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RESOLUTION NO. 2021-26

**A RESOLUTION OF THE ALBANY CITY COUNCIL URGING
THE CALIFORNIA LEGISLATURE AND THE GOVERNOR OF CALIFORNIA
TO OVERTURN AB 1838**

WHEREAS, there is scientific consensus that consumption of sugar-sweetened beverages is a significant and substantial cause of various chronic metabolic diseases, such as diabetes, along with other diseases; and

WHEREAS, the Albany City Council placed Measure O1 on the 2016 general election ballot proposing to tax distribution of sugar-sweetened beverages one cent per ounce; and

WHEREAS, 71.66% of Albany’s voters approved Measure O1; and

WHEREAS, at that time whether such a tax would reduce consumption of these beverages was scientifically undetermined; and

WHEREAS, “Sugar-Sweetened Beverage Reduction Policies: Progress and Promise” reviewing studies of this question recently published online in the scientific journal Annual Review of Public Health (<https://doi.org/10.1146/annurev-publhealth-090419-103005>) found, “The decrease in sales volume varies from 21% to 39% after accounting, when feasible, for tax avoidance from shopping in neighboring areas; and

WHEREAS, this review also found “the net effects of taxes appear to be progressive”; and

WHEREAS, According to the Sacramento Bee, the California Governor and Legislature were the victims of a type of “extortion” and “shakedown” by the American Beverage Association in the summer of 2018 (<https://www.sacbee.com/opinion/editorials/article213801879.html>); and

1 **WHEREAS**, the Governor and Legislature were essentially forced to enact a law
2 temporarily prohibiting and preempting the ability of California counties and cities of their right
3 to enact sugar-sweetened beverage taxes despite the fact they are proven tools for cities to improve
4 public health and raise revenue; and

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6 **WHEREAS**, the City of Albany has used its revenue from the tax primarily to fund school
7 crossing guards, water bottle filling stations, and classes on healthy eating to further enhance the
8 health of its residents; and

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10 **WHEREAS**, California voters who passed such taxes in other cities before the successful
11 2018 “extortion” by the American Beverage Association have improved the health of their
12 residents and given their cities millions of dollars in revenue available to stave off budget cuts due
13 to the COVID-19-induced economic downturn; and

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15 **WHEREAS**, the City of Seattle enacted a tax on sugar-sweetened beverage distribution in
16 2018 and has been able to use that revenue this year to give \$800 in grocery vouchers to thousands
17 of Seattle families hard hit by COVID-19; and

18
19 **WHEREAS**, a majority vote of the California Legislature and a signature by the Governor
20 now would give California cities and counties one more tool to fight the devastating health and
21 economic impacts of the COVID-19 pandemic; and

22
23 **WHEREAS**, California cities and counties need every single tool available in the war
24 against COVID-19 and to give their residents the possibility of a healthier future; and

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26 **WHEREAS**, the world has changed since COVID-19 and California can no longer afford
27 to handcuff cities and counties and prevent voters from using proven tools to improve health equity
28 and public health.

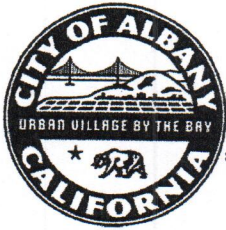
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1 **NOW THEREFORE, BE IT RESOLVED,** that the City Council of the City of Albany
2 urges the California legislature and the Governor of California to overturn AB 1838 and allow
3 residents to choose whether they want a sugary drink tax in their city and county.

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GE'NELL GARY, MAYOR

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City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

RESOLUTION NO. 2021-26

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF
ALBANY, The 1st day of March, 2021, by the following votes:

AYES: Council Members Jordan, McQuaid, Nason, Tiedemann and Mayor Gary

NOES: none

ABSENT: none

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 2nd
day of March, 2021.

Anne Hsu
CITY CLERK

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