



Office of the City Manager

CONSENT CALENDAR  
April 26, 2022

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Lisa Warhuus, Director, Health, Housing, and Community Services  
 Subject: Commission Reorganization for Post-COVID-19 Budget Recovery:  
 Community Health Commission

### RECOMMENDATION

Adopt the first reading of an Ordinance to revise Municipal Code Sections 3.76.010 and 3.76.040 which establishes the Community Health Commission in order to change Commission membership to include nine (9) people and consolidate the functions of the Commission from ten overlapping and redundant functions to a more concise four functions.

### FISCAL IMPACTS OF RECOMMENDATION

Reducing the number of commissioners of the Community Health Commission from 18 to nine members would create a commission structure that is parallel to nearly all other commissions in the City, and would increase efficiencies and decrease staffing costs.

### CURRENT SITUATION AND ITS EFFECTS

This report responds to City's Council's response on January 18, 2022 to referral #PRJ0032146 that originally appeared on the June 15, 2021 Special Council meeting agenda, authored by Councilmember Lori Droste and co-sponsored by Councilmember Rigel Robinson, Councilmember Rashi Kesarwani, and Mayor Jesse Arreguin.

At the January 18, 2022 Council meeting, Council members voted to take no action to combine the Sugar-Sweetened Beverage Product Panel of Experts Commission and the Community Health Commission, and requested staff return with recommendations on how to increase efficiency and reduce costs associated with City staff support of the Community Health Commission.

The Community Health Commission was established based on enabling language from the California Health and Safety Code, Sections 321.7 and 320. California Code of Regulations Title 17, Section 6820 required the City to have an "advisory board" that meets at least twice a year for the purposes of "reviewing, advising and reporting functions related to the community child health and disability prevention program as specified in Section 321.7, Health and Safety Code." Senate Bill 464 referenced the

California Health and Safety Code section 320.5 language stipulated a minimum of 13 voting members that “reflect the ethnic and geographic diversity of the State of California.” With the elimination of the California Health and Safety Code, Sections 321.7 and 320, the Council requested that staff submit a recommendation to reassess the composition of the Commission and the frequency in which it meets in an effort to adjust to the evolution of the needs of the Berkeley community, increase efficiencies, and reduce costs for the support the Community Health Commission. Recognizing that civic engagement and commission work play an essential role in Berkeley, this recommendation retains the commission’s functions, but centers on overall community benefit, staff productivity, and associated costs.

Considering the commission reorganization is a Strategic Plan Priority Project, advancing our goal to provide an efficient and financially-healthy City government. The stated recommendation would still allow for addressing health equity impacts as intended through the Community Health Commission, increase efficiencies, and reduce City costs in supporting commissions.

#### BACKGROUND

The Community Health Commission established in B.M.C. Section 3.76.010 currently consists of 18 members who have diverse backgrounds and a deep understanding of the social determinants of health equity; through lived experience, and/or through professional expertise to promote health equity through the following summarized activities:

- Advising, reviewing, analyzing, and reporting back to City Council on matters pertaining to achieving health equity in Berkeley, including policies or proposals under consideration by Council;
- Contributing to priority-setting and strategic planning efforts in the City as they relate to health equity;
- Hear presentations at Commission meetings by appropriate experts, to provide pertinent information on matters affecting the health and safety of Berkeley residents, including from community groups concerned with health equity; and
- Perform other such functions and duties as may be directed by the City Council or by ordinance to promote health equity.

This B.M.C. language was based from obsolete language from the California Health and Safety Code which had been eliminated. The City has the flexibility to alter the number of commission members to nine members and refine the functions of the commission to more concise language, while still being able to adequately meet the existing functions of the commission.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no significant environmental sustainability and climate impacts associated directly with the subject matter of this report. However, reducing the total number of commissioners and meetings is likely to incrementally reduce paper and energy usage.

### RATIONALE FOR RECOMMENDATION

Careful and thoughtful deliberation on the complex types of issues that come before the Community Health Commission is difficult to do with an eighteen-member commission. A relatively large group of ten Commissioners is required to even meet the quorum requirements to hold a meeting. The smaller group will allow for more creative and collaborative opportunities. Additionally, the vast majority of City Commissions have nine Commissioners. The reduction of the number of Community Health Commission members would not impact the intention, priorities, or activities of the Commission and it would also improve efficiencies while reducing support costs.

### ALTERNATIVE ACTIONS CONSIDERED

The City could eliminate the Community Health Commission entirely and achieve its goals through other community advisory bodies. This would also increase efficiencies, and reduce City costs in supporting commissions.

The Council can reduce the number of commissioners to 9 members and keep the existing language for the functions of the commission intact.

The Council can also choose to keep the Community Health Commission at an 18-member Commission and maintain the same level of staff support. The Council previously decided not to merge this commission with the Sugar Sweetened Beverage Product Panel of Experts.

### CONTACT PERSON

Lisa Warhuus, Director, Health, Housing, and Community Services, 510-981-5400

#### Attachments:

- 1: Ordinance – with track changes
- 2: Ordinance – clean copy

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE (BMC) SECTION 3.76.010 AND SECTION 3.73.040 ESTABLISHMENT OF COMMUNITY HEALTH COMMISSION

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code Section 3.76.010 is hereby rescinded and replaced in its entirety as follows:

**3.76.010 Establishment of Community Health Commission.**

There is hereby established a Community Health Commission. The commission shall consist of ~~eighteen~~ members selected by the City Council in accordance with the Fair Representation Ordinance, Berkeley Municipal Code Sections 2.04.030 through 2.04.130. Appointments to the commission shall honor the mission of achieving health equity by appointing members who have a deep understanding of the social determinants of health equity, through lived experience and/or through professional expertise.

A. Commissioners should include representatives of as many of the following as possible:

1. Communities most affected by health inequities;
2. Community organizers;
3. Community agency representatives;
4. Health care providers;
  - a) Licensed clinicians such as nurses, physicians, etc.;
  - b) Non-licensed providers (community health workers, health navigators, etc.);
5. Behavioral health care providers;
6. Educators;
7. College Students;
8. Youth serving organizations.

B. Diversity: Commissioners should include people of varying race/ethnicity, gender, age, income, class and ability. (Ord. 7520-NS § 1 (part), 2016: Ord. 6236-NS § 1, 1994: Ord. 6147-NS § 1, 1992: Ord. 6010-NS § 1, 1990)

Section 2. That Berkeley Municipal Code section 3.76.040 is amended to read as follows:

**3.76.040 Functions of the commission.**

A. The function of the commission shall be as follows:

~~1. Advise City Council on matters pertaining to achieving health equity in Berkeley;~~

1. Advising, reviewing, analyzing, and reporting back to City Council on matters pertaining to achieving health equity in Berkeley, including policies or proposals under consideration by Council;

~~2. Review, analyze, and report back to City Council on matters affecting the health and safety of Berkeley residents, with particular attention to differential~~

~~impact on particular communities or populations;~~

~~3.2. Advise Council of potential health equity impacts of policies or proposals under consideration by Council;~~

~~4.3. Contribute to priority-setting and strategic planning efforts in the City as they relate to health equity;~~

~~5. Consider issues impacting the health and safety of Berkeley residents referred to the Commission by City Council, by Commissioner, by another City commission, by members of the public or recommended by City staff;~~

~~6. Advise City Council on health equity impacts of proposed policies and initiatives within the Public Health Division, the Department of Health, Housing and Community Services, and other City Departments;~~

~~7.4. Hear presentations, at regularly scheduled commission meetings, by appropriate experts, including community residents and community groups, to provide pertinent information on matters affecting the health and safety of Berkeley residents, including from community groups concerned with health equity;~~

~~8. Provide City Council with information about health and safety issues in Berkeley, with particular attention to health equity and disproportionately affected populations;~~

~~9.5. Perform such other functions and duties as may be directed by the City Council or prescribed or authorized by any ordinance of the City, and such other functions and duties not prohibited by City Council which the commission should decide are consistent with its overall function of promoting health equity.~~

B. In prescribing the above duties and functions of the commission, it is not the intent of the council to duplicate or overlap the functions, duties, or responsibilities heretofore or hereafter assigned to any other City board or commission or to a City department. As to such functions or responsibilities above set forth which are partially or wholly the responsibilities of another board or commission or of a department of the City, the commission will render such assistance and advice to such board, commission or department as may be requested. (Ord. 7520-NS § 1 (part), 2016; Ord. 6010-NS § 4, 1990)

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

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A. The function of the commission shall be as follows:

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2. Advise Council of potential health equity impacts of policies or proposals under consideration by Council;
3. Contribute to priority-setting and strategic planning efforts in the City as they relate to health equity;

4. Hear presentations, at regularly scheduled commission meetings, by appropriate experts, including community residents and community groups, to provide pertinent information on matters affecting the health and safety of Berkeley residents, including from community groups concerned with health equity;

5. Perform such other functions and duties as may be directed by the City Council or prescribed or authorized by any ordinance of the City, and such other functions and duties not prohibited by City Council which the commission should decide are consistent with its overall function of promoting health equity.

B. In prescribing the above duties and functions of the commission, it is not the intent of the council to duplicate or overlap the functions, duties, or responsibilities heretofore or hereafter assigned to any other City board or commission or to a City department. As to such functions or responsibilities above set forth which are partially or wholly the responsibilities of another board or commission or of a department of the City, the commission will render such assistance and advice to such board, commission or department as may be requested. (Ord. 7520-NS § 1 (part), 2016; Ord. 6010-NS § 4, 1990)

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