



## **SOCIAL AND ECONOMIC JUSTICE COMMISSION**

City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA

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### **AGENDA**

TUESDAY, February 5, 2019, 7:30 PM

**1. CALL TO ORDER / ROLL CALL**

**2. APPROVAL OF MINUTES:** December 4, 2018

**3. PUBLIC COMMENT**

For persons desiring to address the Commission on an item that is not on the agenda please note that each speaker is limited up to three (3) minutes. The Brown Act limits the Commission ability to take and/or discuss items that are not on the agenda; therefore, such items are normally referred to staff for comment or to a future agenda.

All persons wishing to speak on an item on the agenda are to fill out speaker cards and provide to the staff liaison. Comments related to items appearing on the agenda are taken up at the time the Commission deliberates each action item. The Chair will announce when the period for public comment is open on each agenda item.

**4. ANNOUNCEMENTS**

Staff and Commission member announcements.

**5. PRESENTATIONS**

**5-1.** Neighborhood Services – Sid Schoenfeld, Neighborhood Services Manager

**5-2.** Albany Project HOPE – Sharon Alford, John Anyosa and Katlyn Tracy, Berkeley Food and Housing Project

**6. DISCUSSION & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS:**

**6-1.** Sugar-sweetened Beverage Tax – Commission to discuss future recommendation for presentation at Sugar Sweetened Beverage Tax Community workshop on April 1, 2019.

**6-2.** Work Plan – Discussion of potential items to include in the Commission's next work plan

**7. FUTURE AGENDA ITEMS**

Commissioners announce requests for future agenda items. No public comment will be taken on announcement of future agenda items.

**8. NEXT MEETING:** Tuesday, March 5, 2019 7:30 pm, City Hall Council Chambers, 1000 San Pablo Ave.

**9. ADJOURNMENT**



## SOCIAL AND ECONOMIC JUSTICE COMMISSION

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### NOTICE

As a general policy, the Commission/Committee/Board will not begin discussion or consideration of an agenda item after 10:00 pm.

Agendas are posted for public inspection in advance of meetings at the City Hall, the Albany Community Center, and the Albany Senior Center. Agendas and supporting documents can also be found online at: [www.albanyca.org](http://www.albanyca.org). Supporting documents and any public comments received prior to 12 noon of the meeting date will be made available for public inspection at City Hall. If you have any questions pertaining to any agenda item or meeting procedure, please contact the City Clerk's Office at 510-528-5710 or [cityclerk@albanyca.org](mailto:cityclerk@albanyca.org).

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In compliance with the Americans with Disabilities Act (ADA), and State Law, if you need special assistance to participate in this meeting, please contact the City Administration Office 510-528-5710. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102.104 ADA Title II)". Upon request, we will provide written agenda materials in appropriate alternate formats, of disability related modification or accommodation, including auxiliary aids or services to enable individuals with disabilities to participate in public meetings. Please deliver a written request, including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service at least two (2) days before the meeting. Request should be sent to: [cityclerk@albanyca.org](mailto:cityclerk@albanyca.org) or City Clerk, 1000 San Pablo Avenue, Albany, CA 94706.

The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of a diverse community, and providing a safe, healthy and sustainable environment.



## SOCIAL AND ECONOMIC JUSTICE COMMITTEE

City Hall Council Chambers  
1000 San Pablo Avenue, Albany, CA

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### MINUTES OF THE REGULAR MEETING TUESDAY, DECEMBER 4, 2018, 7:30 P.M.

1. **CALL TO ORDER / ROLL CALL – 7:30 PM**  
Commissioners present: Daro, Downs, Grossman, Marks, Diehl  
Commissioners absent: None  
Staff present: Isabelle Leduc
  
2. **APPROVAL OF ACTION MINUTES**  
**Motion** to approve the minutes from the November 7, 2018 meeting was made by Commissioner Downs and seconded by Commissioner Marks.  
  
AYES: Commissioners Daro, Downs, Grossman, and Marks and Chair Diehl  
NOES: None  
Motion carried and so ordered.
  
3. **PUBLIC COMMENT**
  
4. **ANNOUNCEMENTS**
  
5. **PRESENTATIONS**
  
6. **DISCUSSION & POSSIBLE ACTION ON MATTERS RELATED TO THE FOLLOWING ITEMS:**
  - 6-1. **Aging in Place Subcommittee will provide an update.**  
Chair Diehl reported the subcommittee's activities to date.
  
  - 6-2. **Inclusivity Subcommittee will provide an update.**  
The Commission received an update regarding its letter to the Council.
  
  - 6-3. **Work plan amendment to include full evaluation of Albany Project HOPE–Chair Diehl will provide an update.**  
The Commission discussed the timing of the request to amend the work plan and the upcoming Council review and approval of Advisory Body work plans.
  
  - 6-4. **Review of Advisory Bodies to the City Council–Staff will provide information regarding any direction from Council.**  
The Commission discussed the Council's review of its Advisory Bodies.  
  
**Motion** to request a meeting between the City Council and the Social and Economic Justice Commission to discuss the Commission's role and purpose was made by Commissioner Grossman and seconded by Chair Diehl.  
  
AYES: Commissioners Daro, Downs, Grossman, and Marks and Chair Diehl  
NOES: None  
Motion carried and so ordered.



## **SOCIAL AND ECONOMIC JUSTICE COMMITTEE**

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7. **FUTURE AGENDA ITEMS**  
The Commission's mission
8. **NEXT MEETING: Tuesday, January 8, 2019, 7:30 p.m., City Hall Council Chambers**
9. **ADJOURNMENT: 8:33 PM**

DRAFT

**Albany Project HOPE**  
**Homeless Outreach and Engagement Program**  
**Berkeley Food and Housing Project**  
**Report to City Council**  
**October-December 2018**

**Activities**

**Housing Navigation**

The new Albany housing navigator has continued to support the clients currently housed at house in Oakland. Each existing rapid re-housing (RRH) client has a completed and updated stability plan and has applied for subsidized housing opportunities throughout the East Bay. The housing navigator is also working with these clients to increase their income through job referrals, resume building, or learning new job search platforms to broaden employment searches. This support has proven successful with two current tenants who increased their income this quarter.

The Albany housing navigator continues to maintain contact with tenants and landlords at the house in Oakland to ensure regular payment of rent and good maintenance of the building. This includes working with clients to strengthen conflict resolution skills when conflicts arise in the house. The housing navigator visits tenants at the house at least once a month and has maintained regular communication with the landlord.

There are 13 clients in housing navigation. These include clients who have applied for housing options and are still waiting for a housing match. Clients receive assistance in obtaining all necessary eligibility documents for subsidized housing. Such assistance has included replacing state IDs and birth certificates, or helping a client complete a disability verification form. The housing navigator has provided transportation to medical and Social Service appointments, often providing support to the client during appointments to ensure client needs are met. The housing navigator's goal is to support clients with various essential needs – legal, medical, financial, etc. – while continuing to navigate housing options.

**Outreach**

The Albany housing navigator maintains a regular schedule of outreach at the Senior Center, Community Center and Library, and the shower program at the Aquatic Center. The consistency of this schedule has facilitated regular check-ins with clients, which is especially helpful when

individuals do not have access to other forms of communication such as phone or email. The housing navigator also regularly outreaches to other areas of the city, such as Solano Ave, the Ohlone Greenway, Pierce Park, and various locations on San Pablo Ave.

This quarter, the Albany housing navigator responded to nineteen outreach requests through the Albany Project HOPE line. Calls are made by individuals seeking services for themselves, or from businesses or Albany citizens requesting assistance for another person. The housing navigator has gained three clients for navigation through the Albany Project HOPE line.

The Albany housing navigator also completed 14 Alameda County Coordinated Entry Assessments with clients at the Albany Senior Center, Albany Library, Aquatic Center shower program, and at various other outreach sites throughout the city. Several Albany clients were also assessed through the Hub intake line. All assessed clients have been offered shelter options.

## **Successes**

The Albany housing navigator has identified three candidates for Rapid Rehousing. Stability plans were completed for all households and they were submitted for RRH consideration. Additionally, the housing navigator has referred several clients to other immediate residential services, with two clients currently in Berkeley shelters and one client accessing Options Residential services.

The housing navigator has also supported several clients with career and financial stability goals. One individual was referred to a job opportunity for which he was hired. Another client was assisted with the cost of a background check required for employment. Several clients have received support in accessing essential eligibility documents needed for the Social Security Disability Income application process. Additionally, the housing navigator successfully secured a laptop donation for a literally homeless client who is starting an online graduate program this spring.

Lastly, the housing navigator has built effective working relationships with clients who initially expressed distrust toward homeless services. Through a trauma-informed approach, the housing navigator has engaged in wellness checks with individuals who are normally highly resistant to receiving services. Without feeling as though they are expected to complete an assessment or receive services, many of these individuals have gradually shifted toward requesting or accepting resource referrals after building trust with the housing navigator.

## **Challenges**

While presenting various housing options, the housing navigator aims to always provide a realistic expectation of wait times, housing navigator availability, and how subsidies are offered. Many individuals have declined to engage in Rapid Rehousing because of the short-term nature of the subsidy, as well as the requirement of sharing a living space. The housing navigator continues to discuss the benefits of the program, but has found that many individuals prefer to remain homeless and look for longer term subsidy options.

Business owners continue to make Project Hope outreach requests for housing assistance for people through the Albany Project HOPE line and via some Albany employees. The housing navigator has responded to several of these requests and has found that the issue often relates to criminal activity. The housing navigator has attempted to problem solve with business owners in how to outreach to individuals that often leave the premises very quickly in this situations, as well as how to respond when the individual is behaving in an unsafe way. This included suggesting that poster versions of the Albany Project HOPE flier be created that businesses can display in their windows. The poster can serve as a visual resource for homeless individuals who are difficult to find during outreach. A mock up poster was created by the city of Albany. So far, only one organization—the Albany Community Center—has accepted a poster to post on its bulletin boards while other businesses have declined to display it.

The housing navigator has also received repeated outreach requests for individuals who access the Community Center and Library daily. The housing navigator has attempted to engage the same individuals during every outreach visit. While the individuals are often friendly, they typically decline services. The housing navigator has communicated to the Community Center and Library staff that attempts have been made and that these efforts to provide services and supplies will continue.

**ATTACHMENT**

**BFHP Albany PROJECT PERFORMANCE MEASURES**

Due on the 15<sup>th</sup> of each month following the quarter

<b>Project Performance Measures and Targets</b>				
<b>Performance Measure</b>	<b>Target</b>	<b>Progress/Activity this period</b>	<b>Year to date statistics</b>	<b>Comments</b>
Outreach contacts (unduplicated contact with a new client)	30	34	60	
Performed initial intake/enrollment	12	14	14	
Number of housing case plans performed	10	10	14	
New Clients Housed	6	0	0	
Clients maintaining housing for 6 months	4	4	4	
*Clients maintaining housing for a year	4	2	2	
Clients exited from Aftercare program	4	1	1	
Clients receiving prevention	2	2	2	

\*This measure duplicates clients in the measure above. It includes only non-exited clients.





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**CITY OF ALBANY  
SOCIAL AND ECONOMIC JUSTICE COMMISSION  
STAFF REPORT**

Agenda Date: February 5, 2019

**SUBJECT:** Sugar Sweetened Beverage (SSB) Tax Recommendation

**REPORT BY:** Isabelle Leduc, Assistant City Manager

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**STAFF RECOMMENDATION**

The Social and Economic Justice Commission shall prepare a recommendation for the use of Sugar Sweetened Beverage Tax proceeds for Fiscal Year 2019-20.

**BACKGROUND**

In November 2016 Albany voters approved Measure O1, (Ordinance No. 2016-02), a tax on sugar sweetened beverages. Per the ordinance language, the Council shall hold a study session annually to receive input and recommendations regarding the expenditure of proceeds from the tax, and solicit recommendations from a number of organizations, including: the City's Parks and Recreation Commission, **Social & Economic Justice Commission**, Traffic & Safety Commission, a designated representative from the Albany Unified School District, and individuals with specialized expertise in areas such as public health issues and programs relating to diabetes, obesity and sugary drink consumption.

The SEJC prepared a recommendation for the Council study session held on November 6, 2017 to receive input and recommendations for expenditure of sugar sweetened beverage tax proceeds. The SEJC SSB Recommendation dated October 2017 is included as attachment 1 to this staff report for the Commission's information.

Council approved the FY2018-19 Sugar Sweetened Beverage Tax Expenditure Plan on June 18, 2018. The plan allocates funding for the installation of water bottle filling stations, crossing guard program, an educational campaign, free exercise and nutrition/cooking classes, and a community fitness challenge. The FY2018-19 SSB Expenditure Plan is included as attachment 2 to this staff report for the Commission's information

**DISCUSSION**

The Social and Economic Justice Commission shall prepare a recommendation for the use of Sugar Sweetened Beverage Tax proceeds per Ordinance No. 2016-02, included as attachment 3 to this staff report. The Council will consider recommendations for the use of

sugar sweetened beverage tax proceeds for FY2019-20 at a study session on April 1, 2019 at 6:00 PM.

**FINANCIAL IMPACT**

The City has received a total of \$440,954 in revenue from the sugar sweetened beverage tax between January 2017 – December 2018. Council approval and appropriation of funds for the FY2018-19 sugar sweetened beverage tax expenditure plan was \$289,076. The City expects approximately \$250,000 to be available in FY2019-20.

**Attachments**

1. SEJC SSB Recommendation Memo October 2017
2. FY2018-19 SSB Expenditure Plan
3. SSB Ordinance No. 2016-02



# ALBANY CALIFORNIA



CITY OF ALBANY  
1000 SAN PABLO AVENUE  
ALBANY, CA 94706  
[www.AlbanyCA.org](http://www.AlbanyCA.org)

## MEMO

October 16, 2017

**To:** City Council

**From:** Social & Economic Justice Commission

**Subject:** Sugar-Sweetened Beverage Tax Funding Recommendations

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Measure 01: Albany Sugar – Sweetened Beverage Tax was passed by the voters of Albany, CA on November 8, 2016. The tax was originally proposed by Albany’s Social and Economic Justice Commission with the purpose of reducing the consumption of sugary sweetened beverages by children to help prevent dental carries and the on-set of diseases such as type II diabetes. It is a general tax estimated to raise \$223,000 in revenue annually. The SEJC is responding to the City Council’s solicitation for advisory recommendations regarding expenditure of this revenue. Our recommendations are based on the initial goals we put forward for this measure.

A) Our recommendations address the following core activities:

1. Nutritional education for all ages with a focus on promoting healthy drinks for children and young adults ages zero through 26.
  - Workshop to inform and support teachers, parents, other responsible adults
  - Required public, private school curriculum
  - Library Resource
2. Outreach using the following means:
  - Social Media
  - Traditional Media

- Billboard(s)
3. Increased accessibility of healthy drinks
    - Install water bottle refilling stations
    - Repair, improve (add doggy basins), and maintain public fountains
    - Encourage food purveyors to promote healthy drinks
    - Ensure infrastructure delivers safe, clean water: EBMUD and Home Water Tests

B) The City would be responsible for implementing these programs and the distribution and management of funding through the following means:

1. Allocations to City Departments such as Public Works and/or entities such as public schools
2. Awards of grants to private organizations such as preschools, the Chamber of Commerce and service organizations

C) The approved programs would be required to meet the following criteria:

1. Provide resources for teachers, parents and/or other responsible individuals
2. Target reduction of sugary sweetened beverage consumption to help prevent dental cavities and the on-set of diseases such as Type II diabetes.
3. Focus on the needs of children and young adults zero through 26 years of age
4. Redirect children and young adults to healthy drinks
5. Address economic issues related to the consumption of sugary sweetened drinks

#### Cost estimate

1. Part-time employee (25 hours per week) to administer all program core activities and compliance with approved criteria: \$22,000
2. Grant awards: \$130,000 - \$150,000
3. Water Bottle Refilling Stations: \$75,000
  - a. Outdoor Water Bottle Refilling stations: \$3,700 each
  - b. Indoor Water Bottle Refilling Station: \$1,100 each
  - c. Other - Repair & maintenance of existing water fountains, addition of dog basins, installation of water bottle refilling stations (cost will vary depending on number of water bottle refilling stations installed, location and access to existing pipes): \$30,000

## ATTACHMENT 2

### SUGAR SWEETENED BEVERAGE TAX EXPENDITURE PLAN FY 2018/19

In November 2016 the voters approved Measure O1, (Ordinance No. 2016-02), enacting a general tax on the distribution of sugar sweetened beverages. As included in the ordinance, the tax serves as a general tax that will provide revenue to be available for the general governmental needs of the people of Albany. The Ordinance requires that the Council hold a study session annually to discuss possible uses of the proceeds from the sugar sweetened beverage tax. This study session was held on November 6, 2017. The Council conducted a follow up discussion February 5, 2018, and reviewed a proposed expenditure plan for the proceeds of the sugar sweetened beverage tax, and on June 4, 2018 Council authorized the use of Sugar Sweetened Beverage Tax funds for the crossing guard services program. The proposed expenditure plan is now included in this budget update for Council approval. Per Ordinance No. 2016-02, the Council shall hold an annual study session to develop an expenditure plan for the proceeds of the sugar sweetened beverage tax, the following summarizes the anticipated expenditures for FY 2018-19. The expenditure table below is listed in funding priority.

The distribution tax collection commenced in April 2017, and current revenue as of April 2018 is \$290,885.

<b>Priority</b>	<b>Description</b>	<b>Cost</b>
<b>1</b>	7 Water Bottle Filling Stations at parks & Community Center	\$90,000
<b>2</b>	Crossing Guard Program - Contractual Agreement with All City Management Services	\$124,076
<b>3a</b>	Educational Campaign	\$20,000
<b>3b</b>	Free Physical Fitness Classes in Parks	\$20,000
<b>3c</b>	Free Nutrition/Cooking Classes	\$20,000
<b>3d</b>	Community Fitness Challenge	\$15,000
	<b>Total</b>	<b>\$289,076</b>

1  
2   **ORDINANCE NO. 2016-02**

3  
4                   **AN ORDINANCE OF THE CITY OF ALBANY ENACTING A GENERAL TAX ON**  
5                   **THE DISTRIBUTION OF SUGAR-SWEETENED BEVERAGE PRODUCTS**

6               **WHEREAS**, diabetes, obesity, and tooth decay have been on the rise for decades.  
7               Although no group has escaped these epidemics, children as well as low income communities  
8               and communities of color have been and continue to be disproportionately affected; and

9  
10              **WHEREAS**, although there is no single cause for the rise in diabetes, obesity, and tooth  
11              decay, there is overwhelming evidence of the link between the consumption of sugary drinks and  
12              the incidence of diabetes, obesity, and tooth decay; and

13              **WHEREAS**, sugary drinks such as soft drinks, energy drinks, sweetened teas, and sport  
14              drinks offer little or no nutritional value, but massive quantities of added sugar. A single 20-  
15              ounce bottle of soda, for instance, typically contains the equivalent of approximately 16  
16              teaspoons of sugar; and

17              **WHEREAS**, before the 1950s, the standard soft-drink bottle was 6.5 ounces. In the  
18              1950s, larger size containers were introduced, including the 12-ounce can, which became widely  
19              available in 1960. By the early 1990s, 20-ounce plastic bottles had become the norm; and

20              **WHEREAS**, at the same time, hundreds of millions of dollars have been spent in an  
21              ongoing massive marketing campaign, which particularly targets children and people of color. In  
22              2006 alone, nearly \$600 million was spent in advertising to children under 18. African American  
23              and Latino children are also aggressively targeted with advertisements to promote sugar-laden  
24              drinks; and

25  
26              **WHEREAS**, the resulting impact on consumption should not be surprising. The average  
27              American now drinks nearly 50 gallons of sugary drinks a year. The problem is especially acute  
28              with children in California. From 1989 to 2008, the percentage of children consuming sugary  
              drinks increased from 79% to 91% and the percentage of total calories obtained from sugary  
              drinks increased by 60% in children ages 6 to 11; and

**WHEREAS**, this level of consumption has had tragic impacts on community health.  
              Type 2 Diabetes – previously only seen among adults – is now increasing among children. If the  
              current obesity trends are not reversed, it is predicted that one in three children and *nearly one-*  
              *half* of Latino and African American children born in the year 2000 will develop type 2 diabetes  
              in their lifetimes; and

1           **WHEREAS**, childhood obesity has more than doubled in children and tripled in  
2 adolescents in the past 30 years; in 2010, more than one-third of children and adolescents were  
3 overweight or obese; and

4           **WHEREAS**, there are also economic costs. In 2006, for instance, overweight and  
5 obesity-related costs in California were estimated at almost \$21 billion; and

6  
7           **WHEREAS**, tooth decay, while not as life threatening as diabetes or obesity, still has a  
8 meaningful impact, especially on children. In fact, tooth decay is the most common childhood  
9 disease, experienced by over 70% of California's 3rd graders. Children who frequently or  
10 excessively consume beverages high in sugar are at increased risk for dental cavities. Dental  
11 problems are a major cause of missed school days and poor school performance as well as pain,  
infection, and tooth loss in California; and

12           **WHEREAS**, based on the findings set forth above, the purpose of this Ordinance is to  
13 diminish the human and economic costs of diseases associated with the consumption of sugary  
14 drinks by discouraging their distribution and consumption in Albany through a tax. Specifically,  
the purpose of this ordinance is to tax the distribution of sugary drinks and the products used to  
15 make them; and

16           **WHEREAS**, this Ordinance is not intended for the purpose of regulation; and

17           **WHEREAS**, this Ordinance does not authorize the conduct of any business or activity in  
18 the city, but merely provides for the taxation of distribution of specified products as it occurs;  
and

19  
20           **WHEREAS**, this Ordinance imposes a general tax on the distribution of sugar-sweetened  
21 beverages such as high-calorie, low-nutrition products, like soda, energy drinks, and heavily  
22 presweetened tea, as well as the added caloric sweeteners used to produce these sugar-sweetened  
beverages, such as the premade syrup used to make fountain drinks. Certain drinks containing  
23 sugar are exempted, including infant formula, milk products, and natural fruit and vegetable  
juice; and

24           **WHEREAS**, this Ordinance provides for a small business exemption for Retailers who  
25 transport sugar-sweetened beverage products into the City themselves and then sell those  
products directly to consumers; and

26  
27           **WHEREAS**, this general tax will provide revenue to be available for the general  
governmental needs of the people of Albany.

28

1           **NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN**  
2 **AS FOLLOWS:**

3  
4 Section 1. Article 4-13 is hereby added to Chapter XIII of the Albany Municipal Code, to read  
5 as follows:

6 **4-13 SUGAR-SWEETENED BEVERAGE PRODUCT DISTRIBUTION TAX**

7  
8 **4-13.1 Excise tax.**

9 a. In addition to any other taxes imposed by the City, the City hereby levies a tax of one cent  
10 (\$0.01) per fluid ounce on the privilege of Distributing Sugar-sweetened beverage products in  
11 the City.

12 b. For the purposes of this Chapter, the volume, in ounces, of a Sugar-sweetened beverage  
13 product shall be calculated as follows:

14           1. For a Sugar-sweetened beverage, the volume, in fluid ounces, of Sugar-  
15 sweetened beverages distributed to any person in the course of business in the City.

16           2. For Added caloric sweeteners, the largest volume, in fluid ounces, of Sugar-  
17 sweetened beverages that could be produced from the Added caloric sweeteners. In  
18 accordance with rules and regulations promulgated by the City pursuant to Section  
19 4-13.5, the largest volume, in fluid ounces, that would typically be produced from  
20 the Added caloric sweeteners shall be determined based on the manufacturer's  
21 instructions or, if the Distributor uses the Added caloric sweeteners to produce a  
22 Sugar-sweetened beverage, the regular practice of the Distributor.

23 c. The tax shall be paid upon the first nonexempt Distribution of a Sugar-sweetened beverage  
24 product in the City. To the extent that there is a chain of Distribution within Albany involving  
25 more than one Distributor, the tax shall be levied on the first Distributor subject to the  
26 jurisdiction of the City. To the extent the tax is not paid as set forth above for any reason, it shall  
27 be payable on subsequent Distributions and by subsequent Distributors; provided, that the  
28 Distribution of Sugar-sweetened beverage products may not be taxed more than once in the chain  
of commerce.

1 **4-13.2 Exemptions.**

2 The tax imposed by this Chapter shall not apply:

- 3
- 4 a. To any Distributor that is not subject to taxation by the City under the laws of the United
  - 5 States or the State of California;
  - 6
  - 7 b. To any Distribution of a Sugar-sweetened beverage product to a Retailer with less than
  - 8 \$100,000 in annual gross receipts, as defined in Section 4-13.4, in the most recent year;
  - 9
  - 10 c. To any Distribution of Natural or common sweeteners; or
  - 11
  - 12 d. To any Distribution of Added caloric sweeteners to a Food and Beverage Sales Retail Store,
  - 13 as defined in Albany Municipal Code Section 20.16.030DD, if the Food and Beverage Sales
  - 14 Retail Store then offers the Added caloric sweetener for sale for later use by customers of that
  - 15 store.

16 The City Council, without a vote of the people, may, either permanently or temporarily, increase

17 the dollar amount of the threshold for the small-business exemption in Subsection b.

18 **4-13.3 Definitions.**

19 a. "Added caloric sweetener" means any substance or combination of substances that meets all

20 of the following four criteria:

- 21 1. Is suitable for human consumption;
- 22 2. Adds calories to the diet if consumed;
- 23 3. Is perceived as sweet when consumed; and
- 24 4. Is used for making, mixing, or compounding Sugar-sweetened beverages by
- 25 combining the substance or substances with one or more other ingredients
- 26 including, without limitation, water, ice, powder, coffee, tea, fruit juice, vegetable
- 27 juice, or carbonation or other gas.

28 An Added caloric sweetener may take any form, including but not limited to a liquid, syrup, and powder, whether or not frozen. "Added caloric sweetener" includes, without limitation, sucrose,

1 fructose, glucose, other sugars, and high fructose corn syrup, but does not include a substance  
2 that exclusively contains natural, concentrated, or reconstituted fruit or vegetable juice or any  
3 combination thereof.

4  
5 b. "Alcoholic beverage" means any beverage subject to tax under Part 14 (commencing with  
6 Section 32001) of the California Revenue and Taxation Code, as that Part may be amended from  
7 time to time.

8 c. "Beverage for medical use" means a beverage suitable for human consumption and  
9 manufactured for use as an oral nutritional therapy for persons who cannot absorb or metabolize  
10 dietary nutrients from food or beverages, or for use as an oral rehydration electrolyte solution for  
11 infants and children formulated to prevent or treat dehydration due to illness. "Beverage for  
12 medical use" shall also mean a "medical food" as defined in Section 109971 of the California  
13 Health and Safety Code, as that definition may be amended from time to time. "Beverage for  
14 medical use" shall not include drinks commonly referred to as "sports drinks" or any other  
15 common names that are derivations thereof.

16 d. "Business Entity" means any Person except for a natural person.

17 e. "City" means the City of Albany, California.

18 f. "City Manager" means the City Manager of the City of Albany or his or her designee.

19 g. "Consumer" means a natural person who purchases a Sugar-sweetened beverage product in  
20 the City for a purpose other than resale in the ordinary course of business.

21 h. "Distribution" or "Distribute" means the transfer of title or possession (1) from one Business  
22 entity to another for consideration or (2) within a single Business entity, such as by a wholesale  
23 or warehousing unit to a retail outlet or between two or more employees or contractors.

"Distribution" or "Distribute" shall not mean the retail sale to a Consumer.

24  
25 i. "Distributor" means any Person who Distributes Sugar-sweetened beverage products in the  
26 City.

27 j. "Gross receipts" is defined in Section 4-13.4.  
28



1 k. "Milk" means natural liquid milk, regardless of animal source or butterfat content, natural  
2 milk concentrate, whether or not reconstituted, regardless of animal source or butterfat content,  
3 or dehydrated natural milk, whether or not reconstituted and regardless of animal source or  
4 butterfat content, and plant-based milk substitutes, that are marketed as milk, such as soy milk  
5 and almond milk.

6  
7 l. "Natural or common sweetener" means granulated white sugar, brown sugar, honey,  
8 molasses, xylem sap of maple trees, or agave nectar.

9 m. "Person" means an individual, trust, firm, joint stock company, business concern, business  
10 trust, government, receiver, trustee, syndicate, social club, fraternal organization, estate,  
11 corporation, including, but not limited to, a limited liability company, and association or any  
12 other group or combination acting as a unit.

13 n. "Retailer" means any Person who serves Sugar-sweetened beverage products to a Consumer.

14 o. "Simple syrup" means a mixture of water and one or more Natural or common sweeteners  
15 without any additional ingredients.

16 p. "Sugar-sweetened beverage" means any beverage intended for human consumption to which  
17 one or more Added caloric sweeteners has been added and that contains at least 2 calories per  
18 fluid ounce.

19 1. "Sugar-sweetened beverage" includes, but is not limited to all drinks and  
20 beverages commonly referred to as "soda," "pop," "cola," "soft drinks," "sports  
21 drinks," "energy drinks," "sweetened ice teas," or any other common names that are  
22 derivations thereof.

23 2. "Sugar-sweetened beverage" shall not include any of the following:

24 a. Any beverage in which milk is the primary ingredient, i.e., the ingredient  
25 constituting a greater volume of the product than any other;

26 b. Any beverage for medical use;

27 c. Any liquid sold for use for weight reduction as a meal replacement;

28

1 d. Any product commonly referred to as "infant formula" or "baby formula";  
2 or

3  
4 e. Any alcoholic beverage.

5 q. "Sugar-sweetened beverage product" means a Sugar-sweetened beverage or Added caloric  
6 sweetener.  
7

8 **4-13.4 Definition of Gross Receipts.**

9 "Gross receipts" means the gross receipts of the preceding fiscal year of the Distributor or part  
10 thereof, and is defined as follows: the total amount actually received or receivable from all sales;  
11 the total amount of compensation actually received or receivable for the performance of any act  
12 or service, of whatever nature it may be, for which a charge is made or credit allowed, whether  
13 or not such act or service is done as a part of or in connection with the sale of materials, goods,  
14 wares or merchandise; and gains realized from trading in stocks or bonds; interest discounts,  
15 rents, royalties, fees, commissions, dividends or other emoluments, however designated.

16 Included in "gross receipts" are all receipts, cash, credits and property of any kind or nature,  
17 without any deduction therefrom on account of the cost of the property sold, the cost of materials  
18 used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever,  
19 except that the following are excluded therefrom:

20 a. Cash discounts allowed and taken on sales;

21 b. Credit allowed on property accepted as part of the purchase price and which property may  
22 later be sold, at which time the sales price shall be included as "gross receipts";

23 c. Any tax required by law to be included in or added to the purchase price and collected from  
24 the consumer or purchaser;

25 c. Such part of the sale price of property returned by purchasers upon rescission of a contract of  
26 sale as is refunded either in cash or by credit;

27 e. Receipts of refundable deposits, except that such deposits when forfeited and taken into  
28 income of the business shall not be excluded when in excess of one dollar;

1 f. Amounts collected for others where the business is acting as an agent or trustee and to the  
2 extent that such amounts are paid to those for whom collected. These agents or trustees must  
3 provide the Finance Department with the names and the addresses of the others and the amounts  
4 paid to them. This exclusion shall not apply to any fees, percentages, or other payments retained  
5 by the agent or trustees;

6  
7 g. Cash value of sales, trades or transactions between departments or units of the same  
8 business;

9 h. Transaction between a partnership and its partners;

10  
11 i. Receipts from services or sales in transactions between affiliated corporations. An "affiliated  
12 corporation" is a corporation:

13 1. The voting and nonvoting stock of which is owned at least eighty percent by such  
14 other corporation with which such transaction is had,

15 2. Which owns at least eighty percent of the voting and nonvoting stock of such other  
16 corporation, or

17 3. At least eighty percent of the voting and nonvoting stock of which is owned by a  
18 common parent corporation which also has such ownership of the corporation with which  
19 such transaction is had;

20 j. Receipts derived from the occasional sale of used, obsolete or surplus trade fixtures,  
21 machinery or other equipment used by the licensee in the regular course of the licensee's  
22 business.

23 **4-13.5 Duties, responsibilities and authority of the City Manager.**

24 a. It shall be the duty of the City Manager to collect and receive all taxes imposed by this  
25 Chapter, and to keep an accurate record thereof.

26 b. The City Manager is hereby charged with the enforcement of this Chapter, except as  
27 otherwise provided herein, and may prescribe, adopt, and enforce rules and regulations relating  
28 to the administration and enforcement of this Chapter, including provisions for the reexamination

1 and correction of returns and payments, and for reporting. Such rules and regulations may  
2 include, but are not limited to, the following:

- 3  
4 1. The determination of the frequency with which a Distributor must calculate the  
5 tax. This determination shall not constitute an increase of the tax.
- 6  
7 2. The determination of the frequency with which a Distributor must pay the tax.  
8 This determination shall not constitute an increase of the tax.
- 9  
10 3. The determination of whether and how a Distributor must register with the  
11 City.
- 12  
13 4. The determination of whether and how a Distributor who receives, in the City,  
14 Sugar-sweetened beverage products from another Distributor must report to the  
15 City the name of that Distributor.
- 16  
17 5. The determination of whether and how a Distributor who receives, in the City,  
18 Sugar-sweetened beverage products from another distributor must report to the City  
19 the volume of Sugar-sweetened beverage products received from that Distributor.
- 20  
21 6. The determination of what other documentation is required to be created or  
22 maintained by a Distributor.

23 c. The City Manager shall annually verify that the taxes owed under this Chapter have been  
24 properly applied, exempted, collected, and remitted.

#### 25 **4-13.6 Collection.**

26 a. The amount of any tax, penalty, and interest imposed under the provisions of this Chapter  
27 shall be deemed a debt to the City. Any Distributor owing money under the provisions of this  
28 Chapter shall be liable in an action brought in the name of the City for the recovery of such  
amount.

b. In order to aid in the City's collection of taxes due under this Chapter, any Retailer that  
receives Sugar-sweetened beverage products from a Distributor shall, in accordance with rules  
and regulations promulgated by the City Manager pursuant to Section 4-13.5, either:

1           1. report to the City all such transactions, the volume in ounces of Sugar-  
2           sweetened beverage products received in each transaction, and the identity and  
3           contact information of the Distributor from whom the Sugar-sweetened beverage  
4           products were received; or

5           2. collect the tax that would be payable as a result of the transaction by the  
6           Distributor from whom the Sugar-sweetened beverage product was received and  
7           remit it to the City; or

8           3. provide to the City evidence that the Distributor from whom the Sugar-  
9           sweetened beverage products were received has registered as a Distributor with the  
10          City and that registration is current.

11  
12 c. The City Council is authorized to have the taxes imposed by this Chapter collected by the  
13 County of Alameda or the California Board of Equalization in conjunction with the collection of  
14 other taxes for the City. If the City Council exercises this authorization, the duties and  
15 responsibilities of the City Manager shall be given, as appropriate, to the County of Alameda or  
16 the California Board of Equalization, which may delegate such duties and responsibilities as  
17 necessary and as authorized by law.

18 **4-13.7 Refunds.**

19 Whenever any tax under this Chapter has been overpaid or has been erroneously or illegally  
20 collected or received by the City, it may be refunded only as provided Albany Municipal Code  
21 Section 2-28.1, as that Section now reads or may hereafter be amended by ordinance adopted by  
22 the City Council. A vote of the people shall not be required to amend the City's claim  
23 procedures. Compliance with the City's claim procedures shall be a prerequisite to any suit or  
24 other legal proceeding seeking a refund or any payment of money or damages.

24 **4-13.8 Enforcement.**

25 Except as otherwise provided by this Chapter or by rule or regulation promulgated by the City  
26 Manager, the tax imposed by this Chapter shall be administered in the same manner as taxes  
27 imposed pursuant to Albany Municipal Code Chapter 5-2 and, without limitation, shall be  
28 subject to the same delinquency penalties, appeals processes and other enforcement provisions  
set forth in Albany Municipal Code Chapter 5-2.

1 **4-13.9 Not a sales and use tax.**

2 The tax imposed by this Chapter is a tax upon the privilege of conducting business, specifically,  
3 Distributing Sugar sweetened beverage products within the City of Albany. It is not a sales, use,  
4 or other excise tax on the sale, consumption or use of Sugar-sweetened beverage products.  
5

6 **4-13.10 Annual Study Session for Public Input on Tax Expenditures.**

7 The City Council shall conduct an annual special study session, in conjunction with the City's  
8 budget process, for the purpose of receiving input and recommendations regarding the  
9 expenditure of proceeds from the tax created by this Chapter. Prior to the special study session,  
10 the City Council shall solicit recommendations from the City's Parks and Recreation  
11 Commission, Social and Economic Justice Commission, and Traffic and Safety Commission, as  
12 well as a designated representative of the Albany Unified School District, regarding the use of  
13 tax proceeds. Additionally, the City shall solicit recommendations from individuals with  
14 specialized expertise in areas such as public health issues and programs relating to diabetes,  
15 obesity and sugary drink consumption; and any other individuals or organizations as deemed  
16 appropriate by the City Council.

17 **4-13.11 Annual Audit.**

18 By no later than December 31<sup>st</sup> of each year after the operative date, the City's independent  
19 auditors shall complete a report reviewing the collection, management and expenditure of  
20 revenue from the tax levied by this Article.

21 Section 2. The People of the City of Albany find that all Recitals contained in this Ordinance  
22 are true and correct and are incorporated herein by reference.

23 Section 3. Pursuant to California Constitution article XIIB, the appropriation limit for the  
24 City of Albany is hereby increased by the aggregate sum authorized to be levied by this general  
25 tax for fiscal year 2016-17 and each fiscal year thereafter.

26 Section 4. If any provision of this Ordinance or the application thereof to any person or  
27 circumstance is held invalid, the remainder of the Ordinance and the application of such  
28 provision to other persons or circumstances shall not be affected thereby.

1 Section 5. This Ordinance relates to the levying and collection of the City Sugar-sweetened  
2 Beverage Product Distribution Tax and shall take effect immediately.

3  
4 Ordinance No. 2016-02 was submitted to the People of the City of Albany at the November 8,  
5 2016 general municipal election. It was approved by the following vote of the People:

6 YES: 6,282

7  
8 NO: 2,485

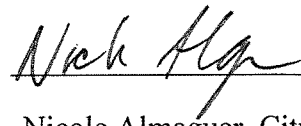
9  
10  
11 Ordinance No. 2016-02 was thereby adopted by the voters at the November 8, 2012 election  
12 and took effect upon adoption of a resolution declaring the results of the election at a regular  
13 meeting of the City Council held on December 5, 2016 by the following vote:

14 AYES: Council Members Barnes, Nason, Pilch, Vice Mayor McQuaid, Mayor Maass

15 NOES: None

16 ABSENT: None

17 I HEREBY CERTIFY that the foregoing is a true and correct copy of an ordinance duly and  
18 regularly adopted by the People of the City of Albany, California.

19  
20  
21 

22 Nicole Almaguer, City Clerk  
23  
24  
25  
26  
27  
28

**CITY OF ALBANY  
SOCIAL AND ECONOMIC JUSTICE COMMISSION  
STAFF REPORT**

Agenda Date: February 5, 2019

**SUBJECT:** 2019-2020 Work Plan

**REPORT BY:** Isabelle Leduc, Assistant City Manager

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**STAFF RECOMMENDATION**

That the Commission begin a discussion of work plan items to support the Council Strategic Plan.

**BACKGROUND**

All standing Advisory Bodies develop a work plan for submittal to the City Council. The work plan is reviewed by the Advisory Body annually in January. Advisory Bodies are encouraged to focus on a reasonable number of work plan items to accomplish, recognizing the potential workload associated with each item. Additionally, Advisory Body work plans are to focus on furthering the Strategic Plan Goals identified by the City Council.

Per City Council action on February 17, 2015, the Council changed the practice of reviewing advisory body work plans annually to reviewing every two years. The review of the work plans is intended to highlight recent accomplishments and outline priority focus areas for each of the Advisory Bodies. Council will be reviewing work plans in early spring 2019.

**DISCUSSION**

The Commission shall review its 2017-2019 work plan, outline accomplishments and discuss future work plan items to support the Council Strategic Plan. Since the Council Strategic Plan is not finalized, staff recommends that the Commission continues to review and discuss work plan items at the March meeting.

**FINANCIAL IMPACT**

None

**Attachments**

1. 2017-19 SEJC Work Plan





**CITY OF ALBANY  
SOCIAL AND ECONOMIC JUSTICE COMMISSION**

**2017 - 2019 Work Plan**

**Approved by the Social and Economic Justice Commission: April 4, 2017**

**Approved by the City Council:**

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Background

The following work plan identifies recent accomplishments, and priority work items for the upcoming work plan period. The work plan includes items identified as priority projects within the City Council's Strategic Plan. The Social and Economic Justice Commission shall review the work plan each year in January to identify accomplishments and ensure continued focus on completing work plan items. Work plans are presented to the Council every two years, and if a change is needed to the work plan outside of that schedule, the Social and Economic Justice Commission shall submit a "Request for Amendment to Advisory Body Work Plan" Form for review by the City Council.

Social and Economic Justice Commission Purpose

The charge of this Commission is to research, analyze, discuss and evaluate a broad range of data and opinions on social and environmental issues affecting the welfare of the residents of Albany as inhabitants of both a local and a global community, and make recommendations to the City Council on positions and/or actions to take to address these issues.

Recommendations to the City Council shall state the relevance, important and/or particular impact that the issue has on the welfare of the residents of Albany.

**Recent Initiatives and Accomplishments**

- Analyzed the "soda tax" and made a presentation to the City Council
- Provided a report on Minimum Wage to the City Council
- Researched the feasibility of a Rent Review Program and made a presentation to Council
- Presentation to the City Council for a one-year Community Resource Center Pilot Program
- Increase to monthly meetings resulted in great increase in productivity including moving projects forward that had been on the work plan such as the community resource center and rent review

**2017-2019 Policy Review and Initiatives**

**COUNCIL STRATEGIC PLAN GOAL 1 - Foster a Healthy and Sustainable Urban Village**

## **Objective 1.2 Promote Housing Availability**

### **B. Conduct housing outreach and referrals for people experiencing homelessness**

- 1) Review and evaluate Albany Project HOPE based on performance measures included in quarterly reports provided by BFHP and the annual presentation by BFHP staff/Project HOPE Case Manager.
- 2) Review of progress towards Housing Element policies with Community Development Staff once per year

### **C. Develop rent review ordinance**

- 1) Review Rent Review program draft ordinance when requested by Community Development staff

## **Objective 1.5 Promote Health and Wellness**

### **B. Create health and wellness programs in coordination with community input regarding use of Soda Tax revenues**

- 1) Provide a recommendation to the Council on health and wellness programs to be developed with soda tax revenue where the matter will be discussed (Council meeting/Community workshop)

## **COUNCIL STRATEGIC PLAN GOAL 2 - Engage Our Diverse Community**

### **Objective 2.1 Connect With and Engage the Community**

#### **A. Conduct outreach and service referrals to low-income residents, seniors and people experiencing homelessness**

- 1) Provide input on outreach efforts regarding information on low income/senior tax exemptions
- 2) Implement and evaluate Resource Center Pilot Program

### **Objective 2.2 Continue to Promote Communitywide Inclusivity**

- 1) Identify outreach strategies and programs to support inclusivity such as ESL, antiracism programs
- 2) Identification and outreach to unserved and underserved communities
- 3) Investigate service gaps for seniors to age in place

## **COUNCIL STRATEGIC PLAN GOAL 5 - Facilitate Government Accountability**

### **Objective 5.3 Identify Funding Mechanism to Ensure Stable and Effective Budget**

- 1) Provide feedback on future draft policy to include evaluation of options for low income exemptions as part of future tax measures and franchise agreements for review by the Council