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CITY OF OAKLAND

CITY HALL • ONE FRANK H. OGAWA PLAZA • OAKLAND, CALIFORNIA 94612

Annie Campbell Washington  
Vice Mayor and Councilmember  
District 4

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January 11, 2017

Dear Fellow City Council Members,

We are currently facing a public health crisis in Oakland and across the country. Nearly 70% of American adults are either overweight or obese. Being obese puts an individual at a higher risk for health problems such as heart disease, cancer, stroke, high blood pressure, diabetes and other life-threatening diseases.<sup>1</sup> Additionally, the Alameda County Department of Public Health ranks Oakland amongst the highest in Alameda County for hospitalizations due to Hypertension, Chronic Preventable conditions, Diabetes, and other obesity-related conditions.

In the United States, Non-Hispanic blacks have the highest age-adjusted rates of obesity (48.1%) followed by Hispanics (42.5%), non-Hispanic whites (34.5%), and non-Hispanic Asians (11.7%). Obesity is higher among middle age adults age 40-59 years (40.2%) and older adults age 60 and over (37.0%) than among younger adults age 20-39 (32.3%).<sup>2</sup> From 1999 through 2014, obesity prevalence increased among adults and youth.<sup>3</sup> The increase in obesity in the United States is an issue that must be dealt with at all levels of government.

The estimated annual medical cost of obesity in the U.S. was \$147 billion in 2008 and the medical costs for people who are obese were \$1,429 higher than those of average weight.<sup>4</sup> Oakland is the largest city in Alameda County and contributed to a reported loss of over

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<sup>1</sup> American Heart Association (AHA), "Obesity Information", [http://www.heart.org/HEARTORG/HealthyLiving/WeightManagement/Obesity/Obesity-Information\\_UCM\\_307908\\_Article.jsp#.Wc6A9UrLb0](http://www.heart.org/HEARTORG/HealthyLiving/WeightManagement/Obesity/Obesity-Information_UCM_307908_Article.jsp#.Wc6A9UrLb0) (February, 2014)

<sup>2</sup> Ogden CL, Carroll MD, Fryar CD, Flegal KM. "Prevalence of obesity among adults and youth: United States, 2011-2014. NCHS data brief, no 219. Hyattsville, MD: National Center for Health Statistics. 2015

<sup>3</sup> Ibid

<sup>4</sup> Ibid

\$2 billion in a single year in the form of health insurance and lost productivity largely due to physical inactivity, obesity, and issues regarding overweight adults.<sup>5</sup>

Healthy eating is a key indicator in reducing risk of obesity. In general, an unhealthy diet contributes to the development of debilitating diseases and other ailments that increase human suffering, health care costs and decrease the quality of life. The City of Oakland must demonstrate a commitment to promoting public health by providing and supporting access to healthy, nutritious food and beverages.

## RECOMMENDED ACTION

**Adopt An Ordinance Adding Chapter 8.15 To The Oakland Municipal Code To (1) Require that Prepackaged Food And Beverages Sold In Vending Machines On City Property Meet Specified Nutritional Standards, (2) Request City Departments To Meet Nutritional Guidelines For Food And Beverages Purchased With City Funds And Served At City Events And Meetings, And (3) Encourage Restaurants Located On City Property To Offer Healthy Food Options**

## EXECUTIVE SUMMARY

Over 4,500 people are employed by the City of Oakland and work on City property.<sup>6</sup> Providing City employees access to healthier foods in the workplace helps reduce the impact of diet-related disease, supports a healthier and more productive workforce and reduces the City's health care expenses. Providing access to healthier food options for members of the public when they visit City property also promotes public health.

Healthy eating is a key factor in reducing obesity. Consumption of unhealthy food and beverages contributes to the development of many ailments and debilitating diseases, which increases human suffering and decreases the quality of life, while driving health care costs up.

Suggested ways to combat obesity and unhealthy behaviors are<sup>7</sup>:

- Provide increased access to healthy foods.
- Create and maintain a wellness environment in the workplace.
- Provide calorie information on menus at point-of-purchase.

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<sup>5</sup> Alameda County Health Care Services Agency, "Nutritional and Physical Activity Policy and Guidelines" (August, 2009)

<sup>6</sup> Human Resources, City of Oakland <http://www2.oaklandnet.com/government/o/HumanResources/index.htm>

<sup>7</sup> American Heart Association (AHA), "Obesity Information", [http://www.heart.org/HEARTORG/HealthyLiving/WeightManagement/Obesity/Obesity-Information\\_UCM\\_307908\\_Article.jsp#.WCc6A9UrLb0](http://www.heart.org/HEARTORG/HealthyLiving/WeightManagement/Obesity/Obesity-Information_UCM_307908_Article.jsp#.WCc6A9UrLb0) (February, 2014)

- Reduce Trans-fats in packaged foods, baked goods, restaurant meals and school meal programs.
- Increase availability of healthy foods and beverages in government buildings and properties for government employees and visitors.

## ADDRESSING THE NEED

### *Vending Machines on City Property*

The proposed ordinance would require that all prepackaged food and beverages sold from vending machines located on City property meet specified nutritional standards pertaining to calories, total fat, saturated fat, trans fat, sugar and sodium.

The ordinance would require that all contracts and property contracts that the City enters into that authorize the use, installation or operation of one or more vending machines on City property include a provision requiring compliance with these nutritional standards and failure to comply would constitute a material breach of the contract. The required nutritional standards for vending machines would apply only to contracts and property contracts entered into, or extended or renewed, on or after the effective date of this ordinance.

### *City Meetings and City-Sponsored Events*

The proposed ordinance would also require City departments to use their best efforts to ensure that food and beverages purchased with City funds and served at City meetings and City-sponsored events meet recommended nutritional guidelines. A “City Meeting” or “City-Sponsored Event” for purposes of this ordinance means a meeting or event that is convened, hosted or organized by the City, regardless of whether the meeting or event occurs on City property or whether the attendees are limited to City officials or staff. The recommended nutritional guidelines for City meetings and City-sponsored events include: (1) water should be made available, (2) food items should be served in smaller portions, where possible, (3) vegetarian or vegan options should be offered, where possible and (4) “healthy food items” should be served, as defined by the ordinance.

### *Restaurants and Food Concessions on City Property*

Lastly, the proposed ordinance would encourage restaurants and other food concessions located on City property to ensure that at least 25% of the meals offered on the menu meet recommended nutritional guidelines pertaining to calories, total fat, saturated fat, trans fat, cholesterol, sugar and sodium. In addition, such meals should have at least two servings of vegetables and/or fruits.

### *Further Considerations*

In considering the culture of Oakland and its residents, it is necessary to include options for consumers who have dietary-restrictions or sensitivities, such as gluten and/or nut free, vegan, and vegetarian. Additionally, keeping the price of healthier options the same or close to the price of non-healthy options will aid consumers in making affordable healthy choices.

### BACKGROUND/LEGISLATIVE HISTORY

The City currently does not have any law regulating the nutritional standards of foods that are sold in vending machines on City property. Nor does the City have any law that establishes recommended nutritional guidelines for food and beverages served at City-sponsored meetings and events, or for restaurants and other food concessions that serve food on City property.

#### *Nutritional Guidelines Of Other Jurisdictions*

##### *Alameda County*

The Alameda County Department of Public Health Nutrition Services program created the “Nutrition and Physical Activity Policy and Guidelines”. This publication provides wellness, nutrition, vending, and physical activity criteria to improve health outcomes and productivity for County employees and residents. The Alameda County Department of Public Health Nutrition Services recommendations are<sup>8</sup>:

##### Vending Machine Content:

- Fruits, vegetables and nuts not processed with added sugars or fats.
- Items contain less than 35% calories from fat.
- Items contain less than 35% sugar by weight (with exception to items containing 100% fruit or vegetables).
- No trans-fats, trans-fatty acids, hydrogenated or partially hydrogenated vegetable oils.
- At least 40% of beverage options must be non-carbonated.
- Drinks contain no more than 12 fluid ounces or exceed 200 calories.
- No high fructose corn syrup in drinks.
- Water & other non-caloric beverages contain neither nutritive nor non-nutritive sweeteners.
- Beverages with added nutritive sweeteners contain a ratio of no more than: 50 calories/8 ounces, 75 calories/12 ounces, 100 calories total.
- Fruit juice beverages contain at least 50% fruit juice.

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<sup>8</sup> Alameda County Health Care Services Agency, “Nutritional and Physical Activity Policy and Guidelines” (August, 2009)

Additional Nutrition Recommendations:

- At least 50% of food and beverage vending options must meet the above recommendations.
- Healthy food and beverage vending options should be placed at an easy to view level.
- Whenever County funds are used to purchase food or beverage for County meetings and events, those food and beverages will provide variety, nutritional benefit and choice. This includes all food and beverages that are catered, purchased or prepared for County meetings or events.
- At least 50% of all food and beverage choices available at events, meetings and other agency-supported activities shall contain no more than 35% of calories from fat (of which no more than 10% calories be from saturated fat), no more than 35% sugar by weight, contain 0% trans-fat and contain higher dietary levels of fiber in accordance with the U.S. Dietary Guidelines.

*Oakland Unified School District (OUSD)*

OUSD Nutrition Guidelines: The District shall develop maintain and update OUSD Nutritional Guidelines (Administrative Regulation 5030) for food and beverages that promote good health and meet or exceed State and Federal requirements<sup>9</sup>.

Food Guidelines: Any person bringing foods to a school event, meeting or celebration shall make sure the food follows these general nutritional guidelines:

- No more than 1/3 of the calories from fat (except nuts/seeds).
- No more than 10% of calories from saturated fat.
- No more than 1/3 of the weight from sugar.

Beverage Guidelines: Only the following beverages shall be allowed:

- 100% fruit juice
- Nonfat and 1% milk (including chocolate milk)
- Soy Milk
- Water

Following foods shall not be served and/or sold at any time on school grounds:

- Candy
- Gum
- Cereals containing more than 6g of sugar and/or 400mg of sodium per 1 oz. portion.
- Other foods that do not meet nutritional standards of the Wellness Policy.

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<sup>9</sup> OUSD Wellness Policy - Nutritional Guidelines (September, 2016)

Vending Machines: OUSD shall implement a district-wide vending machine program that places exclusive authority over all vending machines under control of the OUSD administrators.

Celebrations: Food and beverages served as part of a celebration held on school grounds shall meet or exceed nutritional standards of the Wellness Policy and California Uniform Retail Food Facility Law.

Water: Free, clean drinking water shall be made available to all students during school meals.

School Meal Program: All meals (breakfast, lunch, after-school snack, and supper) shall follow nutrition standards and procedures set by the United States Department of Agriculture (USDA) and State of California Legislation. All A La Carte items sold in the cafeteria shall meet or exceed the OUSD Nutrition Guidelines. All A La Carte items sold in the cafeteria shall be sold by, or with approval from, OUSD Nutrition Services.

### *San Francisco City and County*

In May, 2016 the City and County of San Francisco set Nutritional Standards for vending machines, nutritional guidelines for food served at City meetings and events and recommended nutritional guidelines for restaurants on city property<sup>10</sup>.

#### Vending Machine Guidelines:

- Calories: No more than 200 calories per Serving.
- Total Fat: No more than 35% of calories from fat.
- Saturated Fat: No more than one gram of saturated fat per serving.
- Trans Fat: No trans-fat and no partially hydrogenated oil on the ingredients list.
- Sugar: No more than 35% of weight from total sugars.
- Sodium: No more than 240 milligrams of sodium per serving.
- Candy: No candy except for sugar-free mints and gum.
- Chips: No chips except for baked chips and pretzels.
- Fruit juice: No more than 230 milligrams of sodium per serving.
- No more than 25% of beverages sold/offered in the vending machine may be labeled as “diet” or sweetened with artificial sweeteners.

Nutritional Guidelines for City meetings or City – sponsored events and purchased with City funds:

- If beverages are served, water should be made available and accessible to all participants.
- Food items should be served in smaller portions, where possible.

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<sup>10</sup> San Francisco Board of Supervisors, Ordinance setting nutritional standards (May 17, 2016)

- Vegetarian or vegan options should be offered, where possible.
- Healthy food items should be served, such as the following:
  - Fruits, vegetables, whole grains, low fat and low calorie foods, including low fat dairy and lean meats.
  - Protein sources and lower fat versions of condiments (e.g., salad dressings, mayonnaise, cream cheese, sour cream dips).
  - Minimally processed foods that are made or produced without added sugar and are "low sodium" as that term is defined in Section 101.61 (b)(4) of Title 21 of the Code of Federal Regulations as amended.
  - Foods that are prepared by healthy cooking techniques such as baking, roasting, broiling, grilling, poaching, steaming or stir frying instead of pan frying or deep fat frying to minimize the amount of fat added to the foods prepared.
  - Foods that contain less than 0.5 grams of trans-fat per Serving.

Nutritional recommendations for restaurants located on City property:

- Calories: no more than 700 calories per meal.
- Total Fat: No more than 35% of calories per meal should be from fat.
- Saturated Fat: No more than five grams of saturated fat per meal.
- Trans Fat: No more than 0.5 grams of trans-fats per meal and no "partially hydrogenated oil" on the ingredients list.
- Cholesterol: No more than 105 milligrams of cholesterol per meal.
- Sugar: No more than 35% of total calories per meal from sugar.
- Sodium: No more than 800 milligrams of sodium per meal.
- Vegetables and Fruits: At least two Servings (1-1.5 cups) of vegetables and/or fruits per meal.

## ANALYSIS AND POLICY ALTERNATIVES

### *Nutritional Standards for Vending Machines*

This spreadsheet compares National Alliance for Nutrition and Activity Model Vending Standards (NANA), U.S. Department of Agriculture national standards for snacks and beverages sold in schools outside of school meals (USDA), General Services Administration/U.S. Department of Health and Human Services Health and Sustainability Guidelines (GSA/HHS) and American Heart Association Procurement Guidelines (AHA)<sup>11</sup>.

	NANA	USDA	GSA/HHS	AHA
<i>Vending</i>				
Calories	≤ 200 cal	≤ 200 cal	≤ 200 cal, excludes nuts and	≤ 200 cal

<sup>11</sup> Center for Science in the Public Interest

			seeds	
Total Fat	≤35% cal from fat and no more than 7g, excludes nuts and seeds	≤35% cal from fat, excludes nuts, seeds, reduced-fat cheese	No Standard	Limit Fried Foods
Saturated Fat	≤10% of cal from sat. fat and no more than 2g.	≤10% of cal from sat. fat	≤10% of cal from sat. fat	≤10% of cal from sat. fat
Trans Fat	0g per package	0g per package	All items must be 0g per package	0g per package
Sodium	≤200mg per package	≤200mg per package	≤230mg per package	≤230mg per package
Sugars	≤35% of cal from total sugars & no more than 10g	≤35% of weight from sugars	≤35% of weight from sugars	No Standard
<i>Entree</i>				
Calories	≤400 cal	≤350 cal	No Standard	≤500 cal
Total Fat	≤35% cal from total fat and no more than 15g	≤35% cal from fat	No Standard	Limit Fried Foods
Saturated Fat	≤10% of cal from sat. fat and no more than 4g	≤10% of cal from sat. fat	No Standard	≤10% of cal from sat. fat and no more than 2g
Trans Fat	0g per item as served	0g per item as served	All items must be 0g per item	0g per item as
Sodium	≤480mg per item	≤480mg per item	≤480mg per item	≤480mg per item
Sugars	≤35% of cal from total sugars & no more than 15g	≤35% of weight from sugars	No Standard	No Standard
<i>Beverages</i>				
Milk	1% fat or less with ≤200 cal per container	1% fat or less	2% fat or less	1% fat or less
Juice	100% juice or 100% juice diluted, no caloric sweeteners	100% juice or 100% juice diluted, no caloric sweeteners	100% juice, no caloric sweeteners	100% juice, ≤180 cal/12oz

## FISCAL IMPACT

There is no fiscal impact.

## PUBLIC OUTREACH/INTEREST



The nutritional standards specified in the proposed ordinance were developed in consultation with the American Heart Association in response to the ongoing health crisis facing Oakland and the United States.

#### ACTION REQUESTED OF THE CITY COUNCIL

I respectfully recommend that the City Council adopt an Ordinance requiring that prepackaged food and beverages sold in vending machines on city property meet specified nutritional standards, request City Departments make best efforts to meet nutritional guidelines for food and beverages purchased with City funds and served at City events and meetings, and encourage restaurants, cafeterias and concessions located on City property offer healthy food options. The Ordinance shall become effective six months after final adoption by the City Council of Oakland.

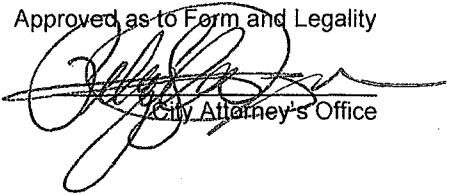
For questions regarding this report, please contact Jamila A. English, Sr. Policy Analyst – District 4 at (510) 238-7041.

Sincerely,

A handwritten signature in cursive script that reads "Annie Campbell Washington". The signature is written in black ink and is positioned above the printed name.

Annie Campbell Washington  
City of Oakland Vice Mayor and Councilmember, District 4





City Attorney's Office

17 JAN 13 AM 10:12

# OAKLAND CITY COUNCIL

Ordinance No. \_\_\_\_\_ C.M.S.

INTRODUCED BY VICE MAYOR ANNIE CAMPBELL WASHINGTON

**ORDINANCE ADDING CHAPTER 8.15 TO THE OAKLAND MUNICIPAL CODE TO (1) REQUIRE THAT PREPACKAGED FOOD AND BEVERAGES SOLD IN VENDING MACHINES ON CITY PROPERTY MEET SPECIFIED NUTRITIONAL STANDARDS, (2) REQUEST CITY DEPARTMENTS TO MEET NUTRITIONAL GUIDELINES FOR FOOD AND BEVERAGES PURCHASED WITH CITY FUNDS AND SERVED AT CITY EVENTS AND MEETINGS, AND (3) ENCOURAGE RESTAURANTS LOCATED ON CITY PROPERTY TO OFFER HEALTHY FOOD OPTIONS**

**WHEREAS**, we currently face a public health crisis in the City of Oakland and across the country; and

**WHEREAS**, healthy eating is a key indicator in reducing obesity, which is often a cause of heart disease, diabetes, cancer and other serious and life-threatening diseases; and

**WHEREAS**, an unhealthy diet contributes in general to the development of debilitating diseases and other ailments that increase human suffering, health care costs and decrease the quality of life; and

**WHEREAS**, Oakland is the largest city in Alameda County, contributed to a County-wide loss of over \$2 billion in the form of health insurance and lost productivity largely due to physical inactivity and obesity; and

**WHEREAS**, the City of Oakland is committed to providing and promoting access to healthy, nutritious foods and beverages; and

**WHEREAS**, the City of Oakland will create positive change in the nutritional quality of food and beverages sold on City property and served by the City to help provide healthier eating and drinking choices; and

**WHEREAS**, in order to attain this positive change, the City Council adopts minimum nutritional standards and calorie labeling requirements as described below; now therefore

## THE OAKLAND CITY COUNCIL DOES ORDAIN AS FOLLOWS:

**SECTION 1. Recitals.** The City Council finds and determines the foregoing recitals to be true and correct and hereby adopts and incorporates them into this Ordinance.

**SECTION 2. Purpose and Intent.** It is the purpose and intent of this Ordinance to require that foods offered for sale at vending machines located on City of Oakland property meet minimum nutritional standards as specified herein. Also, this Ordinance sets suggested nutritional standards for food purchased with City funds that are offered at City meetings and events. Finally, it is to encourage food service businesses which lease or otherwise occupy City of Oakland property to offer food and beverage selections which meet suggested nutritional standards contained in this ordinance.

**SECTION 3. Amendment of Chapter 8.15 of the Oakland Municipal Code.** Oakland Municipal Code Chapter 8.15 is hereby amended to read as follows (additions are shown in double underscore and deletions are shown as ~~strikethrough~~):

### Chapter 8.15 – HEALTHY VENDING ORDINANCE

#### 8.15.010 Short Title.

This chapter shall be known as the “Healthy Vending Ordinance”

#### 8.15.020 - Definitions

Except where the context otherwise requires, the following definitions govern the construction of this chapter:

- A. “City” means the City of Oakland.
- B. “City Property” means any improved or unimproved land owned by the City of Oakland, including land used or occupied by others under a Contract or Property Contract, and land owned by others which the City is leasing to occupy or operate. For purposes of this Chapter, it shall not include properties: (1) under the jurisdiction of the Port Of Oakland’s Board of Commissioners; or (2) leased by the City to others for an initial term of thirty-five (35) years or more, not counting any options to extend the initial lease term.
- C. “Contract” means any agreement between the City and a Person to provide or procure labor, materials, equipment, supplies, goods, or services to, or on behalf of the City that authorizes the use, installation and/or operation of one or more Vending Machines on City Property for a price to be paid out of monies deposited in the City Treasury or out of monies under the control of or collected by the City.

- D. "Contractor" means a Person who enters into a Contract or Property Contract with the City that is subject to this Chapter 8.15
- E. "Lease Disposition and Development Agreement" or "LDDA" is a written agreement whereby the City agrees to convey a leasehold interest in City-owned land to a private party for development after satisfaction of specified conditions.
- F. "Meal" means a "prepared food," as that term is defined in Section 8.07.010 of the Oakland Municipal Code that is represented as or in a form commonly understood to be a breakfast, lunch, or dinner.
- G. "Person" means any natural person, corporation, sole proprietorship, partnership, association, joint venture, limited liability Corporation, or other legal entity.
- H. "Prepackaged Food" has the same meaning as set forth in California Health and Safety Code Section 113876, as may be amended from time to time.
- I. "Sugar Sweetened Beverage" shall have the same meaning as defined in Section 4.52.020.Q. of this Code.
- J. "Property Contract" means a written agreement, including leases, subleases, licenses, and permits, for the use or occupancy of any City Property for a period exceeding 30 days, including month-to-month permits that authorize the use, installation and/or operation of one or more Vending Machines on City Property.
- K. "Restaurant" has the meaning set forth in section 8.07.010 of the Oakland Municipal Code.
- L. "Serving" or "Serving Size" has the meaning set forth in Section 101.9(b)(1) of Title 21 of the Code of Federal Regulations, as may be amended from time to time.
- M. "Vending Machine" has the meaning set forth in section 101.8(a) of Title 21 of the Code of Federal Regulations, as may be amended from time to time].

#### **8.15.030 – Nutritional Standards**

- A. Nutritional Standards and Calorie Labeling for Prepackaged Foods and Beverages Offered for Sale in Vending Machines on City Property.
  - 1. Prepackaged foods Offered for Sale in Vending Machines located on City Property shall meet the nutritional standards set forth below:
    - a. Calories: No more than 200 calories per Serving.
    - b. Total Fat: No more than 35% of calories from fat.

- c. Saturated Fat: No more than one gram of saturated fat per serving.
  - d. Trans Fat: No trans-fat and no partially hydrogenated oil on the ingredients list.
  - e. Sugar: No more than 35% of weight from total sugars.
  - f. Sodium: No more than 240 milligrams of sodium per serving.
  - g. Chips: No chips except for baked chips and pretzels.
2. Beverages Offered for Sale in Vending Machines located on City Property shall meet the nutritional standards set forth below:
- a. No high fructose corn syrup.
  - b. Fruit Juice: 100% juice with no added sugars or sweeteners; no more than 230 milligrams of sodium per serving; and no more than 120 calories per eight fluid ounces.
  - c. Milk Products as defined in section 4.52.020.K: Low fat (1%), fat-free (skim) and non-dairy such as soy, almond, coconut, rice, etc.
  - d. No more than 12 fluid ounces or more than 200 total calories
  - e. At least 40% of beverages must be non-carbonated.
  - f. Water and other non-caloric beverages containing neither nutritive nor non-nutritive sweeteners.
  - g. Beverages with added nutritive sweeteners containing no more than 50 calories per 8 ounces, 75 calories per 12 ounces or 100 total calories per container.
- B. All Vending Machines located on City Property shall be operated in compliance with the calorie labeling requirements of 21 U.S.C. Section 403(q)(5)(H)(viii), as amended from time to time and any regulations promulgated therefor.

#### **8.15.040 – Contracts and Property Contracts**

City Contracts and Property Contracts should include a provision requiring compliance with section 8.15.030.

- A. The provisions of section 8.15.030 are intended to have prospective effect only and shall apply only to Contracts and Property Contracts entered into, or extended or renewed, on or after the effective date of this Chapter, provided that Contracts or Property Contracts entered into after the effective date shall also be exempted if: (1) the bid package or requests for proposals for the contract were advertised and made available to the public without these requirements prior to the effective date; or (2) the contract is an executed Lease Disposition and Development Agreement. This Chapter shall not be interpreted to

impair the obligations of any Contract or Property Contract existing on the effective date of this Chapter.

- B. Enforcement. Any violation of section 8.15.030 shall, at the City's option, be deemed a material breach of the Contract or Property Contract, and the City may pursue all rights or remedies available to the City under the Contract or Property Contract, including but not limited to the right to terminate the Contract or Property Contract, or the right to treat the breach as a waiver of any term granting permission to operate any Vending Machine on City Property. The City may also pursue any violation under Title 1 "General Provisions" of this Code, or as an infraction pursuant to section 1.28.020.A.2. of this Code.

**8.15.050 – Nutritional Guidelines for Food and Beverages Purchased with City Funds and Served at City Events and Meetings**

- A. For purposes of this subsection, a "City Meeting" or "City-Sponsored Event" means a meeting or event that is convened, hosted or organized by the City, regardless of whether it occurs on City Property or whether the attendees are limited to City officials or staff.
- B. City agencies shall use their best efforts to ensure that all Prepackaged Foods and beverages purchased using City funds that are served at City Meetings or City-Sponsored Events, meet the nutritional standards of section 8.15.030.
- C. City agencies shall use their best efforts to adhere to the following recommended nutritional guidelines for food and/or beverages purchased using City funds that are served at City Meetings or City-Sponsored Events. :
1. If beverages are served, water should be made available and accessible to all participants.
  2. Food items should be served in smaller portions, where possible.
  3. Vegetarian or vegan options should be offered, where possible.
  4. Healthy food items should be served, such as the following:
    - a. Fruits, vegetables, whole grains, low fat and low calorie foods, including low fat dairy and lean meats.
    - b. Protein sources and lower fat versions of condiments (e.g., salad dressings, mayonnaise, cream cheese, sour cream dips).
    - c. Minimally processed foods that are made or produced without added sugar and are "low sodium" as that term is

defined in Section 101.61 (b)(4) of Title 21 of the Code of Federal Regulations as amended from time to time.

- d. Foods that are prepared by healthy cooking techniques such as baking, roasting, broiling, grilling, poaching, steaming or stir frying instead of pan frying or deep fat frying to minimize the amount of fat added to the foods prepared.
- e. Foods that contain less than 0.5 grams of trans-fat per Serving.

**8.15.060 –Nutritional Guidelines for Food and Beverages Served by Restaurants Located on City Property.**

- A. Restaurants located on City Property that offer for sale prepackaged foods and/or any beverages are encouraged to meet the nutritional standards set forth section 8.15.030. The foregoing notwithstanding, the nutritional and labeling requirements of section 8.15.030 shall apply to food and beverages offered for sale in all Vending Machines located within such Restaurant.
- B. Restaurants located on City Property are encouraged to ensure that at least 25% of meals offered on the menu meet the nutritional guidelines set forth below:
  - 1. Calories: no more than 700 calories per meal.
  - 2. Total Fat: No more than 35% of calories per meal should be from fat.
  - 3. Saturated Fat: No more than five grams of saturated fat per meal.
  - 4. Trans Fat: No more than 0.5 grams of trans-fats per meal and no "partially hydrogenated oil" on the ingredients list.
  - 5. Cholesterol: No more than 105 milligrams of cholesterol per meal.
  - 6. Sugar: No more than 35% of total calories per meal from sugar.
  - 7. Sodium: No more than 800 milligrams of sodium per meal.
  - 8. Vegetables and Fruits: At least two Servings (1-1.5 cups) of vegetables and/or fruits per meal.

**8.15.070 – Administrative Regulations.**

- A. The City Administrator may adopt rules, regulations, or guidelines for the implementation of this Chapter.



**Section 4. - Amendment of Chapter 1.28 of the Oakland Municipal Code.**  
Subsection A.2. "Public Welfare, Morals and Policy" of section 1.28.020 of Chapter 1.28, Title 1, of the Oakland Municipal Code is hereby amended to read as follows (additions are shown in double underscore and deletions are shown as ~~strikethrough~~):

k. Chapter 8.15. "Healthy Vending Ordinance"

**Section 5. Effective Date.** This ordinance shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption. Enforcement of this Ordinance shall be stayed for the first ninety (90) days after its effective date.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN,  
KALB, KAPLAN, AND PRESIDENT REID

NOES -  
ABSENT -  
ABSTENTION -

ATTEST:

\_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of the City  
of Oakland, California

# NOTICE & DIGEST

**ORDINANCE ADDING CHAPTER 8.15 TO THE OAKLAND MUNICIPAL CODE TO (1) REQUIRE THAT PREPACKAGED FOOD AND BEVERAGES SOLD IN VENDING MACHINES ON CITY PROPERTY MEET SPECIFIED NUTRITIONAL STANDARDS, (2) REQUEST CITY DEPARTMENTS TO MEET NUTRITIONAL GUIDELINES FOR FOOD AND BEVERAGES PURCHASED WITH CITY FUNDS AND SERVED AT CITY EVENTS AND MEETINGS, AND (3) ENCOURAGE RESTAURANTS LOCATED ON CITY PROPERTY TO OFFER HEALTHY FOOD OPTIONS**

This Ordinance adds Chapter 8.15 to the Oakland Municipal Code, and establishes mandatory minimum nutritional standards for food offered for sale from vending machines located on City Property (as defined). It also recommends nutritional guidelines for food and beverages purchased with City funds to be served at City events or meetings. Finally, it recommends nutritional guidelines for food and beverage offered for sale by restaurants located on City property. This Ordinance takes effect on April 15, 2014.