

Sweetened Beverage Tax Community Advisory Board Responsibilities, Policies, and Procedures

Section I. Purpose

The Sweetened Beverage Tax Community Advisory Board (CAB) was established by City Council Ordinance [125324](#) (the Ordinance) to advise and make recommendations to the Mayor and City Council on programs and activities supported by the beverage tax revenue.

The Ordinance provides that the CAB *shall make recommendations on how and to what extent the Mayor and City Council should establish and/or fund programs and activities that benefit Seattle’s populations who experience the greatest education and health inequities*. Additionally, the CAB *shall make recommendations to the Mayor and City Council on elements of an evaluation of the effectiveness of the [beverage] tax, including impacts on sweetened beverage sales and consumption, public attitudes towards sweetened beverage consumption, and job and economic indicators and of the process of implementing the tax*.

According to the Ordinance, programs and activities funded by the proceeds of the beverage tax *are intended to expand access to healthy and affordable food, close the food security gap, promote healthy nutrition choices, reduce disparities in social, developmental, and education readiness and learning for children, assist high school graduates to enter college, and expand services for the birth-to-five population and their families*. For at least the first five years, beginning with the date the Ordinance was adopted, funds are also dedicated to support an evaluation of the effectiveness of the beverage tax.

The CAB will share information with the public about its activities supporting implementation of the Sweetened Beverage Tax and its recommendations for allocation of the beverage tax revenues.

Section II. Membership

CAB membership is defined by Section 4 (§4) of the [Ordinance](#).

2.1 Number and criteria – The CAB shall consist of no less than 11 members. The 11 members shall meet the following criteria (§4.A):

- 2.1.1** *Three members shall have experience implementing community-based programs dedicated to expanding healthy food access and food security (§4.A.1);*
- 2.1.2** *Two members shall be individuals representative of the populations who are disproportionately impacted by diseases related to the consumption of sugary drinks, with preference given to a parent of a student in the Seattle School District or a child in a Seattle-based early learning program, or a youth representative aged 16-24 (§4.A.2);*
- 2.1.3** *Four members shall be individuals with expertise in public health and nutrition with experience managing, researching, or evaluating programs related to the health effects from consuming sugary beverages, particularly among children and their families (§4.A.3); and*

2.1.4 *Two members shall be individuals with expertise in education and early learning, with an emphasis on learning from birth to age five (§4.A.4).*

2.2 Appointment – Six members of the [CAB] shall be appointed by the Mayor and confirmed by the City Council and five members shall be appointed by the City Council (§4.A).

2.3 Eligibility – All CAB members shall be residents of the City of Seattle or work within the boundaries of the City of Seattle (§4.A). Employees of the City shall be ineligible to be members of the CAB (§4.A.5).

2.4 Terms – Members of the CAB shall be appointed to four year terms, except that two members under subsection 2.1.1, two members under subsection 2.1.2, and one member under subsection 2.1.3 shall be initially appointed for terms of two years (§4.B).

No member of the CAB shall be appointed to more than two four-year terms. For purposes of calculating whether a term has been served, serving more than two years of a four-year term shall count as serving a term (§4.C).

2.5 Vacancy – Any vacancy in an unexpired term shall be filled in the same manner as the original appointment. A member whose term is ending may continue on an interim basis as a member with voting rights until such time as a successor for that position has been confirmed by the City Council (§4.D).

2.6 Resignation – Any member may resign at any time from the CAB upon written notice to the appointing authority (Mayor or Council) and the CAB.

2.7 Compensation – Members of the CAB shall serve without pay (§4.E).

Section III. Leadership/Officers

3.1 Leadership – CAB leadership consists of the Executive Committee: two Co-Chairs and one at-large member. If the CAB establishes standing committees, standing committee chairs may serve on the Executive Committee at the invitation or request of the Executive Committee. The size of the Executive Meeting shall not meet or exceed a quorum of the CAB (see section 5.1).

3.2 Duties of the Executive Committee – The roles and responsibilities of the Executive Committee include:

- Meet regularly, with the City staff coordinator as it deems appropriate, to discuss ongoing business and priorities of the CAB and plan CAB meetings
- Set CAB meeting agendas, working with City staff coordinator as it deems appropriate
- Develop proposals and recommendations for CAB consideration and review
- Draft official letters and memos for CAB review and approval

3.3 Duties of the Co-Chairs – In addition to their roles and responsibilities as part of the Executive Committee, duties of the Co-Chairs include:

- Preside over and facilitate CAB meetings, with an option to delegate meeting facilitation tasks or request assistance, as needed
- Act as spokespersons for the CAB and represent official CAB decisions and actions, as noted in the record
- Serve as a point of contact for media, community, and elected officials

Co-chairs may also speak as individuals (i.e. not representing the CAB) and shall make it clear when articulating their own views and concerns (e.g. “Although I serve as a Co-Chair for the Sweetened Beverage Tax Community Advisory Board, today I am speaking as an individual, not on behalf of the Board.”) (see also section 5.3).

The Co-Chairs may delegate to any willing CAB member performance of any duties described in this section.

3.4 Terms of Office – Executive Committee members will serve for one-year terms, from January 1 to December 31. Two consecutive one-year terms are allowed.

3.5 Elections – Executive Committee Co-Chairs and the at-large member are determined by an annual vote at a regular CAB meeting.

The CAB staff coordinator will solicit nominations for Co-Chairs and the at-large member in November. Self-nominations are allowed.

The CAB staff coordinator will contact all nominated CAB members to ascertain interest and ability to serve. The CAB staff coordinator will prepare a slate of all interested candidates for the CAB to vote on by November 30.

Each CAB member shall vote for two Co-Chairs and one at-large member by December 15. Voting shall occur at a regular CAB meeting, provided there is a quorum (see section 5.1). The two co-chair candidates receiving the largest number of votes will become Co-Chairs. The at-large candidate receiving the largest number of votes will become the at-large member of the Executive Committee.

No proxy votes are allowed.

If a Co-Chair or at-large member vacates a position prior to completing their term, a special election shall be held to fill that position, at the next regular meeting of the CAB, if practicable. Filling a partial term of less than six months shall not count toward a CAB member’s eligibility to serve as a Co-Chair or at-large member for a full one-year term or renewal term.

3.6 Committees – The CAB may establish committees as it determines necessary, including standing or ad hoc committees. Committees shall consist of two or more CAB members. Committees may research and develop proposals and recommendations for CAB review and approval. Any formal action or decision requires approval from the CAB. Committees will work with the Executive Committee to draft a charter for approval by the CAB.

The committee charter shall include a statement of purpose; type of committee (standing or ad hoc); composition; committee activities, duties and responsibilities; standard committee procedures (including details on frequency of meetings, process for designating a committee chair, decision-making process); and, delegation of authority (i.e. limits to committee's decision-making authority without prior approval of the CAB).

Section IV. Meetings & Attendance

4.1 Public Meetings – All meetings of the CAB shall be open to the public and comply with requirements of the Open Public Meetings Act ([RCW 42.30](#)).

4.2 Public Comment – The public may speak on issues which come before the CAB. The Executive Committee shall designate the appropriate time for public comment and establish time limits for each speaker (usually two minutes per speaker). Additional rules:

- Public comments made at meetings must be related to the issues on the agenda for that meeting
- Speakers should address their comments to the CAB, not to individual members
- The CAB does not answer question or engage in discussion during public comment

4.3 Meeting Schedule

4.3.1 Regular meetings – The CAB shall meet at least four times per year (§4.F). A regular meeting schedule will be established annually, at the end of each calendar year, to start at the beginning of a new year. The Executive Committee may adjust the regular meeting schedule, with approval from a majority of the CAB, based on the annual work plan.

4.3.2 Annual retreat – The CAB will develop an annual work plan at an annual retreat, usually held in the fall. The work plan will be assessed approximately six months after the retreat and adjusted as necessary to respond to emergent and high priority issues.

4.3.3 Special meetings – A special meeting may be called at any time by the Executive Committee or by a majority of the CAB members. Written notice must be delivered by email at least 24 hours before the meeting to each CAB member. Notice must be posted on the CAB webpage 24 hours in advance of the meeting,

4.4 Regular Meeting Agendas – The Executive Committee, with support from City staff as it deems appropriate, will prepare an agenda for each regular CAB meeting. Agendas will be approved by the Executive Committee and shall be sent via email to all CAB members and other interested parties and posted to the CAB webpage no later than 24 hours in advance of the published start time of the meeting.

Section V. Conduct of Business

5.1 Decision making – The CAB will strive to make decisions by modified consensus whenever possible to assure that the opinions of everyone are heard, discussed, and valued. In a modified

consensus approach, when there is disagreement, members have the opportunity to stand aside or block consensus.

- **Stand asides** provide a way for CAB members to express concerns, but allow the group to proceed with the decision. (*"I can't support this proposal because...But I don't want to stop the group, so I'll let the decision happen without me."*)
- **Blocks** provide a way for CAB members to express firm opposition to the issue or proposal. (*"I have a fundamental disagreement with the core of the proposal that has not been resolved. We need to look for a new proposal."*)

The CAB may use Fist to Five to test for consensus. Fist to Five is accomplished by raising hands as in voting, with the number of fingers raised that indicates level of agreement:

A fist means, "I vote NO." In consensus, this is the same as a block.

1 finger means, "I'll just barely go along." Or, "I don't like this but it's not quite a no." Or, "I think there is lots more work to do on this proposal." In consensus, this indicates standing aside, or not being in agreement but not blocking the consensus.

2 fingers means "I don't much like this but I'll go along."

3 fingers means, "I'm in the middle somewhere. Like some of it, but not all."

4 fingers means, "This is fine."

5 fingers means, "I like this a lot, I think it's the best possible decision."

If there are any fists or 1s when using Fist to Five, the Co-Chairs or meeting facilitator will ensure these concerns are heard. If there are many 2s and 3s, this should signal to the Co-Chairs that the issue or proposal would benefit from further discussion, clarification or amendments.

Process for making a final decision:

- Clearly state the final proposal and check that everyone understands what is being proposed.
- Check if there are any blocks or stand asides. It takes two blocks to stop the proposal.
- If there are fewer than two blocks, check for active agreement from everyone. This can be done verbally, with show of hands, or using Fist to Five.
- Verbally summarize the result (e.g. number of blocks or stand asides) and be explicit whether a decision has been reached.

Two or more blocking votes indicates that consensus has not been attained. If the CAB is ultimately paralyzed by the modified consensus process, then action will be approved by majority vote. There will be a minimum of two attempts at reaching consensus. After two attempts, it is up to the Co-Chairs to decide if the consensus process should continue or transition to majority vote.

All final decisions, including results from the consensus process or voting, shall be included in the CAB meeting minutes (see section 6.1).

Dissenting members may submit a minority report to the Co-Chairs. The minority report will be forwarded to the Mayor, City Council, and the public with any letter, analysis, advice, recommendation or similar transmitted by the CAB.

If there is a financial conflict of interest by a member with any issue being discussed, he or she shall recuse him/herself from voting on that issue (see section 7.3).

No proxy votes are allowed.

A simple majority (more than 50%) of the current CAB members constitute a quorum in CAB meetings. Provided there is a quorum, the CAB may make decisions on proposals, issues, or formal actions (see section 5.2).

5.2 CAB actions – CAB actions include formal CAB positions, reports, statements, letters to government officials (Mayor, Council, department directors, agency directors) and City staff, and other actions it deems necessary to carry out its role and responsibilities. All formal actions or decisions on statements, letters or memos require a final draft to be sent to the CAB for review and approval.

5.3 Representing the CAB – The Co-Chairs shall act as spokespersons for the CAB and represent official CAB decisions and actions, as noted in the record (see section 3.3).

Individual CAB members may represent the CAB (e.g. providing testimony, meetings with Council, Mayor, etc.) if authorized by the Co-Chairs.

A CAB member may speak as an individual, clearly specifying they are speaking as an individual, or as an individual CAB member articulating their own views and concerns (e.g. “Although I am a member of the Sweetened Beverage Tax Community Advisory Board, today I am speaking as an individual, not on behalf of the Board.”)

Section VI. Records, Publications, and Reports

6.1 All decisions of the CAB shall be evidenced in writing.

6.2 Minutes – Minutes of all CAB meetings will be promptly recorded and prepared by staff. After approval by the CAB, minutes shall be posted on the CAB webpage as a public record.

6.3 Annual Report – As specified in the Ordinance (§4 and §5), the CAB shall publish an annual report to the Seattle City Council and the Mayor with the assistance of appropriate City departments. The report shall include the following:

- Recommendations on how best to allocate the revenues raised by the Sweetened Beverage Tax;
- A summary of the programs funded to date and their progress to date;
- A summary of tax implementation efforts and any completed studies evaluating the implementation of the tax;

- A summary of any completed studies on the impact of the tax on beverage prices, consumer purchasing behavior, sweetened beverage sales, related health outcomes, and economic impacts, including impacts on employment and retail revenues; and
- Any additional information that the CAB deems appropriate for inclusion.

6.4 Other Records – Copies of specific CAB documents will be made available to the public upon written request to the staff coordinator.

Section VII. Ethics

7.1 CAB members shall conduct themselves in a manner consistent with the [Seattle Ethics Code \(Seattle Municipal Code ~ SMC 4.16\)](#). The Ethics Code sets high ethical standards for members of advisory boards and commissions, whose advice may have a major impact on City policies.

7.2 Disclosure of interests –The Ethics Code requires full disclosure if a CAB member engages or has engaged in an activity or transaction that would appear to a reasonable person to impair the member’s independence of judgment.

To satisfy the disclosure requirement, CAB members must fully disclose the facts on the record of the CAB meeting using the **Disclosure Form** downloadable in [PDF version](#) or [Microsoft Word version](#).

The CAB staff coordinator will file copies of any completed disclosure forms and send a copy to the Seattle Ethics and Elections Commission.

Regular disclosures should be filed annually, at the start of the calendar year. Ad hoc disclosures should be made in writing at the CAB meeting before or as soon as the relevant matter comes before the CAB. The Co-Chairs and staff will ensure there are regular opportunities for ad hoc disclosure of interests in CAB meetings.

7.3 Conflict of Interest – CAB members are required to disqualify themselves from discussion and decision making if they have a financial interest, direct or indirect, personally or through an immediate family* member, in the matter* before the CAB (SMC 4.16.070.G).

***“Immediate family”** means a spouse or domestic partner, child, child, child of a spouse or domestic partner, sibling, sibling of a domestic partner, brother in-law, sister-in-law, parent, parent of a spouse or domestic partner, a person for whom the Covered Individual is a legal guardian, or a person claimed as a dependent on the Covered Individual's most recently filed federal income tax return (SMC 4.16.030).

***“Matter”** means an application, submission, request for a ruling or other determination, permit, contract, claim, proceeding, case, decision, rulemaking, legislation, or other similar action. Matter includes the preparation, consideration, discussion, or enactment of administrative rules or legislation. Matter does not include advice or recommendations regarding broad policies and goals (SMC 4.16.030).

If the members' interests are not financial, but if they engage or have engaged in any transaction or activity which would appear to be in conflict with or incompatible with their duties or would appear to impair their independence of judgment, then they must disclose the circumstances publicly to the CAB. When individual CAB members disclose interests where there is a possibility of conflict of interest that may limit the individual's participation in a matter which comes before the CAB, the CAB will decide if the member should be disqualified from participating in the matter. If the CAB is uncertain about whether an individual CAB member should be disqualified from discussions or decisions, it will seek advice from the Seattle Ethics and Elections Commission.

For more information, CAB members are encouraged to visit the [City's webpage](#) that answers Frequently Asked Questions for advisory boards and commissions.

7.4 Recusal procedures – CAB members who have recused themselves from a matter before the CAB due to a financial conflict of interest will:

Refrain from deliberation in forming recommendations or advice on the matter and will not participate in any CAB action on the recommendations or advice.

Remove themselves from the room during the formation of formal advice or recommendations.

Refrain from engaging in conversation or communication with other members of the CAB on the matter for which they have recused themselves.

CAB members may recuse themselves from any matter or activity they choose even if there is not a financial conflict of interest.

Section VIII. Responsibilities of the Department Staff

The Office of Sustainability & Environment (OSE) shall provide administrative support for the CAB. OSE will work with the appropriate City departments to help make the CAB's work successful. OSE staff provides general CAB and meeting support, coordination, communication as follows:

General CAB support

- Maintain and distribute member rosters
- Facilitate communication with appointing authorities
- Provide the CAB with requested information that it needs to conduct its business

Meeting support

- Assist the Executive Committee in developing and distributing meeting agendas
- Provide information or follow-up with department staff on questions or requests by the CAB
- Work with department staff to keep the CAB updated on City projects or issues
- Manage room reservations, audio-visual equipment needs, and other logistical issues
- Maintain meeting schedule

Approved: April 6, 2018

- Assist in coordinating and communicating with presenters for CAB meetings
- Assist in scheduling meetings between the CAB and the Mayor and City Council
- Help support special CAB events such as annual retreats

City Department Coordination

- Keep City departments well-informed of CAB's interests in topics or issues related to the implementation of the Sweetened Beverage Tax and its recommendation for allocation of the beverage tax revenues
- Ensure City departments have an opportunity to brief the CAB, in a timely manner, on issues that may impact the CAB's recommendations and advice
- Facilitate ongoing communication between the CAB and the City departments

Communications

- Field and respond to requests from the public for information about the CAB
- Assist with preparing, formatting and distributing CAB correspondence and minutes
- Maintain an accurate, up-to-date webpage, including posting meeting agendas, minutes and other materials
- Help the CAB assure that internal and external CAB communications comply with the Open Public Meetings Act
- Assist with drafting reports, recommendations, advice or correspondence with the Mayor, City Council, and the departments, when assigned by the CAB.

Section IX. Amendment to Responsibilities, Policies, and Procedures

This document may be amended by the CAB at any regular or special meeting, using the decision-making process outlined in section 5.1.