



Sugar-Sweetened
Beverage Product
Panel of Experts
Commission

**Sugar-Sweetened Beverage Product
Panel of Experts Commission**
Thursday, February 19, 2026, 6:00pm – 8:00pm
Meeting Location: West Berkeley Family Wellness Center
1900 Sixth Street, Berkeley, CA 94710
P: 510-981-5350

MEETING AGENDA

Preliminary Matters

1. Roll Call
2. Introduction of new Commission members
3. Approval of Draft Minutes from 1/15/2026 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. Scott Gilman, Health, Housing, & Community Services Department Director: Healthy Checkout

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. **Action 1:** Officer elections for Chair/Vice-Chair
3. **Action 2:** Add/Remove Subcommittee/Members

Information Items

1. Commission Work Plan – **Attachment 2**
2. Approved Meeting Minutes 11/20/25 – **Attachment 3**
3. Commission Meeting Dates 2026 – **Attachment 4**
4. Subcommittee Roster– **Attachment 5**
5. City Council Timeline 2026 – **Attachment 6**
6. Soda Tax Revenues – **Attachment 7**
7. Healthy Checkout Presentation – **Attachment 8**
8. Performance Measures Draft – **Attachment 9**

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@berkeleyca.gov - <https://berkeleyca.gov/safety-health/public-health>

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.

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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.

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Sugar-Sweetened Beverage Product Panel of Experts Commission

Thursday, January 15th, 2026. 6:00 – 8:00 PM

Meeting Location:

West Berkeley Family Wellness Center
1900 Sixth Street, Berkeley, CA 94710
P: 510-981-5350

DRAFT MEETING MINUTES

The meeting convened at 6:10pm.

ROLL CALL

Present: Commissioner Morales, Kao, Lopez, Crawford, Esonwune, Hecht.
Absent: Commissioner Mashama.
Excused: Commissioner Rodriguez.
Staff present: Roberto Terrones, JoAnn Evangelista, Janice Chin, Dr. Noemi Doohan, Scott Gilman.

COMMENTS FROM THE PUBLIC None.

ACTION ON MINUTES

Approval of Minutes - Moved to approve the draft minutes of the meeting on 11/20/2026.

M/S/C: Esonwune/ Morales

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

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1. Motion to approve the 2026 Commission Meeting Schedule.

M/S/C: Morales/ Lopez.

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

The meeting adjourned at 8:00pm.

NEXT MEETING:

The next meeting is scheduled for **Thursday, February 19th, 2026**. 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 February 19th regular meeting.

Sugar-Sweetened Beverage Product Panel of Experts Commission
Proposed Work Plan –4/2025 – 3/2026

Task	Activity	Actions Needed in Advance	2025										2026		
			April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	
1)	Conduct no more than 10 commission meetings per year	Distribution of agenda	X	X	X	X		X	X	X		X	X	X	
2)	Discuss about current revenues vs. projected revenues and discuss disbursement plan for additional \$ (quarterly) and/or to discuss options for the use of extra funds above \$2M from the last fiscal year for related services.	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. Media)	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. (Scott)	Send communication to Council to obtain beverage procurement data; Roberto will help get request into right template								X					
7)	Discuss creation of a system to evaluate city beverage procurement (Scott)	Obtain information of current beverage procurement data								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						
10)	Organize a meeting for sharing information and resources among the grantees.	Gather information and resources for grantees (Workplan subcommittee responsible for this). Within 3 months of receiving funding, each grantee will attend a group meeting, facilitated by the commission to share information and resources. The meeting will be attended by representatives from all funded grantees.							X						
11)	Write report for council, press, etc.	Gather data and information for report						X							

Sugar-Sweetened Beverage Product Panel of Experts Commission
Proposed Work Plan –4/2025 – 3/2026

Task	Activity	Actions Needed in Advance	2025									2026		
			April	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
12)	Grantees to host site visit by one or two commissioners	Grantees will plan and host a short site visit by one or two commissioners for the purpose of meeting each other, and sharing activities, successes and challenges. The plan for the site visit will be solely determined by the grantee as it will vary from organization to organization. The site visit can include attendance at one of the grantee’s events or activities. Healthy Berkeley grantees should plan and execute a communications strategy to share efforts and successes with the broader community. Communications requirements: - Produce at least one document each funding cycle that tells the public what the agency does and that this is made possible by funds from the soda tax. - Send the Commission a copy of the document or product and share the dissemination plan during a commission meeting. - Examples of communications products may include, but are not limited to: websites, social media posts, posters, flyers, contests, school assemblies, event announcements, community outreach etc.						X Q3/4 (2024-25)					X Q1/2 (2025-26)	



Sugar-Sweetened Beverage Product Panel of Experts Commission

Thursday, November 20th, 2025. 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 6:00pm.

ROLL CALL

Present: Commissioner Morales, Rodriguez, Mashama (6:09), Kao, Lopez, Esonwune, Hecht.
Absent: Commissioner Crawford, Chan.
Excused: None.
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 10/6/2025.

M/S/C: Rodriguez/Esonwune.

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

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Approval of Minutes - Moved to approve the draft minutes of the meeting on 10/16/2025.

M/S/C: Hecht/Kao.

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

The meeting adjourned at 7:24pm.

NEXT MEETING:

The next meeting is scheduled for **Thursday, January 15th, 2026**. 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 January 15th, 2026 regular meeting.

Commission Secretary: Roberto Terrones

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

Ad- Hoc Application Review Subcommittee

Members: Commissioners Morales, Hecht, Esonwune

Alternate: Commissioners Kao, Lopez, Crawford

HHCS COMMISSIONS 2026 COUNCIL MEETING TIMELINE

Attachment 6

COUNCIL MEETING	Thursday	THURSDAY 5:00 PM	THURSDAY 12:00 PM - Day 33 -	THURSDAY 12:00 PM - Day 19 -	MONDAY 2:30 PM - Day 15 -	WEDNESDAY 11:00 AM - Day 13 -	THURSDAY By 5:00 PM - Day 12 -
	Commission needs to take action by	Reports Due to Director	DEPT. REPORTS DUE TO CLERK	AGENDA COMMITTEE PACKET TO PRINT	AGENDA COMMITTEE MEETING	FINAL AGENDA MEETING (PRINT AGENDA ON WED.)	COUNCIL AGENDA DELIVERY
Winter Recess [December 3, 2025 through January 19, 2026]							
Jan 20	11/27	12/4	12/18	1/2 (Fri)	1/5	1/7	1/8
Jan 27	12/4	12/11	12/26 (Fri)	1/8	1/12	1/14	1/15
Feb 10	12/19	12/26	1/8	1/22	1/26	1/28	1/29
Feb 24	1/1	1/8	1/22	2/5	2/9	2/11	2/11 (Wed)
Mar 10	1/15	1/22	2/5	2/19	2/23	2/25	2/26
Mar 24	1/29	2/5	2/19	3/5	3/9	3/11	3/12
Spring Recess [March 25 through April 13, 2026]							
Apr 14	2/19	2/26	3/12	3/26	3/31 (Tue)	4/1	4/2
Apr 21	2/26	3/5	3/19	4/2	4/6	4/8	4/9
Apr 28	3/5	3/12	3/26	4/9	4/13	4/15	4/16
May 12	3/19	3/26	4/9	4/23	4/27	4/29	4/30
May 19	3/26	4/2	4/16	4/30	5/4	5/6	5/7
Jun 9	4/16	4/23	5/7	5/21	5/28 (Thur)	5/28 (Thur)	5/29 (Fri)
Jun 16	4/23	4/30	5/14	5/28	6/1	6/3	6/4
Jun 30	5/7	5/14	5/28	6/11	6/15	6/17	6/18
Jul 7	5/14	5/21	6/4	6/18	6/22	6/24	6/25
Jul 14	5/21	5/28	6/11	6/25	6/29	7/1	7/2
Jul 28	6/4	6/11	6/25	7/9	7/13	7/15	7/16
Summer Recess [July 29 through September 14, 2026]							
Sep 15	7/23	7/30	8/13	8/27	8/31	9/2	9/3
Sep 29	8/6	8/13	8/27	9/10	9/14	9/16	9/17
Oct 13	8/20	8/27	9/10	9/24	9/28	9/30	10/1
Oct 27	9/3	9/10	9/24	10/8	10/13 (Tue)	10/14	10/15
Nov 17	9/24	10/1	10/15	10/29	11/2	11/4	11/5
Dec 1	10/8	10/15	10/29	11/12	11/16	11/18	11/19
Dec 15	10/22	10/29	11/12	11/25 (Wed)	11/30	12/2	12/3
Winter Recess [December 16, 2026 through January 18, 2027]							

VTO Affected Dates	Holiday Affected Dates	Religious Holiday Affected Date
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Updated 10/22/25

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



City of Berkeley
Soda Tax Revenue-FY 2026
For the Months of July 2025 - June 2026

Month	Amount
Jul-25	39,978.52
Aug-25	106,489.49
Sep-25	95,184.61
Oct-25	71,152.60
Nov-25	113,590.84
Dec-25	93,091.51
Jan-26	
Feb-26	
Mar-26	
Apr-26	
May-26	
Jun-26	
Gross Revenue	\$ 519,487.57

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	\$ 1,110,228.70
FY 2025	\$ 1,058,432.12
FY 2026	\$ 519,487.57
Total	\$ 11,997,944.23

City of Berkeley Healthy Checkout Ordinance

Presentation for the
Sugar-Sweetened Beverage Products Panel of Experts

February 19th, 2026
Prepared by: Angelica Sanchez Garcia, RD

Overview

- The following slides contain specific questions our commission has regarding the Healthy Checkout Ordinance (HCO) update
- The presenter should be the individual who assesses store compliance, collects HCO information for this presentation and interacts with store personnel.
- The goal is to use this information to understand what strategies have been implemented and which ones are working, and collaboratively brainstorm solutions to challenges that persist
- The presenter can answer the questions in any format (i.e., by filling in numbers on a table, answering questions with bullet points, creating a new table, etc.) Additional slides can be added if more space is needed for answers
- Please do not include slides to this presentation which provide background information on the ordinance or are on any other Healthy Berkeley activities

HCO Compliance

Summary of Findings from Store Visits

Dates of stores visits and rates of compliance

	Jun-Aug 2023	Oct- Dec 2023	Feb-Mar 2024	Sept-Oct 2024	May 2025	Aug-Sept 2025	Dec 2025	March-April 2026
Visit purpose (1)	A	A	E,O (HCO survey)	A, E, P, D	A	A,E, P, D	A	
Months between visits		2-4	4	6	7	3-4	3	
Total num of stores (2)	22 1 store closed	21 2nd closed	21	21	20 3rd stored closed	20	20	
% of stores compliant by food/beverages	50%*	43%*	N/A	29%*	35%*	55%	50%	
% of stores compliant by distance from checkout	50%	43%	N/A	29%	35%	55%	50%	

(1) Visit codes:

- A= assessment of checkout area product compliance
- E= engaging/educating store staff on HCO program
- P= provided TA re: product compliance
- D= provided TA re: distance of non-compliant products from checkout

- O= other outreach (briefly describe)
- [add or adjust codes/definitions as needed]

(2) List reasons why particular stores were not visited

Product compliance

What is the process for examining HCO product compliance (i.e., spot checking versus scanning all checkouts)?

- I do a visual scan of products I am already familiar with. I make note of any non-compliant products.
- For the remaining products, I scan the nutrition facts and the ingredients list to check against the HCO criteria. I may stop if I get up to 5 non-compliant products
- I make notes/take pictures of food items I need to research further.
- I discuss the results with store representative (i.e. Owner, manager. Etc.)

Product compliance

Describe the criteria for product compliance by nutrient and food group:

I apply the criteria outlined in the ordinance:

1. Beverages with no added sugars or artificial sweeteners
2. Food Items with no more than 5 grams of added sugars and 200mg of sodium per labeled serving
3. Food items must be in the following categories: Chewing gum and mints with no added sugars, fruit, vegetables, nuts, seeds, legumes, yogurt or cheese and whole grains.

Product compliance

How long does it take to assess a store's compliance?

Length of time varies between 45-90 minutes, including time spent at the store checking items, speaking with the manager, taking pictures, researching the nutrition facts and ingredient list of food or beverage items, documenting my observations and sending emails to store managers.

Product compliance

What are the most common non-compliant products and product categories?

Products

- Beverages: Zero Sugar Red Bull, Vitamin Water Zero Sugar, BodyArmour, Monster Energy, Baio, VitaCoco, Arizona Tea, 5-Hour Energy. Some of these drinks have low-calorie and no-calorie sweeteners such as sucralose, stevia leaf extract or monk fruit.
- Chocolates: Lily's No Sugar Added Chocolates, TCHO chocolates, Kinder Bars
- Mints: Altoids, Tic Tacs
- Candy: Smart Sweets candy
- Nuts: Sahale Snacks, Blue Diamond Dipped Almonds, chocolate covered nuts
- Cookies: Tate's cookies, Partake cookies, NICE cookies
- Beef Sticks: Slim Jims, Chomps

Categories

- Beverages are the most common non-compliant category
- Mints and nuts are the next most common
- Whole grains

Distance-related compliance

What is the process for assessing compliance using distance as a criteria for non-compliance?

- Visual estimation.

What is the criteria for compliance by distance?

As stated in the ordinance checkout area means either:

- "Within a 3-foot distance of any register"

or

- "Designed primarily for or utilized primarily by customers to wait in line to make a purchase at a register, up to and including the checkout endcap."

Distance-related compliance

What are the most common reasons for distance-related noncompliance?

Most common questions:

- Store managers at 2 stores (store codes: FA0001049 and FA001040) report the following:
 - Store managers at 2 stores report the following. Area between cash registers and start of aisles is considered a walk-way for clients and is not solely used for the purpose of clients waiting in line to make purchases. The managers do not believe this area should be considered “checkout area.” They currently have basket carts with some items that do not meet HCO criteria. Some lines also extend through full store aisles.
- Refrigerated case at 1 store (store code: FA0000228)
 - Refrigerated case at 1 store: Has uncooked refrigerated desserts which do not meet the criteria, however manager states these items are not impulse buy, nor can they be consumed immediately, thus should not be held to HCO standards.

Monitoring and Enforcement

Monitoring and Follow-up

On approximately what percent of store visits were you able to talk to an owner/manager? For store visits where you did not talk to an owner/manager, on what percentage were you able to talk to another staff?

- I don't typically speak to anyone for **(A)** visits. (**A**= assessment of checkout area product compliance)
- For other than **(A)** visits, I have met with store managers/owners 90% of the time. I successfully spoke with a site supervisor when those managers were unavailable.

Monitoring and Follow-up

How has feedback about non-compliance been provided to the stores? What percentage were provided feedback in-person? What percentage were provided feedback by means of a letter?

- I have provided feedback both in person and through follow-up emails.
- At 100% of (E) store visits where I have spoken with either a manager/owner or site supervisor, I have provided feedback in-person.
- During the more recent round of store visits in Aug-Sept 2025, I provided feedback via email to 30% (6/20 stores) of the store managers in addition to the in-person feedback. This is typically follow-up after further research of items.

Monitoring and Follow-up

Can you describe the follow-up after feedback had been given? How long did you give them before you visited again to see if they had addressed the problem?

- Technical assistance provided typically includes the following:
Distribute another copy of the "*Healthy Checkout: Product Guide for Retailers*"- reviewing part of the guide with them, offering rationale why certain food items do not meet the ordinance, researching specific items in question, and lastly, offering a few alternatives or an additional appointment to assist with finding compliant products.
- My focus has been on education, and not enforcement, but I typically conduct another round of store visits about 3-4 months later for follow-up.

Remediation and Enforcement

What are steps and timeline for remediation and enforcement actions?

- Remediation is addressed after 3-4 months for follow-up and TA
- Enforcement activities are not being conducted

How many warnings have been issued to non-compliant stores?

- Warnings are not part of the PH Education and TA activities.
- Email communications are sent to non-compliant stores for follow-up items that needed research.

How was EHS involved in the non-compliance issue?

- None. EH has not had funding to engage in enforcement activities since the effective date of the Ordinance.

Remediation and Enforcement

Do you have any suggestions for improving remediation and enforcement for HCO?

- Currently, there is no enforcement.
- Standardize assessment and remediation process based on defined goals and expectations as outlined in finalized performance measures
- Recommendation to Council for additional funding to support enforcement activities.

Technical Assistance, Education,
Engagement

Trainings and Meetings

For what percentage of stores have you had one-on-one meetings with the store owner/manager for 2025?

90% (18/20 stores)

In approximately how many stores have you seen store manager turnover in 2025? 2024? or since the HCO began?

I was not tracking staff turnover at all of the stores.

Trainings and Meetings

Have you ever attempted to convene meetings with the store managers as a group to describe the ordinance and to hear managers' problems and questions?

- No, convening a meeting with store managers was not a planned activity.
- An HCO survey was given to store representatives, with a 7 out of 20 response rate.
- At each visit, store representatives were given the opportunity to provide feedback, ask questions, and receive technical assistance.

Materials and Resources

What materials, resources or surveys have been provided to stores?

Please list below all below and pass around a set of these for Commissioners to see.

- Copy of Ordinance No 7.734-N.S.
- "Healthy Checkout: Product Guide for Retailers" from *Center for Science in the Public Interest*
- Healthy Checkout Ordinance Survey

Please provide an update on the website. When will it be available and what resources will it include (beyond those materials that are currently on the Healthy Berkeley site)?

- The Healthy Berkeley website is being updated by end of June 2026 to include a section on Healthy Checkout.

Materials and Resources

What are your recommendations for a website that will serve store management?

- An FAQ section
- Recognition of stores that are compliant
- Links to resources, including:
 - 1) Informational fliers for store postings
 - 2) Food and beverage categories and guidelines for what is allowable/non-allowable
 - 3) Nutrition label guide
 - 4) HCO Store Visit Handouts
 - 5) Diagram of the distance requirements

Education and Engagement

What do you do to help stores understand the purpose of the ordinance?

- Provide a copy of the Ordinance No 7.734-N.S.
- Provide the Healthy Checkout: Product Guide for retailers
- Provide Technical Assistance around questions and feedback.

How do you garner support for the ordinance?

- The focus of City Staff's role is to educate store owners in achieving compliance with the Ordinance through information and technical assistance.

Education and Engagement

What talking points have you found useful for different kinds of visits?

We do not have formal talking points; however we typically dive into the following items:

- Discuss results with store representatives
- Review guidance from the ordinance
- Celebrating any positive progress with the store managers.

Moving forward

Feedback from stores

Have store managers been surveyed? If yes, please provide a copy of the survey questions.

- Yes, 7 out of the 20 stores response rate
- Survey emailed to SSBPPE members

What feedback have you received from store owners/managers?

- Request for list of vendors that supply HCO approved products
- Chain-stores request that The City communicate with their corporate offices for the development of plan-o-grams that align with the ordinance.
- Easy way (i.e. a chart, an app, pictures, etc.) to determine what products are or are not allowed under the Ordinance
- Not feasible for stores to have fruits and vegetables at checkout area, creates more work for staff rotating produce to avoid spoilage.
- Some stores have said they have experienced a loss of sales.

Feedback from stores

What questions did they have? What were they confused about?

- Stores request clarification if alcohol will be allowed. *Nutritional labels are not required for most standard alcoholic beverages.*
- There is a discrepancy between the wording of the original HCO in the voting materials versus the final ordinance, pertaining to "linear feet."
- How is the 3 feet measured?
- Will The City will pay for expenses due to lost revenues?

Feedback from stores

Did they understand product category requirements?

- Some stores needed additional clarification during their visits.
- Refer to slide 8

Did they understand distance requirements?

- Most stores did, others needed a review of the distance requirements.
- Refer to slide 10

Current challenges

What are the biggest problems that have come up with implementing the HCO program? How have you tried to resolve them?

- EH has not had funding to engage in enforcement activities since the effective date of the Ordinance.

In your opinion, what can we do to prevent infractions?

- There are no consequences to non-compliance.

Current challenges

In your opinion, what can we do to correct infractions?

- Lack of enforcement is a huge gap.

Are there actions you would like to take but are not able to take?

- Providing clarity to store owners regarding enforcement and penalties.
- Provide incentives for store managers to support compliance.

Is there anything the Commission can do to help?

- Clarity of goals and associated performance measures that The City can report on a regular basis

Thank you

Black = Language from SSBPPE documents
 Blue = Suggested edits by City Staff
 Yellow = Link to a document
 Green = Currently being done at some capacity

DRAFT Berkeley SSBPPE Commission Performance Measures (original draft linked here)
Rev. 1/20/2026

The purpose of this document is to present the SSBPPE Commission' (Commission) major performance goals and objectives to which we ask for the Health, Housing, & Community Services (HHCS) Department's feasibility and likely methodology. The Commission's goals and objectives seek to foster an environment that discourages consumption of sugar sweetened beverages (SSBs) and encourages consumption of water (preferably tap) and other healthy beverages.

Goal 1. Create and support community-based strategies to discourage consumption of sugary beverages and encourage consumption of water and other healthy beverages.

Suggested revisions. Pls confirm below is correct interpretation or offer edits.:

Goal: SSB funded programs are successful in decreasing consumption of sugary beverages and increasing consumption of water and other healthy beverages.

Client being served: Contractors/ Grant Funded Community Agencies; Residents/community of Berkeley; Store owners/managers; Other CoB departments

Create strong, community-based grant programs; encourage the community grant application process, analyze and select winning grants, award grants, and monitor grant substantive and financial performance, including an annual grantee presentation to the commission.

Suggested Goal 1, Objective 1: The Commission, with the support of City staff, will clearly establish timelines for RFP process, including criteria for reviews, selection, and awarding of grants.

Commented [CJ1]: @ Commission: is the goal the creation of or the actual decrease in consumption of sugary beverages? See suggested revision below. Please confirm whether the revised goal is an accurate interpretation and provide any additional edits.

Commented [CJ2]: @ Commission: This is a broad statement. How would we know this is done and done well? How would City staff be able to report back to Commission clearly and definitively? Suggested measureable language below. Please confirm that it meets what the Commission is trying to achieve with this statement.

Commented [CJ3]: Commission: Can be moved down to the monitoring and reporting section. See below.

Goal 1, Objective 1 Measure of Success/Impact	Data collected	Measurement tool	Responsible	Feasible?
1.1 Impact measures that represent SSB funded program success will be defined by SSBPPE Commission and included in RFP language as requirement:	Measures included in RFP Reportable performance measures included in contracts	RFP Contract tracking tool	SSBPPE – Impact Measures	Feasible

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100% of awarded grantees will have proposed measureable activities and objectives that directly contribute to the SSBPPE defined measured impact 100% of award grantees will report on the measured impact on a quarterly basis. 100% of contracted grantees will present to SSBPPE on activities and impacts on an annual basis	Performance Measure data reported by contractors	Contractor data submission tracking tool	City staff – Contract Monitoring	
1.2 A project timeline for the RFP process will be developed by March 2026 for an anticipated CBO contract start date of July 1, 2027, including (but not limited to) deadlines for the following: - Council report draft for allocation (based on identified target council meeting date) - RFP finalized - RFP released - RFP proposal submission deadline - RFP proposal reviews completed, awardees and amounts finalized - Council report of recommended awardees submitted (based on identified Target Council meeting date) - Target date for executed contracts	- Completed list of milestones for RFP process - Identified deadlines for each milestone	- Documented Timeline - SSBPPE Commission meeting notes	Public Health (PH) with input from Commission	Feasible
1.3 Assure that one half of grant revenues, after payment to the City is awarded to BUSD for its garden and cooking programs, and the other half is awarded to community-based organizations.	None	None	Commission	Feasible - Has been previous practice.

Commented [CJ4]: @ Commission: This is currently being done and has usually been included in the allocation requests to Council.

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Include in SSBPPE recommendations on Council Report				
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Support grantees separately and collectively, including at least one meeting per year where grantees learn about each other and explore working collaboratively.

Suggested Goal 1, Objective 2: 1) City Staff will Ensure and support contractors with 1) contract compliance with scope/budget; 2) accuracy and completeness of reporting requirements; 3) and successful achievement of contract deliverables

Goal 1, Objective 2 Measure of Success/Impact	Data collected	Measurement tool	Responsible	Feasible?
2.1 All grantees will achieve 80% of their stated performance benchmarks by the end of the 2-year grant period	Performance Measures Data	Quarterly reports	Grantee & Public Health (PH)	Feasible.
2.2 All grantees will provide at least 1 success story annually.	Success story highlight	Quarterly reports	Grantee & PH	Feasible.
2.3 All grantees will receive feedback on data quality and data use within 15 business days of submitting their reports.	# of grantee questions/ requests for TA Date progress report received Date feedback provided TA/ feedback provided including: - Data (programmatic and fiscal) completeness - Data Accuracy	Report tracking log TA tracking log	PH	Feasible Refinements need to be made

Commented [CJ5]: @Evangelista, JoAnn What does data use in this context mean?

Commented [EJ5R2]: "Data use" = how their data is applied nad used to inform their activities or how they address challenges. Example: the Data is showing low numbers on outreach; Action - let's look at opportunities for increasing outreach; can they collaborate with other agencies; is there a forum where they can increase their presence/increase outreach? etc. This type of feedback is already being done after review of quarterly reports. If the data suggests some challenges, this is addressed in PH's feedback, with some recommendations.

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Ensure grantee promotion of work to the broader community that acknowledges the commission's funding.				
<i>Alternative Performance measure suggested by City staff:</i> 2.4 100% of Grantees include the Healthy Berkeley logo and/or blurb acknowledging the Healthy Berkeley/ SSB funding on all developed materials (i.e. flyers, tool kits, communications, etc.) to the broader community <i>Associated Activities:</i> • Include requirement language in RFP and contract SOW. • Develop funding acknowledgement language	• % of program materials that include the Healthy Berkeley logo and/or blurb acknowledging the Commission's funding in promotional materials to the broader community.	Developed Materials Log	PH	Feasible
2.5 At least 80% of grantees will report satisfaction with the level and quality of PH support received. (collected annually) At least 80% of grantees will report they were able to collaborate with other grantees work. At least 80% of grantees will report they were able to learn from other grantees work. <i>Associated activities:</i> City Staff will conduct at least one grantee meeting per year.	• % of grantees who are satisfied with the level and quality of PH support received • % of grantees that report they were able to collaborate with other grantees • % of grantees reporting they were able to learn from other grantee's work. • # of grantee meetings convened per year.	Survey Meeting log (date, # of attendees, names of organizations)	PH	Feasible. Need to develop survey.

Commented [CJ6]: @ Commission: Please see alternate proposed measure language below. Does this get to what you are looking for?

Commented [CJ7]: @Evangelista, JoAnn Move this whole row up to Objective 2.

Commented [CJ8]: @ commission: We can certainly do this. However, it may not be the only way to encourage collaboration and learning. Perhaps the grantees can suggest other strategies to support them on this and flexibility on the strategies can be provided here.

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Goal 1, Objective 3: Keep SSB distributor tax-funded programs, HCO and Procurement Resolution information up-to-date for public access.

Goal 1, Objective 3 Measure of Success/Impact Deliverable/On-going Activity	Data collected/ <u>Action needed</u>	Measurement tool <u>Method used</u>	Responsible	Feasible?
3.1 Develop, post and maintain a website that displays and strengthens the Commission's goals, grants and other activities and successes.	<u>On a quarterly basis:</u> Updates to content and maintenance on: • Healthy Berkeley general info page • Healthy Berkeley grantees page • <u>Resources and Tools</u> • <u>FAQs</u> • General Healthy Checkout Ordinance information • HCO Dashboard based on identified Performance Measures. • General CoB Procurement Resolution Information • <u>Add Contact Us page for questions and inquiries.</u>	Website update tracking log	City Staff – <u>be specific</u>	Feasible.
• Recommend developing a website that stores could use to learn more about HCO. - o Include a submission form for questions about the ordinance, photos taken of the checkout areas, etc. - o Keep website updated at least <u>twice annually.</u>				
3.2 75% of Procurement Resolution inquiries submitted to a link on Healthy Berkeley website will be answered within 5 business days from receipt.	<u>On a xx basis, review inquiries, etc. received from submission link(s).</u>	Inquiries log	City Staff	Lacking staff capacity for constant monitoring.
Beverage Procurement Resolution content will be developed and updated a <u>minimum of once a year</u> for posting on the Healthy Berkeley website, <u>with the purpose of supporting City of Berkeley staff and the broader public in learning about the Resolution.</u>				

Commented [CJ9]: @JoAnn Evangelista: Move this whole row up to Objective 2

Commented [JK14]: Esp needed for store owners/managers re: HCO

Commented [JK10]: I don't see this reflected in next column

Commented [CJ11]: @ Commission: For consistency and efficiency, we might suggest a quarterly review and update of the entire website rather than differing cadences for each ordinance or program. This is noted above in blue font.

Commented [CJ15]: @ JoAnn: What does this mean?

Commented [EJ15R2]: If there was a link on the webpage for website visitors to ask questions, this is what this would be. Deleting because this currently doesn't exist and the priority task will be to update the website (the bullet points listed above that point)

Commented [JK12]: what happens to the other 25% Why just healthy proc inquiries -- can this be all inquiries?

Commented [JK13]: this can be combined with 3.1

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Goal 2. Promote the Success of Berkeley's Healthy Checkout Ordinance

Suggested revision for Goal 2. Pls confirm below is correct interpretation or offer edits.: Retail stores qualifying under the Healthy Checkout Ordinance (HCO) are compliant with aware of, and support the HCO.

Client being served: Berkeley Retail Stores over 2,500 square feet

HCO ordinance link: <https://berkeley.municipal.codes/BMC/9.82.030>

Suggested Goal 2, Objective 1: Successful Monitoring and Supporting Stores with HCO Implementation Developing Protocols for use in Monitoring and Supporting Stores

Consider alternative table structure/ column headings:

Goal 1: xxx

Objective	Activities	Responsible Parties (use name or title)	Deliverables	Description of Progress and Challenges
1. Xx				
2. Xx				
3. xx				

Commented [CJ16]: @ Commission: We suggest more results based language defining success of the HCO, rather than action based language. Please see Suggested language below.

Commented [PC16R2]: Agree, focus should be on protocol development and results

Commented [PC17]: agree

Commented [PC17R2]: have modified columns below

Goal 2, Objective 1 Developing Protocols and Tools Measure of Success/Impact Activities and Deliverables	Activities Data collected (Maybe split into process measures and findings?)	Responsible Person Measurement tool & Data Collected	Responsible Deliverables and Date Accomplished	Completed? If not, why? Feasible? Description of Progress and Challenges

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Provide "Guiding Principles" document to city staff (specify who) to develop an implementation and monitoring process. Review materials to use when providing technical assistance to the stores.				SSBPPE shared with PH Division
Observing store checkout areas. a. <u>Creating a spreadsheet (see Guiding Principles Document)</u> b. <u>Develop a System (See Guiding Principles)</u> c. <u>Create a Process (see Guiding Principles)</u> d. <u>Develop a Form (see Guiding Principles)</u> e. <u>Create an Abbreviated Summary Table (see Guiding Principles)</u> f. <u>Develop Form Letter Templates to provide to all stores after each visit (one for compliance stores and one for noncompliance stores)</u> g. <u>Create an Ongoing Working Document to Capture Questions Asked by Stores and Resolution of Questions as well as methods used (example: research or experts consulted)</u> h. <u>Creating a Working Document with criteria for defining checkout area with list of questions needing resolution (e.g. does the definition include stand-alone displays and small beverage refrigerators near checkout? And resolution method.)</u> i. <u>Clarify Food Categories Allowed at Checkout (example: Are vegetable chips allowed? Bars where first ingredient is isolated PEA or WHEY</u>	● # of qualifying business	Business visit tracking sheet	City Staff	Suggested performance

Commented [CJ18]: @ Commission: The guiding principles document reads as a list of specific day to day activities that can be interpreted as directing staff's daily work. Is this too much in the weeds for the Commission to dive into?

Below is suggested alternative language for performance measures.

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<u>protein? Milk chocolate?). Update Listing of compliant and noncompliant foods and beverages after each store visit with space for source, date, questions regarding eligibility, and product picture.</u> <u>j. Developing a system for making regular education visits to stores with new strategies and reminders which can be used to reduce drift of current employees and train new employees.</u>	• % of businesses identified as non-compliant on first visit • % of businesses identified as non-compliant on 2nd (follow-up) visit and referred to Environmental Health • List of non-compliance items identified			measures are feasible
	• Challenges identified by businesses to achieve compliance • Business Contact information (POC at time of visit) • # of businesses that received educational materials and TA during at least one of their visits • % of visits that included sharing of educational materials and/or TA • % of stores evaluated for: ○ Distance: 3 feet from any register, including the endcap ○ Beverages with no added sugars or artificial sweeteners			

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	- Food items with no more than 5 grams of added sugars and 200 mg of sodium per labelled serving - Allowable food items must be in following categories: chewing gum and mints with no added sugars, fruit, vegetables, nuts, seeds, legumes, yogurt, or cheese and whole grains			
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Goal 2, Objective 21: Monitoring Store Compliance				
a. Visiting all HCO stores at least twice a year				
b. Meetings with store manager whenever possible and at least once per year. Ensure manager is aware of the ordinance and its purpose.				
c. Assessing compliance of store checkout areas				
d. For 100% off all qualifying business identified as non-compliant at the first or second visit: 1. Set a meeting with manager within 10 days of visit to provide TA to provide education materials linked to website and information on noncompliance will be provided with educational materials and TA at the time of the visit, and				
e. Call stores managers within a month after the noncompliance visit				
f. Visit the noncompliant stores three months after the original meeting with store manager to reassess compliance				
g. If still not compliant for same infraction, repeat remediation steps 1-4				
h. After two rounds of remediation for same infraction, if still noncompliant, refer to EHS for enforcement				
i. Reassess in six months to ensure continued compliance				

Commented [CJ19]: @ Commission: If a store is found compliant, is it necessary to meet with the manager in every store? Basically, can a demonstrated compliant store serve as a proxy that the manager is aware of the ordinance and purpose?

Pls see suggested performance measure below (in blue font) as we believe non-compliant stores may indicate a lack or limited awareness by managers.

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j. <u>In the event of noncompliance after six months, refer case to EHS with copy of suggested enforcement letter</u> <u>TA Visit: Store managers will receive education, materials, and a summary of improvements needed discussed from their visit within 10 business days from the store visit.</u> <u>Follow up phone call: Call store managers within a month after the TA visit</u> <u>Follow up visit: in 3 months, re-assess compliance</u> <u>If still not compliant (for same infraction), do another set of remediation steps 1-4</u> 2. <u>After two rounds of remediation for same infraction, if still non-compliant, refer to EHS for enforcement</u> <u>For stores in compliance at Visit 1, meetings with manager don't need to be scheduled. Re-assess in 6 months to ensure continued compliance.</u>				
100% of all businesses identified as non-compliant at the first or second visit will be revisited within 3 months of the initial visit for follow-up 100% of all businesses identified as non-compliant on the third and final visit of the year will be referred to environmental health for enforcement visit.				

Commented [PC20]: City staff changes have been included in above changes

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City staff will interact with store managers in at least 80% of non-compliant stores Associated Activities: City Staff will: - clearly define “non-compliance” vs “compliance” - refine visit tracking sheet - develop annual schedule to visit qualified businesses - create a template or example of TA materials for sharing with stores – share draft with commission to review and provide feedback 100% of Commission members and PH staff funded through HB will review the “Guiding Principles” document to inform HCO implementation and monitoring. Guiding Principles - SSB HCO protocol Final.pdf				
Goal 2, Objective 3: Supporting Stores and Communicating their Efforts to Comply with HCO			City Staff	Feasible for 1 presentation per year.

Commented [JK21]: why is the benchmark set at 80%?

Commented [CJ22]: @ Commission: The guiding principles document reads as a list of specific day to day activities that can be interpreted as directing staff's daily work. Is this too much in the weeds for the Commission to dive into?

Suggest we omit the Guiding Principles in favor of defining program impacts and measures.

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a. Utilize the HCO website as a go-to source of information for store staff, the site with include the history and benefits of HCO, the criteria being used, along with lists and pictures of compliant and noncompliant products. There should be an area for FAQ, a system for submitting questions with a reasonable response time for answers, and a tool that retailers can use to confirm if a product is compliant with nutrients and categories of foods. b. Create, with the help of anecdotes from successful stores, success stories of store compliance and best practices for Healthy Checkout success c. Stores will be provided with HCO materials for the public which will include materials on outcomes from early years of the ordinance and pictures graphically portraying the message. Include a link for the public to the Q&A page of the HCO website d. Stores will be provided with small poster-size information on HCO in Spanish and English for employee breakrooms. Goal 2 Objective 4: Communicating Success of HCO to SSB Commission and City Leadership				
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a. Share findings twice per year at Commission meetings. Determinations of nutrition criteria and checkout definitions will be presented as well as compliance percentages. Questions from the commissioners will be provided to the presenter in advance. b. Write a short annual report on the status of the HCO program. Topics to be included in the report will be provided by the SSB Commission in advance. <u>Present more often as needed while implementation and monitoring processes are still being developed. (This could be to a sub-committee)</u> Goal 2 Objective 5: Reviewing HCO Ordinance Criteria Every Two Years a. Review master HCO nutrition standards document with all criteria listed and definition of checkout. b. Review nutrition criteria, list questions and resolution as well as the methods used to resolve questions (e.g., what research or experts were consulted) c. Review the definition of checkout. Date and list questions needing resolution, e.g., does the definition include stand-alone displays and small beverage refrigerators near checkout?				
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d. Clarify food categories allowed at checkout. For example, are vegetable chips allowed? Snack bars where the first ingredient is isolated pea or whey protein? What about milk chocolate?				
by the individual conducting the visits to discuss all the above, using the PowerPoint template provided by the Commission.				

Commented [CJ23]: @ Commission: For clarification, what is the goal of the HCO Ordinance Review that is conducted every two years?

Commented [PC23R2]: It's to assess procurement compliance over time

Commented [CJ24]: Given that we are recommending 2 follow up visits for non-compliant stores with 3 months windows to address non-compliance, 2 presentations may not provide comprehensive information. Staff capacity for this would be 1 presentation per year.

Commented [PC24R2]: For the first year the commission recommends two meetings per year of one hour in length until further notice.

Goal 3. Promote the Success of Berkeley's Beverage Procurement Resolution

Suggested revision for Goal 3. Pls confirm below is correct interpretation or offer edits.: City of Berkeley Departments and contractors are compliant with the Beverage Procurement Resolution.

Client being served: City of Berkeley Departments

Context: The resolution states that the City of Berkeley and City food services contractors **shall not:**

- 1) Serve SSBs at City meetings and events on City property;
- 2) Procure SSBs with City funds; and
- 3) Sell SSBs on City property, including in vending machines.

Goal 3, Objective 1: Successful Monitoring compliance and implementation of the Beverage Procurement Resolution

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Goal 3, Objective 1 Measuring Success/Impact	Data-collectedActivities	Measurement toolResponsible Person	Responsible Deliverables and Date Accomplished	Feasible?Descri ption of Progress and Challenges
Ensuring that all City department heads know of the resolution and its purposes. <i>See suggested performance measure below.</i>		Annual Survey of City Department Heads and Managers at least once	City Staff <u>specify who</u>	Feasible

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- At least 90% of All City Department Heads are aware of the Beverage Procurement Resolution and its purpose - Ensuring that all City department heads make sure their staff members know of the resolution and its purposes. <i>See suggested performance measure below.</i> - At least 90% of City Department heads that are aware of the resolution report that they have informed their staff members of the Beverage Procurement Resolution and its purpose - Monitoring implementation and compliance at least twice per year. - Assuring that city managers are surveyed at least once per year on compliance within their unit. Survey should include determining if they are aware of the resolution, have noticed any differences in what beverages are offered, <u>experiences with implementation (successes and challenges)</u> etc., and have any questions regarding implementation. - Monitoring progress of any required correction to implementation. <u>Summarize successes, challenges, questions, clarifications needed to Commission</u> <i>See suggested performance measure below.</i>	# of Department Heads that received the survey # of Department Heads that completed the survey % of Department Heads that reported awareness of the Resolution and its purpose % of Departments that reported they communicated the resolution to their staff % of unaware Department Heads that received a follow up email	per year on compliance within their unit. Tracking Log	City Staff	Feasible
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Commented [CJ25]: @ Commission: Considering the limited capacity of Department Heads' time, we suggest once a year.

Commented [PC25R2]: OK

Commented [CJ26]: @ Commissioners: There is only one City Manager. Or did you mean all managers in the City? If the latter, we suggest sticking with surveying all the Department Heads and not Department Heads AND their managers. It may not be the most efficient effort to get the information you are requesting.

Commented [PC26R2]: Request just city manager

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- All Department Heads that report that they were not aware of the Resolution and/ or did not inform their staff will receive informational material on the resolution. - All Department Heads that report that they were not aware of the Resolution and/or did not inform their staff will receive a follow-up email within 1 month of the original survey for compliance.	% of unaware Department Heads that reported awareness and staff communication 1 month after initial survey			

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Commented [CJ27]: @Evangelista, JoAnn is this feasible?

Commented [EJ27R2]: Yes, feasible

Goal 4: Increased awareness of Berkeley's SSB program, HCO, and Procurement Resolution information

Goal 4, Objective 1: Maintain updated information for Berkeley's SSB program, HCO, and Procurement Resolution on Healthy Berkeley website.

Goal 4, Objective 3 Measuring Success/Impact	ActivitiesData-collected	Responsible PersonMeasurement tool	Deliverables and Date AccomplishedResponsible	Description of Progress and Challenges Feasible?
3.1 Develop, post and maintain a website that displays and strengthens the Commission's goals, grants and other activities and successes. On a quarterly basis Recommend developing a website that stores could use to learn more about HCO.	Updates to content and maintenance on: - Healthy Berkeley general info page - Healthy Berkeley grantees page - Resources and Tools	Website update tracking log	City Staff	Feasible.

Commented [JK28]: This table looks the same as Goal 1, Obj 3

Commented [CJ29]: @JoAnn Evangelista: Move this whole row up to Objective 2

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- o Including a submission form for questions about the ordinance, photos taken of the checkout areas, etc. - o Keeping website updated at least twice annually. 75% of Procurement Resolution inquiries submitted to a link on Healthy Berkeley website will be answered within 5 business days from receipt.	• FAQs • General Healthy Checkout Ordinance information • HCO Dashboard based on identified Performance Measures. • General CoB Procurement Resolution Information • Add Contact Us page for questions and inquiries. Inquiries and response dates	Inquiries log	City Staff	Not Feasible—Lacking staff capacity for constant monitoring and response
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Commented [CJ30]: @ Commission: For consistency and efficiency, we might suggest a quarterly review and update of the entire website rather than differing cadences for each ordinance or program. This is noted above in blue font.

Commented [CJ31]: @ JoAnn: What does this mean?

Commented [EJ31R2]: If there was a link on the webpage for website visitors to ask questions, this is what this would be. Deleting because this currently doesn't exist and the priority task will be to update the website (the bullet points listed above that point)

Last point on the Commission's Draft of Performance Measures: Determining if there is a feasible way to assess results of the procurement ban such as reduced SSB (sugar-sweetened beverage) consumption, weight loss of staff, waist circumference loss of staff, increased water consumption, or other ways in which city employees deal with it. *Some of these questions for City staff may be personal and potentially invasive,*

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particularly around weight loss and waist circumference. There may be interpretations of discrimination around body type/ shape. It would be best to determine the purpose of gathering staff information and determine impact measures aligned to that purpose.

Commented [PC32]: To be discussed at a later point

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All Questions from the Healthy Checkout Ordinance Powerpoint Template

These will be addressed in the Presentation by the Nutritionist on 2/19/26

Commented [JK33]: and every presentation to commission

SECTION: HCO Compliance

1. Dates of store visits and rates of compliance
 - o Visit Purpose
 - o Months Between Visits
 - o Total # of stores
 - o % of stores compliant by food/beverages
 - o % of stores compliant by distance from checkout

Product Compliance

2. What is the process for examining HCO product compliance (i.e., spot checking versus scanning all checkouts)?
3. Describe the criteria for product compliance by nutrients and food group?
4. How long does it take to assess a store's compliance?
5. What are the most common non-compliant products and product categories?

Distance-Related Compliance

6. What is the process for assessing compliance using distance as a criteria for non-compliance?
7. What is the criteria for compliance by distance?
8. What are the most common reasons for distance-related noncompliance?

SECTION: Monitoring and Enforcement

Monitoring and Follow-up

9. On approximately what percentage of store visits were you able to talk to the owner/manager? For store visits where you did not talk to an owner/manager, on what percentage were you able to talk to another staff?
10. How has feedback about non-compliance been provided to the stores? What percentage were provided feedback in-person? What percentage were provided feedback by means of a letter?
11. Can you describe the follow-up after feedback has been given? How long did you give them before you visited again to see if they had addressed the problem?

Remediation and Enforcement

12. What are steps and timeline for remediation and enforcement actions?
13. How many warnings have been issued to non-compliant stores?
14. How was EHS involved in the non-compliance issue?
15. Do you have any suggestions for improving remediation and enforcement for HCO?

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SECTION: Technical Assistance, Education, Engagement

Training/Meetings

16. For what percentage of stores have you had one-on-one meetings with the store owner/manager for 2025?
17. In approximately how many stores have you seen store manager turnover in 2025? 2024? Or since the HCO began?
18. Have you ever attempted to convene meetings with the store managers as a group to describe the ordinance and to hear managers' problems and questions?

Materials/Resources

19. What materials, resources or surveys have been provided to stores? *Please list below all below and pass around a set of these for Commissioners to see*
20. Please provide an update on the website. When will it be available and what resources will it include (beyond those materials that are currently on the Healthy Berkeley site)?
21. What are your recommendations for a website that will serve store management?

Education/Engagement

22. What do you do to help stores understand the purpose of the ordinance?
23. How do you garner support for the ordinance?
24. What talking points have you found useful for different kinds of visits?

SECTION: MOVING FORWARD

Feedback from stores

25. Have store managers been surveyed? If yes, please provide a copy of the survey questions.
26. What feedback have you received from store owners/managers?
27. What questions did they have? What were they confused about?
28. Did they understand product category requirements?
29. Did they understand distance requirements?

Current Challenges

30. What are the biggest problems that have come up with implementing the HCO program? How have you tried to resolve them?
31. In your opinion, what can we do to prevent infractions?
32. In your opinion, what can we do to correct infractions?
33. Are there actions you would like to take but are not able to take?

Last Slide Question:

34. Is there anything the Commission can do to help? **END OF QUESTIONS**