

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: May 2, 2022

SUBJECT: Annual Sugar-Sweetened Beverage Tax Study Session

REPORT BY: Nicole Almaguer, City Manager
Isabelle Leduc, Assistant City Manager

SUMMARY

In November 2016 Albany voters approved Measure O1, a general tax on sugar-sweetened beverages. Per the ordinance language, the City Council is to hold a study session annually to receive input and recommendations regarding the expenditure of proceeds from the tax. This report provides a general update on the Council approved FY2022 Sugar-Sweetened Beverage tax funded programs currently in progress and FY2023 recommendations for the proceeds from the Sugar-Sweetened Beverage Tax received from the City's Parks, Recreation & Open Space Commission, Social & Economic Justice Commission, and Transportation Commission.

STAFF RECOMMENDATION

That the Council:

1. Receive a status update on FY2022 funded programs
2. Conduct a study session to receive input and recommendations for the expenditure of FY2023 proceeds from the Sugar-Sweetened Beverage Tax
3. Provide a preliminary prioritization of items to be funded with the tax proceeds in FY2023.

BACKGROUND

In November 2016 Albany voters approved Measure O1, (Ordinance No. 2016-02), a general tax on sugar-sweetened beverages. Per the ordinance language, the Council is to 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, Recreation & Open Space Commission, Social & Economic Justice Commission, Transportation Commission, a designated representative from the Albany Unified School District (AUSD), and individuals with specialized expertise in areas such as public health issues and programs relating to diabetes, obesity and sugary drink consumption.

DISCUSSION

FY2022 Sugar-Sweetened Beverage Tax Funded Programs

The Council approved FY2022 Sugar-Sweetened Beverage Tax Expenditure Plan includes expenditures for continued funding for the crossing guard program during the school year, the Healthy Me Music & Movement program which teaches preschool, transition kindergarten and kindergarten students, the importance of good nutrition, drinking water, fitness, hygiene, and social skills, and a Bike Safety Program which teaches elementary school students street riding. Funding for new programs include AUSD's All-bany Swims, a pilot program which teaches 1st, 2nd & 3rd grade students basic swimming skills, and partial funding for Move'n'Groove, an event held on April 24, 2022 to promote outdoor exercise through a 5K course around Albany High School and Memorial Park while being entertained by live bands stationed around the course. A summary table (Attachment 1) and progress reports received for FY2022 funded programs (Attachments 2-5) as well as a pricing letter from All City Management Services (ACMS) (Attachment 6) for the crossing guard program are attached to this staff report for additional information. It should be noted that there is interest from all programs funded in FY2022 for continued support in FY2023.

FY2023 Sugar-Sweetened Beverage Tax Recommendations

Per the Ordinance, Council is to hold a study session to receive input and recommendations regarding the expenditure of proceeds from the tax. Recommendations have been received from the City's Parks, Recreation and Open Space Commission, Social & Economic Justice Commission, and Transportation Commission (Attachments 7-9). As mentioned previously, there is ongoing support to continue funding for currently funded programs. New recommendations include the allocation of funds for bicycle path improvements adjacent to the SAHA (Satellite Affordable Housing Associates) housing development, outdoor exercise equipment on Ohlone Greenway, additional locations for the installation of water bottle fillers, installation of quads BikeLink lockers at Albany Waterfront, and funding for Berkeley Garden Club talks. The Social & Economic Justice Commission did not make a recommendation for specific programs, but recommends that the City Council mandate programs be administrated through an equity lens, specifically to target lower-income areas and lower-income people, that there be cultural variety in programming with serious and determined outreach to lower-income communities and language minorities.

A summary table of programs suggestions (Attachment 10) has been created to assist Council in the preliminary prioritization of items. Whenever possible, rough cost estimates have been included to help inform the discussion regarding possible expenditures.

Further recommendations from individuals with specialized expertise in areas such as public health issues and programs relating to diabetes, obesity and sugary drink consumption are also anticipated to be received during the study session.

The preliminary prioritization of items to be funded with FY2023 tax proceeds by Council should be based on typical usage of the tax proceeds. Per the voter approved ordinance, the Sugar-Sweetened Beverage Tax is General Fund revenue that the City Council aims to apply towards specific purposes related to health and wellbeing and approved expenditures are incorporated into

the City’s annual operating budget. The City’s Finance Department projects that approximately \$260,000 in revenue will be collected in FY2023.

SUSTAINABILITY CONSIDERATIONS

Many of the recommended usages of the sugar-sweetened beverage tax proceeds would have a positive impact on environmental sustainability including promotion of alternative modes of transportation (biking/walking).

FINANCIAL CONSIDERATIONS

Sugar-Sweetened Beverage Tax is General Fund revenue that the City Council has agreed to appropriate for specific purposes and approved expenditures are incorporated into the City’s annual operating budget. The City utilizes the services of Avenu Insights to administer collection of the Sugar-Sweetened Beverage Tax. Collection of the tax began in April 2017. The City has received the following amounts per fiscal year between April 2017 and February 2022.

Fiscal Year	2017	2018	2019	2020	2021	2022
Tax Collected	\$55,219.44	\$269,734.67	\$266,341.96	\$277,040.07	\$265,984.38	\$176,397.98*

*Fiscal year ends June 2022. Total include proceeds received between July 2021 – February 2022.

The City’s Finance Department projects that approximately \$260,000 in revenue will be collected in FY2023.

NEXT STEPS

Pending direction provided by the Council, staff will work to provide a more detailed cost estimate on projects/programs that are given a high priority by the Council for inclusion in the City’s budget.

Attachments

1. FY2022 Sugar-Sweetened Beverage Tax Funded Programs
2. Status Report – Healthy Me Music & Movement
3. Status Report – Bike Safety Program
4. Status Report – Move’n’Groove
5. Status Report – All-bany Swims
6. ACMS Pricing Letter School Year 2022-2023
7. Parks, Recreation & Open Space Commission Sugar-Sweetened Beverage Tax expenditure recommendations
8. Social & Economic Justice Commission Sugar-Sweetened Beverage Tax expenditure recommendations
9. Transportation Commission Sugar-Sweetened Beverage Tax expenditure recommendations
10. FY2023 Sugar-Sweetened Beverage Tax Program Suggestions Summary Sheet
11. Sugar-Sweetened Beverage Tax Ordinance

**FY 2022 Sugar-Sweetened Beverage Tax Funded Programs
Council Study Session – Monday, May 2, 2022**

Programs	Program Information	People served	Allocation
Healthy Me Music & Movement program	Healthy Me Kids provided 71 in-person classes to children ages 2-6, (Pre-K, transition kindergartens & kindergartens) on important health topics such as nutrition, the importance of drinking water, fitness, hygiene and social-emotional skills. Additional information included in Progress Report (Attachment 2 to the staff report)	248	\$12,500
Bike Safety Program	Cycles of Change provided 3 in-person bike safety education classes to Ocean View Elementary school students which involved bringing a fleet of bikes and helmets for student use and support Learn-to-Ride students to empower them to bike for the first time. Additional information included in Progress Report (Attachment 3 to the staff report)	95	\$15,000
Move'n'Groove:	Event scheduled on April 24, 2022. 5K course around Albany High School and Memorial Park. Participants run, walk, roller skate, or stroller jog while being entertained by live bands stationed around the course. Additional information included in Progress Report (Attachment 4 to the staff report)	350	\$6,000
All-bany Swims	AUSD pilot program to teach and improve water safety and fitness for young children in primary grades (1 st , 2 nd & 3 rd graders). Program not implemented. Additional information included in Progress Report (Attachment 5 to the staff report)		\$24,108
Crossing Guard Program	Contract with ACMS during the school year. Contracting for the service has helped to lessen workload and demand placed on the police department allowing staff to focus on law enforcement duties and internal matters related to the operations of the police department rather than management of an ancillary program.		\$160,000

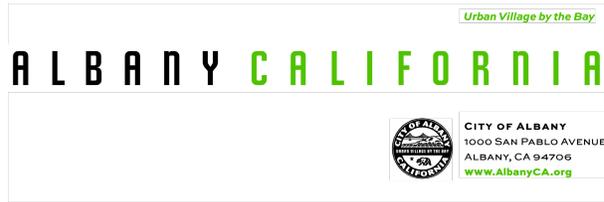


Exhibit E

Progress Report – Sugar Sweetened Beverage Tax Grant Program

July 2021 – June 2022

OVERVIEW

The Sugar Sweetened Beverage Tax Proceeds program provides funding to create programs that encourage healthy lifestyle choices with a focus on children and at-risk populations, including both educational and physical activity programs. This initiative invites applicants to create programming geared toward the Albany community responding to any of the following themes:

- Health & nutrition
- Exercise and movement
- Education to reduce sugar sweetened beverage consumption

Programs may include classes, events, lectures, training courses, and educational materials. Funded programs must take place within the City of Albany and should be available to the public.

To assist the City in evaluating the effectiveness of the use of Sugar Sweetened Beverage tax proceeds, funded applicants are to provide program statistics by completing a progress report and final report.

Progress Report: Due on March 18, 2022 for the period July 1, 2021 - February 28, 2022

Final Report: Due on July 29, 2022 for the period of July 1, 2021 – June 30, 2022

Program Title:

Healthy Me Music & Movement Program



Program Description:

The Healthy Me Music & Movement Program is a multisensory experience designed for young children that focuses on important health topics such as nutrition, the importance of drinking water, fitness, hygiene, and social-emotional skills. Each health topic is introduced at the beginning of each class through a developmentally appropriate mini-lesson with visuals and props (picture cards, puppets, realia) and then reinforced through singing, dancing, and instrument play. High-quality bilingual songs are written or selected specifically to reinforce the theme and vocabulary of each health lesson.

Grant Amount Allocated: \$12,500

Program Performance Measures and Targets

Performance Measure	7/1/2021-2/28/2022	7/1/2021-6/30/2022	Comments
Number of People Served by Program	248 children		Ages 2-6 PreK-TK-Kinder
Number of Classes or Activity Hours	71 classes		Each class is 30 minutes
Number of Children Served (if data is available)	See above		



Number of Albany Residents Served (if data is available)	Unknown		All participants attend school in Albany but some of the preschool students may reside in other cities.
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Two Additional Program Performance Targets

Please include up to two additional performance measures specific to your program.

Performance Measure	7/1/2021-2/28/2022	7/1/2021-6/30/2022	Comments
Number of Schools served	5		Albany Children’s Center Albany Preschool Kids Speaking Spanish Cornell Elementary Ocean View Elementary
Number of classrooms served	11		Albany Children’s Center (4 classes) Albany Preschool (2 classes) Kids Speaking Spanish (1 class) Cornell Elementary (2 classes) Ocean View Elementary (2 classes)

Program Accomplishments and Successes:

Two instructors, Natalia Bernal and Anna-Maria Violich-Olivier from the Healthy Me Music & Movement Program have been teaching a 12 week session to Preschool students at Albany Children’s Center, Kids Speaking Spanish, and Albany Preschool and TK/Kindergarten students in the before and aftercare programs at Cornell and Ocean View Elementary schools. We are reaching an average of 248 students weekly. Students are highly engaged, learning the songs that carry important health messages (drink lots of water, reduce consumption of sugar-sweetened beverages, eat vegetables and fruit, exercise, and more). Students are captivated by our puppet friends who we use to deliver the skits and role plays that teach them about building healthy habits. Kids Speaking Spanish preschool receives the program in Spanish.

Students are eager to demonstrate their learning from week to week and participate enthusiastically in the lessons and music-making. Our methods are highly appropriate and make an impact on the children. We are both former Spanish Immersion Elementary School teachers with Masters degrees in Education and are music and movement specialists. We combine our best-practices from classroom teaching with our early childhood music and movement training and experience to deliver a high-quality program for children. Staff and teachers are also enthusiastic about our program and some of them incorporate our messages and songs into their own teaching. Some teachers have share with us that our health messages are inspiring them to also make lifestyle changes.

In addition to the health messages the children and staff are receiving, we are providing a weekly respite from the daily challenges and on-going stress of the classroom. Many teachers, especially those with large class sizes and working with at-risk populations, experience caregiver stress which can include feelings of anxiety, worry, and overwhelm. Our weekly classes bring levity, joy, and inspiration to all who are present since music and movement are known to reduce stress and increase wellbeing.

Program Challenges:

During the Omicron surge, teaching indoors was risky but fortunately we were able to move the program outdoors for the large groups and reduce the risk. The smaller preschools also have us teach outdoors as part of their Covid protocol. We keep distance and wear masks at all times.

Some of the aftercare/before care classes are quite large, up to 46 children, and we don’t have enough instrument sets for this many children. We’ve been able to come up with creative solutions by combining sets of instruments. For instance, instead of two maracas, each child gets one maraca and one rhythm stick. This has worked well. We also always use a wireless microphone, which became necessary during the pandemic since we were singing with masks on, so our volume can be adjusted depending on the size of the group. This allows us to teach the large group with no problem.



Program Outreach:

We have had ongoing communication with the lead teachers and school directors to present our program to them and they, in turn, have communicated with the student's families to let them know what our program is about. When we received the funding and were able to invite classrooms to participate, 100% of the teachers/school directors came on-board. We did not have to convince them and they continue to be grateful to have this opportunity.

Other Comments:

This is our third year implementing the Healthy Me Music & Movement program in the City of Albany thanks to the Sugar Sweetened Beverage Tax Grant. Last year we were able to successfully implement the program virtually on Zoom and it is wonderful to be back in-person. Many students remember the messages, songs, and puppets from previous years. We see the great impact our program is making on the children, teachers, and staff and would love to continue next year if funding is available.

We released a six-song EP in March of 2020 under the band name Healthy Me Saludable Soy and are working on a full album of songs to compliment the program. We are lucky to be working with professional producers, musicians, and sound engineers to complete this project. Once released, it will be available on all popular digital platforms (Spotify, YouTube, iTunes, etc) for teachers, family, and kids to enjoy. We will announce the launch on our website www.aguacatemusickids.com and email teachers once the album is available.



Exhibit D

Progress Report – Sugar Sweetened Beverage Tax Grant Program

July 2021 – June 2022

OVERVIEW

The Sugar Sweetened Beverage Tax Proceeds program provides funding to create programs that encourage healthy lifestyle choices with a focus on children and at-risk populations, including both educational and physical activity programs. This initiative invites applicants to create programming geared toward the Albany community responding to any of the following themes:

- Health & nutrition
- Exercise and movement
- Education to reduce sugar sweetened beverage consumption

Programs may include classes, events, lectures, training courses, and educational materials. Funded programs must take place within the City of Albany and should be available to the public.

To assist the City in evaluating the effectiveness of the use of Sugar Sweetened Beverage tax proceeds, funded applicants are to provide program statistics by completing a progress report and final report.

Progress Report: Due on March 18, 2022 for the period July 1, 2021 - February 28, 2022

Final Report: Due on July 29, 2022 for the period of July 1, 2021 – June 30, 2022

Program Title:	Bike Safety Education in City of Albany
Program Description:	Cycles of Change has provided bike safety education to public elementary schools at Ocean View Elementary in the City of Albany. Cycles of Change provided in-person programming which involved bringing a fleet of program bikes and helmets for students to use, and support Learn-to-Ride (L2R) students to empower them to bike for the first time. Cycles tailored a one-day version of our Middle School DYB curriculum for Ocean View. Content included helmet and bike fit, bike mechanics safety check, lane drills, bike handling skills, rules of intersections, and an off-campus group ride.
Grant Amount Allocated:	\$15,000

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Program Performance Measures and Targets			
Performance Measure	7/1/2021-2/28/2022	7/1/2021-6/30/2022	Comments
Number of People Served by Program	95		students plus approx. 5 school staff and volunteers
Number of Classes or Activity Hours	3 classes 7.5 total activity hours		
Number of Children Served (if data is available)	90		
Number of Albany Residents Served (if data is available)	95		

Two Additional Program Performance Targets			
Please include up to two additional performance measures specific to your program.			
Performance Measure	7/1/2021-2/28/2022	7/1/2021-6/30/2022	Comments
Number of Learn to Ride students supported to ride a bike for the first time	15		
Total student time spent active on bicycles	135 hours		



Program Accomplishments and Successes:

Cycles supported 15 students to ride a bike for the first time! In addition, all students grew their skills at riding and their confidence in navigating the streets. Many students shared with us that it was the most fun they had had at school. Additionally, we happened to run into Albany Unified School Board member Vonnie Davidson while on our group ride. She was extremely excited about the program, shared some insights on its importance from her time teaching P.E. (i believe) at King, and took a group photo! Unfortunately I've been unable to find her email address since to contact her to share the photo and some of her words about the importance of the program; we do, however, have a few of our own photos which I'll share with Lizzie.

Program Challenges:

Because of COVID and the instability of this school year, some schools were (understandably) slower getting back to our outreach at the beginning of the year. By the time they responded our calendar had already filled up, meaning that we weren't able to work with as many Albany schools as hoped. Like many other employers, we have also had some staffing shortages, compounded by staff getting COVID, which contributed to a slightly lower capacity this year.

Program Outreach:

At the beginning of the year, we outreached to: Albany Middle, Ocean View, and Marin Elementary. We provided programming in the 2021-22 school year to Ocean View. We hope next year to work with more Albany schools.

Other Comments:

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Exhibit B

Progress Report – Sugar Sweetened Beverage Tax Grant Program

July 2021 – June 2022

OVERVIEW

The Sugar Sweetened Beverage Tax Proceeds program provides funding to create programs that encourage healthy lifestyle choices with a focus on children and at-risk populations, including both educational and physical activity programs. This initiative invites applicants to create programming geared toward Albany residents responding to any of the following themes:

- Health & nutrition
- Exercise and movement
- Education to reduce sugar sweetened beverage consumption

Programs may include classes, events, lectures, training courses, and educational materials. Funded programs must take place within the City of Albany and should be available to the public.

To assist the City in evaluating the effectiveness of the use of Sugar Sweetened tax proceeds, funded applicants are to provide program statistics by completing a progress report and final report.

Progress Report: Due on March 18, 2022 for the period July 1, 2021 - February 28, 2022

Final Report: Due on July 15, 2022 for the period of July 1, 2021 – June 30, 2022

Program Title: Move ‘n’ Groove
Program Description: Albany Move'n'Groove was an all ages and all fitness-level, exercise-meets-music event. Participants signed up to skate, run, walk, or stroller jog a 5K (6 laps) around AHS and Memorial Park to an eclectic array of live bands who entertained the participants. Spectators were also welcomed to enjoy the live music performances and to cheer on the "movers." After the 5K, everyone was invited to "groove" to the headliner band on the main stage in the park.
Grant Amount Allocated: \$6,000

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ALBANY, CA 94706
www.AlbanyCA.org

Program Performance Measures and Targets			
Performance Measure	4/24/2022	7/1/2021-6/30/2022	Comments
Number of People Served by Program	350 approx.		There were about 220 registrants for the 5K plus their family and friends, volunteers and other spectators. Most 5K registrants (over 90%) were Albany residents which includes people of all ages from young children (in strollers) to elders.
Number of Classes or Activity Hours			
Number of Children Served (if data is available)			
Number of Albany Residents Served (if data is available)			

Two Additional Program Performance Targets			
Please include up to two additional performance measures specific to your program.			
Performance Measure	7/1/2021-2/28/2022	7/1/2021-6/30/2022	Comments



Program Accomplishments and Successes:

As a first-time event conceived, planned and executed almost exclusively by community volunteers (primarily myself and Steve Trutane, with the support of Albany Community Foundation as our fiscal sponsor plus about 30 volunteers on the day of the event), the event was a great community-building event that invited people of all ages and fitness levels to engage in a fun exercise event that had excellent bands to entertain all. The volunteerism was exceptional in that so many people stepped up to help on the day of the event. Steve Trutane reported that a professional event planner complimented us by saying that we "nailed it" with the event planning execution. We also received many compliments that the music was exceptionally good- ninety-three bands auditioned for the five spots so we had top-notch bands at the event. The event was also a fundraiser for the Albany Community Foundation, as a way to enhance Albany's community needs.

Most of all, we received feedback from folks that the event was "great fun" and that they hope we have it again next year! The event was an especially welcomed one since the pandemic has prevented people from gathering safely for the last 2 years and it felt great that we could hold such a fun event safely and outdoors with our community.

Program Challenges:

The most challenging aspect of planning the event was the marketing. As the first-ever MnG, we wanted to ensure that people signed up for the 5K race so we marketed mostly to get people to sign up for the race; by default, we neglected to publicize enough to the "non-sporting" types that there was free music for all spectators (not only the 5K participants) so the turnout for the bands was mostly by the racers. For the excellent quality of the bands, we could have had a much larger crowd. Next year (always easier the second time with word-of-mouth publicity), it should be easier to publicize the event to both 5K participants AND non-participants who wish to just watch the live bands.

Program Outreach:

We did our best to publicize locally- we advertised on the Patch, all Albany FB groups, Next Door, Berkeley Parents Network, Albany E-Newsletter, AUSD, Albany Triathlon, and some other running clubs in the area. We also posted flyers around town on Solano Avenue and tried to spread the word through personal networks.

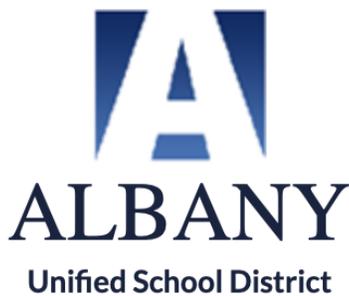
Other Comments:

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Steve Trutane and I made a good team and we would definitely consider planning the event again next year. The ACF was also very helpful as our fiscal sponsor. We will be meeting with Doug Donaldson (ACF president) for a debriefing meeting on Friday and will consolidate our learnings so we can improve upon the event planning for next time, should we propose to do it again and should the event be approved by the city.



District Address:
1200 Solano Ave., Albany, CA 94706

Administration Office
819 Bancroft Way, Berkeley, CA 94710
Phone: 510.558.3750

Student Enrollment Office:
1216 Solano Ave., Albany, CA 94706
Phone: 510.558.3750
Fax: 510.559.6560
www.ausdk12.org

District Administration
Frank Wells, Ed.D., Superintendent
Alexia Ritchie, Executive Director, Student Services
Jackie Kim, CPA, Chief Business Official

Board of Education
Sara Hinkley, President
Clementina Durón, Vice President
Brian Doss, Trustee
Melissa Boyd, Esq. Trustee
Veronica Davidson, Trustee

April 25, 2022

All-bany Swims Project Update to the Council

As presented to the Council on May 17, 2021, the **All-bany Swims** pilot program is an effort to teach children to swim. By targeting primary grades with a comprehensive program, AUSD hopes to improve water safety and fitness in children that are most at-risk for drowning. COA would sponsor a free set of swim lessons for low socioeconomic level students (those qualifying for free or reduced-price lunch).

The District expresses tremendous gratitude to the City for their support of this proposal last spring. Both City and District acknowledge the need for children to learn to swim for their life-long safety, and AUSD remains committed to the long-term success of this program. However, the District must report that a year of continuing difficulties related to the COVID-19 pandemic, (as well as unrelated issues), have kept us from being able to launch the program.

The **All-bany Swims** program is a pilot effort and relies on the Albany Aquatic Center (owned and operated by AUSD) to run swim lessons. The Aquatic Center closed in March 2020, and has not been able to provide swim lessons since that time. When AUSD proposed this program to the Council, there was the expectation that the pool would be able to restart swimming lessons sometime during the 2021–22 school year. The Delta and Omicron COVID-19 waves took the entire attention of the District, and made it difficult to maintain even limited pool openings throughout the year. Mechanical issues have also resulted in closures.

We remain hopeful that swimming lessons will begin again in June. The new Aquatic Center Director begins on May 5th, and will continue the push to hire lifeguards and swim instructors for the summer. In the next few weeks, the District should be able to determine the size and extent of the swim lesson program that will be available this summer. If feasible, we will then distribute vouchers to the parents of eligible students for the summer session. Before the end of the fiscal year, we will update the City on the launch.

We would also like to report back to the Council via email in the fall on the progress of this initiative, as we move forward out of the pandemic. AUSD hopes that the Council will consider a roll-over of funds to continue to support the launch of **Albany Swims** for the 2022–23 school year.



ALL CITY MANAGEMENT SERVICES

April 8, 2022

Chief John Geissberger
City of Albany
1000 San Pablo Ave. Albany, CA 94706

Dear Chief John Geissberger,

It is once again the time of the year when many agencies are formulating their budgets for the coming fiscal year. Toward that end, please allow this letter to serve as confirmation of our interest in extending our agreement for providing School Crossing Guard Services through the 2022-2023 fiscal year.

As you may know hiring challenges have impacted all sectors of the labor market, across the nation. Our workforce has been decimated, the number of sites that remained unstaffed in spite of our doubling down on ads, incentives and recruitment efforts has been frightening to say the least.

In our industry our workforce has historically maintained an average age of approximately 64 years old. Since COVID and as a direct result of the lives lost, the risk inherent with this age group and the fears still prevalent we've lost a significant portion of our workforce. The net effect has been a younger workforce that expects and demands wage rates higher than minimum wage. When we factor in a higher cost of living, the rising costs of gas with most Crossing Guards required to go back and forth to work 2, 3 or 4 times a day, the demand for higher wages is predictable.

Our plan as we enter the coming school year is to offer more competitive wages. This will mean significantly higher billing rates for most programs throughout the nation. To facilitate the calculation of the annual program cost we have developed and included with this letter a Client Worksheet. This Worksheet is our best estimation of the hours and cost of your program based on the current schedules and the proposed price increase.

While we remain committed to providing a safe, cost-effective and professional School Crossing Guard Program we hope you will find this new pricing acceptable. If you have any questions or need additional information, please contact me at (800) 540-9290. Take care.

Sincerely,

Baron Farwell,
General Manager

All City Management Services Inc.

Client Worksheet 2022 - 2023

Department:1007905

Billing Rate for 2022/2023: \$33.35

City of Albany
1000 San Pablo Ave.
Albany, CA 94706

KEY:

Traditional Calendar:

For sites with no regularly scheduled early release days, use 180 regular days

For sites with one regularly scheduled early release day/week, use 144 regular days and 36 minimum days

Sites with traditional calendar:

		33		180		\$33.35	=	\$198,099.00
6	Sites at 5.5 hrs per day	Total Hrs/day	X	days/yr	X	Hourly Billing Rate		

TOTAL PROJECTED HOURS

5940

TOTAL ANNUAL PROJECTED COST

\$198,099.00



CITY OF ALBANY

MEMO

April 14, 2022

To: City Council
From: Parks, Recreation, and Open Space Commission
Subject: Sugar-Sweetened Beverage (SSB) Tax Recommendation

The Parks, Recreation, and Open Space Commission discussed potential uses for sugar-sweetened beverage (SSB) tax proceeds and unanimously approved a motion recommending the following programs:

- Additional outdoor, recreational equipment on the Ohlone Greenway including equipment that allows for social and physical skills to develop in constructive ways.
- Installation of water bottle filling stations along the Ohlone Greenway south of Solano Ave, along Solano Avenue and at locations as close to the Bulb as possible eg. Pierce & Buchanan or at west corner of freeway offramp.
- One or more quads (4) of BikeLink lockers at Albany Waterfront (~\$16,000 per quad)
- \$1000 for the Berkeley Garden Club for four “Healthy Garden Talks” at the Albany Community Center (or virtual if necessary)
- Installation of water bottle filling station at waterfront park



CITY OF ALBANY

MEMO

April 5, 2022

To: City Council
From: Social & Economic Justice Commission
Subject: Sugar-Sweetened Beverage (SSB) Tax Recommendation

The Social & Economic Justice Commission discussed potential uses for sugar-sweetened beverage (SSB) tax proceeds and unanimously approved a motion not to recommend any particular programs, but instead ask the City Council mandate programs be administered through an equity lens, specifically to target lower-income areas and lower-income people very deliberately, that there be cultural variety in these programs with serious and determined outreach to lower-income communities and language minorities.

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COMMUNITY DEVELOPMENT

1000 SAN PABLO AVENUE

ALBANY, CA 94706

510 528-5760

www.AlbanyCA.org/cd

April 20, 2022

To: City Council

From: Transportation Commission

Subject: Recommended Uses for Sugar-Sweetened Beverage Tax

On March 24, 2022, the Commission discussed the 2016 ballot measure taxing sugar-sweetened beverages, and approved motions recommending the following programs and projects for use of tax revenue:

1. Crossing Guard Program (\$160,000)
2. Bike Safety Program (\$15,000)
3. Healthy Me Music & Movement program (\$12,500)
4. Bicycle Path Improvements adjacent to SAHA housing development (\$61,000)

As part of the SAHA affordable housing development project at Cleveland and Washington, the City has worked with the developer to accommodate a bicycle path through the site as part of the Pierce Street Path Segment 2 Active Transportation Plan project. In the agreement with the developer, the city and housing developer agreed that the city would fund the additional work associated with the bike path improvements or the developer would be able to exclude those elements from their project and it would be left to be built as part of a future city project. The latest estimate provided by the developer for this work is \$61,000. Staff sees benefits to construction of the bike path adjacent to the housing development as part of the project construction. This project supports active transportation, will serve the adjacent affordable housing development and park visitors, and provides a key segment of the Pierce Street Path vision for an off-street facility connecting all the way from Cerrito Creek to the Buchanan Bikeway.

Thank you for providing the Commission an opportunity to comment.

**FY2023 Sugar Sweetened Beverage Tax Program Suggestions
Council Study Session – Monday, May 2, 2022**

Programs	Estimated Cost	Additional Information
Crossing Guard Program	\$198,099	SSB Funded in FY2022. Contract with ACMS. Staff intends to continue contract in FY2023. Additional funding for increase in crossing guard wages due to higher cost of living and to improve staff retention. For additional information, see pricing letter (Attachment 6 to the staff report). Recommended for FY2023 funding by Transportation Commission (Attachment 9 to the staff report).
Healthy Me Music & Movement program	\$13,100	SSB Funded in FY2022. Contract with Healthy Me Kids. Program in AUSD preschools, transition kindergartens & kindergartens. Additional funding would be applied towards the purchase of song books for students. Recommended for FY2023 funding by Transportation Commission (Attachment 9 to the staff report).
Bike Safety Program	\$15,000	SSB Funded in FY2022. Contract with Cycle of Change. Recommended for FY2023 funding by Transportation Commission (Attachment 9 to the staff report).
Move'n'Groove Event	\$6,000	SSB Funded in FY2022. 5k all fitness-level, exercise -meets-music event around AHS and Memorial Park on April 24, 2022 organized by volunteers Eugenie Hsu and Steve Trutane with fiscal sponsor Albany Community Foundation. Event organizers would like to be considered for FY2023 funding.
All-bany Swims	\$24,108	SSB Funded in FY2022. AUSD program not implemented. AUSD is requesting to roll over funding to FY2023.
Bicycle path improvements adjacent to SAHA housing development	\$61,000	Recommendation by Transportation Commission (Attachment 9 to the staff report).

**FY2023 Sugar Sweetened Beverage Tax Program Suggestions
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Outdoor exercise equipment on Ohlone Greenway	Approx. \$50,000 depending on models/type and number of equipment purchased. Does not include installation cost.	Recommendation by Parks, Recreation & Open Space Commission (Attachment 7 to the staff report).
Installation of water bottle filling stations along the Ohlone Greenway south of Solano Ave, along Solano Avenue and at locations as close to the Bulb as possible eg. Pierce & Buchanan or at west corner of freeway offramp.	Approx. \$4,000 for each bottle filler depending on model/type, not including installation cost which varies depending on location and proximity to water.	Recommendation by Parks, Recreation & Open Space Commission (Attachment 7 to the staff report).
One or more quads (4) BikeLink lockers at Albany Waterfront	Approx. \$16,000 per quad not including installation cost.	Recommendation by Parks, Recreation & Open Space Commission (Attachment 7 to the staff report).
Berkeley Garden Club four “Healthy Garden Talks” at the Albany Community Center (or virtual if necessary)	\$1,000 for 4 speakers	Recommendation by Parks, Recreation & Open Space Commission (Attachment 7 to the staff report).
Water station at Albany Waterfront Park	Unknown at this time	Recommendation by Parks, Recreation & Open Space Commission (Attachment 7 to the staff report).

Social & Economic Justice Recommendation (Attachment 8 to the staff report):

That the City Council mandate programs be administrated through an equity lens, specifically to target lower-income areas and lower-income people very deliberately, that there be cultural variety in these programs with serious and determined outreach to lower-income communities and language minorities.

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
26 **4-13.6 Collection.**

27 a. The amount of any tax, penalty, and interest imposed under the provisions of this Chapter
28 shall be deemed a debt to the City. Any Distributor owing money under the provisions of this
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 31st 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

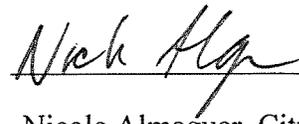
9
10
11 Ordinance No. 2016-02 was thereby adopted by the voters at the November 8, 2012 election
12 and took effect upon adoption of a resolution declaring the results of the election at a regular
13 meeting of the City Council held on December 5, 2016 by the following vote:

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