

# CITY COUNCIL COMMUNICATION



**MEETING DATE:** March 3, 2020

**ITEM NUMBER:** <ITEM\_OUTLINE>

**SECOND READING:** N/A

**TYPE OF ITEM:** Study Session

**PRESENTED BY:** Karen Roney, Community Services Director, 303.651.8633 or [karen.roney@longmontcolorado.gov](mailto:karen.roney@longmontcolorado.gov)  
Christina Pacheco Sims, Children, Youth and Families Division Manager, 303.774.3752, or [christina.sims@longmontcolorado.gov](mailto:christina.sims@longmontcolorado.gov)  
Olga Bermudez, Children, Youth and Families Division, Community Coordinator, 303.774.3760

**SUBJECT/AGENDA TITLE:** Healthy Beverages for Children's Meals

**EXECUTIVE SUMMARY:** On January 14, 2020, Mayor Bagley issued a proclamation designating that day as “Healthy Drinks for Kids Day” in Longmont. After a brief presentation by members of St. Vrain Healthy Kids and Healthy Longmont about the impacts of sugary beverages on increased numbers of children who are overweight, City Council directed staff to place on a future Study Session agenda a discussion about a possible ordinance that would require Longmont restaurants that serve children’s meals on their menus to offer healthy beverages as the default option.

Ordinance Highlights: City staff has drafted an ordinance based on a model provided by Boulder County Public Health (BCPH). That draft ordinance is attached for Council’s review, comment and further direction. The draft ordinance makes healthy beverages (water with no added natural or artificial sweeteners, or dairy milk or non-dairy milk substitute with no added natural or artificial sweeteners) the default beverage with advertised “children’s meals”. However, the ordinance would not prohibit a restaurant’s ability to sell, or a customer’s ability to purchase, any other beverage that is available if requested by the purchaser of the children’s meal.

Compliance: It is recommended that BCPH be the designated authority to investigate compliance with this ordinance as specified through an intergovernmental agreement established between the City and BCPH. BCPH proposes to review compliance with the City’s ordinance as part of BCPH’s pre-established restaurant inspection schedule. Under this model, BCPH will inform new restaurants of the City’s ordinance and its requirements at the time a restaurant completes the requisite Boulder County planning documents. Upon finding a restaurant in non-compliance, BCPH will provide training and technical assistance to help the restaurant come into compliance. BCPH will then notify a designated City staff liaison, who will initiate enforcement action. BCPH will provide any further assistance necessary to pursue penalties for non-compliance, such as witness testimony and documentation.

Staff requests Council direction regarding appropriate penalties to enforce this ordinance. Currently the draft ordinance before the Council is structured similar to the recently enacted smoking ordinance. The draft provides that the first violation will result in a notice of violation.



A second notice within a five-year period from the first notice of violation shall be punishable by a fine of not more than \$250. For a third and subsequent violation within a five-year period, the fine shall not be more than \$500.

Council could direct staff to provide additional enforcement through the Administrative Civil Penalty Ordinance, Chapter 2.97. Enforcement through the Civil Penalty Ordinance would involve additional procedures, such as Notice of Violations, hearings, appeals, etc. The remedy provided by the Civil Penalty Ordinance would be in addition to the penalty provided above. Including enforcement through the Civil Penalty Ordinance would require an amendment to Chapter 2.97.

Community Engagement: For nearly three years, BCPH staff and members of the St. Vrain Healthy Kids and Healthy Longmont have been reaching out to the Longmont community about the negative impacts of sugary beverage consumption on childhood obesity. Attachment B summarizes over 50 events, articles and other outreach efforts. In October 2019, the group focused its outreach efforts on local Longmont restaurants that serve children's meals (nearly 100 restaurants), which culminated in an event to discuss a potential city ordinance. Unfortunately, this event did not draw the hoped for participation. Because this draft ordinance does directly impact Longmont restaurants, City staff is working with BCPH staff to utilize Engage Longmont as tool to make it easier for busy restaurant owners to learn about and provide input on this ordinance. If so directed, once staff receives Council input and further direction about this proposed ordinance, it will launch the Engage Longmont site that will not only encourage restaurant owners to lend their voices, but also the community-at-large to do the same thing. Staff plans to activate the community forum and stories features, as well as the question/answer feature where people can ask questions about the draft ordinance. The site will also highlight how BCPH can support restaurants to comply with the proposed ordinance. Following this engagement effort, staff will make any ordinance revisions and bring back to Council for first reading.

BCPH staff members and members of St. Vrain Healthy Kids and Healthy Longmont will be part of this presentation to review the draft ordinance, ordinance compliance and community engagement strategies, as well as field other questions Council members may have.

**COUNCIL OPTIONS:** Provide direction to city staff.

**RECOMMENDED OPTIONS:** Provide direction to city staff.

**FISCAL IMPACT & FUND SOURCE FOR RECOMMENDED ACTION:** To be determined, pending final direction from City Council.

**BACKGROUND AND ISSUE ANALYSIS:** N/A

**ATTACHMENTS:** 1) Draft ordinance, and 2) Summary of community outreach

## ORDINANCE O-2021-

A BILL FOR AN ORDINANCE AMENDING TITLE 9 OF THE LONGMONT MUNICIPAL  
CODE ON HEALTHY BEVERAGES FOR CHILDREN’S MEALS

THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, ORDAINS:

## Section 1

The Council amends the Longmont Municipal Code by adding the following chapter:

## Chapter 9.70- Healthy Beverages for Children's Meals

## 9.70.010-Findings

The Council finds:

- A. That the health and well-being of children is of primary concern for the City of Longmont.
- B. That Boulder County's childhood obesity rates have almost doubled (43 percent) since 2003 and more than one in four children is experiencing overweight or obesity.
- C. That children with obesity are at least twice as likely as children with a healthy weight to have obesity in adulthood. Children and adults with obesity are at greater risk for numerous adverse health consequences, including type 2 diabetes, heart disease, stroke, high blood pressure, certain cancers, depression, and other debilitating diseases.
- D. That obesity-related health conditions have serious economic costs. Estimated annual health care costs from obesity in the United States are \$190 billion—or 21 percent of total health care spending—and are expected to rise substantially. Roughly 40 percent of these costs are paid through Medicare and Medicaid, which means that taxpayers foot much of the bill.

1 E. That children who drink at least one sugary drink per day are 55 percent more likely to be  
2 overweight or obese and two-thirds of children consume at least one sugary drink on a  
3 given day.

4 F. That key national health and nutrition organizations, including the American Academy of  
5 Pediatrics and the American Heart Association, recommend children aged five and under  
6 should not be given any drink with added sugars.

7 G. That many families lack adequate time to obtain and prepare healthy food, making dining  
8 out an appealing and often necessary option. As a result, more than one-half of food  
9 expenditures in the United States are spent outside the home. Nationwide, American  
10 children obtain 25 percent of their calories from restaurants.

11 H. That by enacting this ordinance, Council intends to support parents' efforts to feed their  
12 children healthfully by ensuring that healthy drinks are available to children in  
13 restaurants.

#### 14 **9.70.020-Definitions**

15  
16 The following definitions shall apply in the interpretation and enforcement of this Chapter:

17  
18 Children's meal means a combination of food items and a beverage, or a single food item and a  
19 beverage, sold together at a single price, primarily intended for consumption by a child.

20 Default Beverage means the drink that is automatically included or offered in the children's  
21 meal.

22 Restaurant means a food establishment that serves food to customers for consumption on or off  
23 premises, including fast food and full-service dining establishments.

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2  
3 **9.70.030-Default Beverages in Children's Meals**  
4

5 A. On and after [effective date] a restaurant that sells a children's meal shall make the  
6 default beverage sold with the children's meal one of the following items:

- 7 1. Water, still or sparkling, with no added natural or artificial sweeteners; or  
8 2. Dairy milk or non-dairy milk substitute with no added natural or artificial  
9 sweeteners.

10 B. Restaurant menus shall only list the beverages described in subsection A above in  
11 conjunction with children's meals. Employees shall offer the default beverage while  
12 taking food orders from customers.

13 C. Nothing in this section prohibits a restaurant's ability to sell, or the customer's ability to  
14 purchase, any other beverage that is available if requested by the purchaser of the  
15 children's meal.

16 **9.70.040-Unlawful acts-Penalties**  
17

18 A. It shall be unlawful for any person to violate any provision of this Chapter.

19 B. The court shall issue a notice of violation to any person violating this chapter. Upon a  
20 second conviction within 5 years, the court shall issue a fine between \$50.00 and  
21 \$250.00, with a minimum fine of \$50.00, which the court shall not suspend. For a  
22 third or subsequent conviction within 5 years, the court shall issue a fine between  
23 \$50.00 and \$500.00, with a minimum fine of \$50.00, which the court shall not  
24 suspend.  
25

1 Section 2

2 To the extent only that they conflict with this ordinance, the Council repeals any  
3 conflicting ordinances or parts of ordinances. The provisions of this ordinance are severable, and  
4 invalidity of any part shall not affect the validity or effectiveness of the rest of this ordinance.

5  
6 Section 3

7  
8 This ordinance shall become effective on \_\_\_\_\_.

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11 Introduced this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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13 Passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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18 \_\_\_\_\_  
19 MAYOR

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21 ATTEST:

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24 \_\_\_\_\_  
25 CITY CLERK

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28 NOTICE: THE COUNCIL WILL HOLD A PUBLIC HEARING ON THIS ORDINANCE AT  
29 7:00 P.M. ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021, IN THE  
30 LONGMONT COUNCIL CHAMBERS.

31 APPROVED AS TO FORM:

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34 \_\_\_\_\_  
35 ASSISTANT CITY ATTORNEY

36  
37  
38 \_\_\_\_\_  
39 DATE

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42 \_\_\_\_\_  
PROOFREAD

\_\_\_\_\_  
DATE

APPROVED AS TO FORM AND SUBSTANCE:

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\_\_\_\_\_  
ORIGINATING DEPARTMENT

\_\_\_\_\_  
DATE

CA File: \_\_\_\_

DRAFT

<b>Boulder County Public Health</b> <b>Longmont Outreach – Sugary Beverage Consumption</b>					
<b>Community Engagement &amp; Education</b>	<b>Date of Event</b>	<b>Location</b>	<b>Attendee Type</b>	<b>Estimated Reach</b>	<b>Description</b>
Colorado Latino Festival	6/25/2017	Main Street, Longmont	Public	~2,000	Public awareness about sugary drink consumption
Screening of Fed Up	8/30/2017	Longmont Library	Parents	25	Screened educational version of Fed Up and had two speakers discussing the harms of sugar, especially sugary drinks. Speakers were Dr. Heather Isaacson, pediatrician at UC Health and Dr. Frank Becvar from AAA Healthy Centered Dentistry.
Sugary Beverage Display	9/9/2017	Longmont Farmer's Market	Market shoppers including parents and children	90	Display table with commonly consumed sugary beverages and the amount of sugar inside. Engaged in dialogue with market shoppers about harms of sugary drinks. Provided handouts on harms of sugar
Sugary Beverage Display	10/7/2017	Longmont Farmer's Market	Market shoppers including parents and children	90	Display table with commonly consumed sugary beverages and the amount of sugar inside. Engaged in dialogue with market shoppers about harms of sugary drinks. Provided handouts on harms of sugar
Sugary Beverage Display	11/11/2017	Longmont Farmer's Market	Market shoppers including parents and children	90	Display table with commonly consumed sugary beverages and the amount of sugar inside. Engaged in dialogue with market shoppers about harms of sugary drinks. Provided handouts on harms of sugar



Parent Teacher Organization Meeting	11/16/2017	Burlington Elementary	Parents	8	Discussed how to increase water consumption. Principal to distribute water during lunch.
Sugary Beverage Panel	1/22/2018	Longmont Youth Center	Teenagers, parents, St. Vrain Valley School District	20	Screened short videos on harms of sugar and panel discussion with four health professionals about the harms of sugary drinks.
Article in Times-Call	1/30/2018	Times-Call	Longmont Community	65,000	<a href="#">Article in Times-Call</a> about St. Vrain Healthy Kids' education efforts
Class on the harm of sugary drinks	2/12/2018	Rocky Mountain Elementary School	Elementary school students	210	Lesson on the importance of water and harms of sugary drinks.
Class on the harm of sugary drinks	3/19/2018	Rocky Mountain Elementary School	Elementary school students	210	Lesson on the importance of water and harms of sugary drinks.
Sugary Beverage Panel	4/18/2018	Longmont Museum	Parents, City Council members, health advocates, concerned citizens	50	Brief presentations by health care professionals and an engaged community member on the impact of sugary drinks on health followed by a discussion.
Summer Reading Program Launch at Sunset Pool	5/25/2018	Sunset Pool	Parents and kids	350	Sugary beverage display and materials from Hidden Sugar
Screening of Sugar Rush	6/20/2018	Firehouse Arts Center	Parents, City Council, health advocates, concerned	~50	Screening of Fed Up followed by discussion of how Longmont can reduce sugary drink consumption.

			citizens		
Wild Plum Early Childcare Center	7/2018	Wild Plum Early Childcare Center	Parents and students	50	Education on the harms of sugary drinks and healthy alternatives
Longmont Youth Center Summer Free Lunch Program	7/2018	Longmont City Parks	Parents and youth	~150	Sugary drink display and education to youth and parents. Color changing cups for water provided
Colorado Latino Festival	6/2018	Main Street Longmont	Community Members	~2000	Sugary drink display, games, discussion and Hidden Sugar materials
Mayor's Book Club	9/2018	SVVSD Schools	Students	~700	Hidden sugar rack cards in Mayor's Book Club materials
Dr. Haddad Meeting	9/2018	SVVSD Administration	SVVSD Administrators	4	Discussion on supporting healthy drinks for SVVSD students
Healthcare Hidden Sugar Rack Card Distribution	2018	Longmont United and Salud Family Health Care Centers	Patients and visitors	2,000	Hidden Sugar education materials distributed
Boulder County Latino Coalition	10/2018	OUR Center	Non-profit and Government representatives working with the Latinx community	15	Presentation on the harms of sugary drinks, disproportionate marketing by beverage industry targeting youth and communities of color, healthy drinks in children's meals

Lafayette Youth Advisory Committee presentation	10/2018	Longmont Youth Center	Longmont Youth Council	~12	Presentation on harms of sugary drinks and Lafayette's Choice campaign
Sugary Drink Displays	2018	Foothills Pediatric Dentistry, Salud Medical Clinic, Active Family Chiropractic and Family Village	Patients	~500	Displays of drinks and how much sugar are in each drink
Hidden Sugar Cards	2018	Seven Longmont early childcare centers	Kids and parents	250	Presentations on the harms of sugary drinks and Hidden sugar materials displayed and distributed
City of Longmont Sustainable Business Program	2019	City of Longmont program	Longmont businesses	10	City of Longmont program promoting sustainability includes healthy drinks in children's meals as an approach
Wear Red Day Proclamation	1/29/2019	Longmont City Council	Community	~100	American Heart Association Wear Red Day Proclamation citing sugary drinks as a major factor in heart disease
Presentation to Parents Involved in Education	2/11/2019	Spanish-speaking parents of SVVSD students	Parents and children	45	Presentation in Spanish on the harms of sugary drinks and healthy alternatives
Longmont Youth Council presentation	3/19/2019	Longmont Youth Center	Longmont Youth Council	9	Presentation on healthy drinks in children's meal policy work
Coffee with Council	3/20/2019	Perkins Restaurant	Community Members	50	Discussion on harms of sugary drinks and healthy drinks in children's meals

St. Vrain Football Club	3/22/2019	Listserv	Parents of Longmont soccer players	~200	E-mail sharing the harms of sugary sports drinks and benefits of water for youth soccer players
Opinion Letter in the Times Call	4/22/2019	Times-Call	Longmont Community	65,000	Letter to the editor on health impacts of sugary drinks
Cinco de Mayo Festival	5/2019	Community event	Community	200	Sugary drink display with education and outreach
Longmont Downtown Development Authority	6/9/2019	Business meeting	LDDA & BCPH	2	Discussion on healthy children's meals in downtown Longmont
St. Vrain Healthy Kids Poll	8/2019	Facebook	St. Vrain Healthy Kids community	300	A poll asking St. Vrain Healthy Kids members (300) how many support a healthy drinks in children's meals policy – 81% support
City of Longmont Free Summer Lunch Program	7/2019	Longmont City Parks	Parents and kids	~100	Sugary drink display and education for families participating in the City's free summer lunch program
Food Safety Partners	7/10/2019	St. Vrain Hub	Restaurant owners and managers	18	Overview of healthy drinks in kids' meals policy
Social Media posts	8/2019	Facebook	Restaurant patrons, BCPH supporters, SVHK supporters	800	Informational posts on harms of sugary drinks and rationale for healthy drinks in children's meals policy

Latinx-owned restaurant outreach	7/16/2019	Longmont Latinx-owned restaurants	Restaurant owners	8	Discussion on sugary drinks and healthy drinks for children options
Longmont City Manager	7/29/2019	Longmont City Offices	Longmont City Manager	3	Discussion on harms of sugary drinks and a healthy drinks in children's meals policy
Longmont Chamber of Commerce	8/9/2019	Longmont Chamber of Commerce	CEO of Chamber of Commerce	3	Discussion on impacts to local restaurants on healthy drinks in children's meals policy
Healthy Futures Event	8/22/2019	Arapahoe YMCA	Boulder County Youth	50	Sugary drink display and education on harms of sugary drinks
Unity in the Community	8/23/2019	Main street Longmont	Longmont Community	300	Sugary drink display and outreach
Longmont Chamber of Commerce Public Affairs Committee	9/6/2019	Longmont Chamber of Commerce	Business Owners	20	Discussion with Longmont Business Owners on healthy drinks in children's meals policy
Front Range Community College Health Outreach	9/24/2019	Front Range Community College	Front Range Community College students	75	Education on harms of sugary drinks
Restaurant Outreach	9-10/2019	Longmont restaurants	Longmont restaurants	200	Information on healthy drinks in children's meals policy

Restaurant Event	10/9/2019	The Roost	Healthy Longmont	8	Discussion on barriers and facilitators to healthy drinks in children's meals – no restaurants attended
St. Vrain Community Council	12/10/2019	Central Longmont Presbyterian Church	Longmont non-profit organizations	12	Presentation on the health of Longmont youth, harms of sugary drinks and healthy drinks in children's meals policy
Letters to the Editor	12/2019	Times-Call	Longmont Community	65,000	Three letters to the editor supporting healthy drinks in children's meals policy
Healthy Drinks for Kids Day proclamation	1/14/2020	Longmont City Council	Longmont Community	100	Proclamation declaring a Healthy Drinks for Kids Day proclamation
Media Roundtable	1/15/2020	Longmont media	Media, American Heart, Healthy Longmont	15	Panel discussion on harms of sugary drinks, healthy equity issues, business impacts
Times-Call article	1/16/2020	Times-Call	Longmont Community	65,000	Article on harms of sugary drinks and proposed policy to advertise healthy drinks on children's meals
Coffee with Council	1/25/2020	Longmont Senior Center	Longmont Community	50	Discussion with Councilmembers Christensen and Martin on healthy drinks in children's meals policy
<a href="#">Life is Sweet</a> article	1/27/2020	Longmont Magazine	Longmont community	65,000	Article about harms of sugary drinks and healthy drinks in children's meals policy