

CITY COUNCIL COMMUNICATION



MEETING DATE: May 18, 2021

ITEM NUMBER: 6.C

SECOND READING:

{{customfields.ResoOrdNumber}}

TYPE OF ITEM:

PRESENTED BY:

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SUBJECT/AGENDA TITLE:

Update on Healthy Beverages for Children's Meals Initiative

EXECUTIVE SUMMARY: In March 2020, City Council reviewed and discussed a possible ordinance requiring Longmont restaurants that serve children's meals on their menus to offer healthy beverages as the default option. This suggestion was brought forward by St. Vrain Healthy Kids and Healthy Longmont, and Boulder County Public Health (BCPH) as one way to reduce the negative impact of sugary beverages on childhood obesity. The draft ordinance made healthy beverages (water with no added sugar, or dairy milk or non-dairy milk substitute with no added sugar) the default beverage with advertised "children's meals". However, the ordinance did 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. The draft ordinance designated BCPH as the authority to investigate compliance with this ordinance established through an intergovernmental agreement between the City and BCPH. The proposed penalties for violation of the ordinance were similar to the City's smoking ordinance: the first violation would result in a notice of violation; a second notice within a five-year period from the first notice of violation would be punishable by a fine of not more than \$250; and the fine for a third or subsequent violations within a five-year period would not be more than \$500. Staff also indicated Council could consider additional enforcement through the Administrative Civil Penalty Ordinance, Chapter 2.97.

Prior to bringing back an ordinance for Council consideration, Council requested that staff conduct additional community engagement with restaurant owners whose businesses would be impacted by this ordinance. City staff and BCPH staff started to work on a plan to utilize *Engage Longmont* to connect with busy restaurant owners to share information about this proposed ordinance and seek their input on the ordinance. Then COVID hit. Because the restaurant sector was so significantly impacted by the pandemic, city staff and BCPH put a pause on moving forward with this effort. Clearly, we have paused much longer than any of us could have anticipated.

Earlier in 2021, city and BCPH did re-convene to discuss how to move forward. Since COVID restrictions were still affecting the restaurant industry, city staff did not yet want to launch *Engage Longmont* and appear to be insensitive to their plight. City and BCPH staff did agree that BCPH would move forward with the Boulder County Sugary Drinks Youth Committee to launch a sugary drinks campaign in 2021. Three members of Longmont Youth Council joined this Committee. Tonight, four members of this

Committee who are working on the county-wide healthy drinks social media campaign will present what they have learned about the health and social consequences of sugary drinks and solutions to increase access to healthy drinks to City Council. Specifically, their research and campaign span the health effects of sugary beverages, targeted marketing by the sugary beverage industry, and ensuing health inequities and structural racism. The presentation will coincide with the launch of their social media campaign. They are passionate about educating the community about the harms of sugary beverages but also about taking action, believing that both are critical to changing norms and behaviors. Thus, they will also be asking Council to consider reintroducing the Healthy Kids' Meal ordinance.

Proposed Next Steps

Now that Boulder County is about to enter Level Clear, which lifts local capacity restrictions, the timing might be better to launch the community engagement effort that staff planned over one year ago, should Council wish to proceed.

City staff will utilize *Engage Longmont* to connect with restaurant owners to let them know about the proposed ordinance and solicit their input on this ordinance. Staff will 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 would also highlight how BCPH can support restaurants to comply with the proposed ordinance. Following this engagement effort, staff will make any ordinance revisions, based on community input, and bring back to Council for a zero or first reading. Staff should be able to conduct and wrap up this additional community engagement by the end of June and bring back a proposed ordinance in late July/early August.

COUNCIL OPTIONS:

1. Receive presentation from the Boulder County Sugary Drinks Youth Committee and provide staff direction.

RECOMMENDED OPTIONS:

Same as above.

FISCAL IMPACT & FUND SOURCE FOR RECOMMENDED ACTION:

To be determined once Council direction is given.

BACKGROUND AND ISSUE ANALYSIS:

N/A

ATTACHMENTS:

- Attachment #1 – Council packet information from March 3, 2020 meeting.
- Attachment #2 – Longmont Business Outreach
- Attachment #3 – Sugary Drink Outreach and Education - updated