday 11/23/2023	6:30 pm
December 2023	CHC does not meet in December 2023	

[commission@cityofberkeley.info](mailto:commission@cityofberkeley.info)

City Clerk Department

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

<b>2023</b>			<b>Thursday 12:00 PM</b>	<b>Thursday 12:00 PM</b>	<b>Monday 2:30 PM</b>	<b>Wednesday 11:00 AM</b>	<b>Thursday 5:00 PM</b>
<b>COUNCIL MEETING DATE</b>	<b>Reports Due to Dept. Director</b>	<b>Reports Due to CAO</b>	<b>Dept. Reports Due to Clerk Day 33</b>	<b>Agenda Committee Packet to Print Day 19</b>	<b>Agenda Committee Meeting Day 15</b>	<b>Final Agenda Meeting - (Print Agenda on wed.) Day 13</b>	<b>Council Agenda Delivery Day 12</b>
<b>Winter Recess [December 14, 2022 through January 16, 2023]</b>							
<b>Jan 17</b>	12/1	12/1	12/15	12/29	1/4	1/4	1/5
<b>Jan 31</b>	12/9	12/9	12/29	1/12	1/16	1/18	1/19
<b>Feb 14</b>	12/29	12/29	1/12	1/26	1/30	2/1	2/2
<b>Feb 28</b>	1/12	1/12	1/26	2/9	2/8 (Tues)	2/15	2/10
<b>Mar 14</b>	1/26	1/26	2/9	2/23	2/22 (Tues)	3/1	3/2
<b>Mar 21</b>	2/2	2/2	2/16	3/2	3/6	3/8	3/9
<b>Spring Recess [March 22 through April 10, 2023]</b>							
<b>Apr 11</b>	2/23	2/23	3/9	3/23	3/27	3/29	3/30
<b>Apr 25</b>	3/9	3/9	3/23	4/6	4/10	4/12	4/13
<b>May 9</b>	3/23	3/23	4/6	4/20	4/24	4/26	4/27
<b>May 23</b>	4/6	4/6	4/20	5/4	5/8	5/10	5/11
<b>May 30</b>	4/13	4/13	4/27	5/11	5/15	5/17	5/18
<b>Jun 6</b>	4/20	4/20	5/4	5/18	5/31 (Tues)	5/24	5/25
<b>Jun 13</b>	4/27	4/27	5/11	5/25	5/29	5/31	6/1
<b>Jun 27</b>	5/11	5/11	5/25	6/8	6/12	6/14	6/15
<b>Jul 11</b>	5/25	5/25	6/8	6/22	6/26	6/28	6/29
<b>Jul 25</b>	6/8	6/8	6/22	7/6	7/10	7/12	7/13
<b>Summer Recess [July 26 through September 11, 2023]</b>							
<b>Sep 12</b>	7/27	7/27	8/10	8/24	8/28	8/30	8/31
<b>Sep 19</b>	8/3	8/3	8/17	8/31	9/6 (Tues)	9/6	9/7
<b>Oct 3</b>	8/11	8/11	8/25	9/8	9/12	9/14	9/15
<b>Oct 10</b>	8/25	8/25	9/8	9/22	9/28 (Wed)	9/28	9/29
<b>Nov 7</b>	9/15	9/15	9/29	10/13	10/19 (Wed)	10/19	10/20
<b>Nov 14</b>	9/28	9/28	10/12	10/26	10/30	11/1	11/2
<b>Nov 28</b>	10/12	10/12	10/26	11/10	11/13	11/15	11/16
<b>Dec 5</b>	10/19	10/19	11/2	11/17	11/20	11/22	11/23 (Wed)
<b>Dec 12</b>	10/27	10/27	11/9	11/23 (Wed)	11/27	11/29	11/30
<b>Winter Recess [December 13, 2023 through January 15, 2024]</b>							

Revised 09/29/2022

VTO Affected Dates

Holiday Affected Dates

Religious Holiday Affected  
Date

## Land Acknowledgement Statement

The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.



ATT- 07

CONSENT CALENDAR  
December 14, 2021

To: Honorable Mayor and Members of the City Council  
From: Councilmember Ben Bartlett  
Subject: Health Care Facility Oversight

### RECOMMENDATION

Refer to the City Manager and the Community Health Commission an assessment of the breadth of regulatory control the City of Berkeley can exert on skilled nursing facilities, and create a process of accountability if complaints are found to be substantiated that threaten, or could potentially escalate to the point of threatening, the wellbeing of patients and/or violate federal, state, or local law; the business license of the offending facility will be suspended until the skilled nursing facility submits a report demonstrating rectification of the situation.

### BACKGROUND

The California Department of Public Health (CDPH) mandates that skilled nursing facilities provide 3.5 hours of patient care to each patient per day.<sup>1</sup> For instance, some care facilities in Berkeley are reported to have as few as 6 staffers serving 66 patients, meaning that even if the staff worked around the clock, at most they would be able to offer 2.1 staff hours per patient per day. In 2021 alone, the facility has received 12 complaints, but not a single one has been followed up by an enforcement action<sup>2</sup>. This is just a single example in an egregious pattern of lack of care met with lack of enforcement. In 2019, for example, skilled nursing facilities were found to violate an average of 23 federal and state laws per facility. Yet, in the 77 skilled nursing facilities across California, not a single regulation was enforced. As a result, there has been a history of negligence, mistreatment, and patient abuse within Californian care facilities.<sup>3</sup>

### CURRENT SITUATION

The City has received numerous grievances from concerned community members over the quality of care in certain skilled nursing facilities in Berkeley. Community members complain of neglect, indifference, and harmful, negligent behavior with sometimes tragic consequences.

The City must address these hazards by creating internal procedures and policies designed to prevent further harmful acts. Precedence for license revocation policies can be found in other municipalities. For example, Chapter 6 Section 1.80 of Superior, Colorado Municipal Code states that business licenses can be suspended “when any activity conducted by the licensee, his or her employee or agent violates any federal, state or local rule, regulation or law.”<sup>4</sup> The City

<sup>1</sup><https://canhrnews.com/guidelines-for-3-5-direct-care-service-hours-per-patient-day-dhppd-staffing-audits/>

<sup>2</sup> <https://www.cdph.ca.gov/Programs/CHCQ/LCP/CalHealthFind/Pages/SearchResult.aspx>

<sup>3</sup> <https://calmatters.org/health/2021/10/nursing-homes-oversight-california-hearing/>

<sup>4</sup> [https://library.municode.com/co/superior/codes/municipal\\_code?nodeId=CH6BULIRE](https://library.municode.com/co/superior/codes/municipal_code?nodeId=CH6BULIRE)

of Berkeley could adopt such an ordinance to shutter inept care facilities and deter improper conduct and mismanagement.

Furthermore, to ensure enforcement, the City could mandate that all complaints be forwarded to the Environmental Health Division to be reviewed in a timely manner. This would prevent a backlog of complaints and strengthen City follow-through.

The City of Berkeley needs to enforce strict regulations over the performance and conditions of skilled nursing care facilities to ensure that patients are not stripped of their right to quality care. As stated above, a particularly skilled nursing care facility received 12 complaints in 2021, but there was zero enforcement action taken against them. With this recommendation, there will be a strict standard that skilled nursing care facilities must meet to guarantee that issues are adequately addressed by the City of Berkeley. Furthermore, it provides safeguards to ensure that patients are not neglected by those assigned to look after them.

#### FINANCIAL IMPLICATIONS

Determine as part of City Manager and Commission response.

Suppose the City can regulate skilled nursing facilities (generally not a City role). In that case, there could be significant financial implications because there is currently no staff assigned to this work in the City.

#### COMMUNITY CONSULTATIONS

This item was informed by consultations with and complaints raised by community members.

#### CONTACT PERSONS

Councilmember Ben Bartlett  
James Chang  
Hillary Phan  
Jerry Wong

[bbartlett@cityofberkeley.info](mailto:bbartlett@cityofberkeley.info)  
[jchang@cityofberkeley.info](mailto:jchang@cityofberkeley.info)  
510-981-7130  
510-981-7135