

Community Health Commission
Andy Katz, Chair
Kellie Knox, Staff Secretary

Community Health Commission

Thursday, January 25, 2024, 6:30 – 9:00pm

Meeting Location:

Judge Henry Ramsey Jr. South Berkeley Senior Center
2939 Ellis Street, Berkeley, CA 94703
Phone: 510-981-5170

AGENDA

Preliminary Matters

1. Call to Order by Chair
2. Roll Call by Secretary
3. Land Acknowledgement – **Attachment 6**
4. Announcements & Introductions
5. Confirm note taker – if needed
6. Public Comment

The public may comment virtually about any item **not** on the agenda. Public comments are limited to two minutes per speaker.

Discussion and Action Items

Public comments regarding agenda items will be heard while the Commission is discussing the item. Public comments are limited to two minutes per speaker.

1. Approval of Draft Minutes from 10/26/2023 Regular Meeting
2. Add/Remove Subcommittees/ Members (Katz)
3. Public Health Officer's Report (Dr. Anju Goel)
4. Commission Chair's Report (Katz)
5. Subcommittee Reports
6. 2024 Commission Meeting Dates
7. 2024 Workplan
8. City Council Referral on Long Term Care Facility Oversight - Bartlett (Katz) – **Attachment 7**

Future Agenda items

Adjournment

Attachments

1. Draft minutes from October 26, 2023 CHC Regular meeting
2. CHC 2023 Work Plan
3. CHC Subcommittee Roster 2024
4. CHC Meeting Calendar 2024 - Proposed
5. City Council and Community Health Commission Timeline 2024
6. Land Acknowledgement
7. Long Term Health Care Facility Oversight Referral
8. Community Member email

A Vibrant and Healthy Berkeley for All

9. Memo from City Clerk – D7 Robinson resignation

The *next meeting* of the Community Health Commission is scheduled to be held on Thursday, February 22, 2024 with a *deadline of Tuesday, February 13, 2024 for the public's submission of agenda items and materials for the agenda packet. Dates are subject to change.* Please contact the Commission Secretary to confirm.

Any writings or documents provided to a majority of the commission regarding any item on this agenda will be made available for public inspection at Health, Housing & Community Services Department located at 2180 Milvia Street, 2nd floor, Berkeley, CA 94704 during regular business hours. The Commission Agenda and Minutes may be viewed on the City of Berkeley website: [Boards & Commissions | City of Berkeley \(berkeleyca.gov\)](#) (SB 343)

CONFLICT OF INTEREST INFORMATION: City commissioners, pursuant to Government Code section 1090, are responsible for recusing themselves from all commission discussions and actions in which they may have a conflict of interest. If your affiliation, paid or unpaid, with other agencies has changed since the last meeting of this commission, your ability to participate in commission activities may have changed. Individual guidance is available from the City Attorney's Office (CAO). Commissioners are encouraged to consult with the CAO if they have questions, concerns, or would like clarification about matters related to potential conflicts of interest.

The CAO may be reached at:

Email: attorney@cityofberkeley.info
TEL: (510) 981-6950 TDD: (510) 981-6903, FAX: (510) 981-6960
2180 Milvia Street 4th Floor, Berkeley, CA 94704 - Office Hours: Mon-Fri, 8am-5pm

COMMUNITY ACCESS INFORMATION: This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the **Disability Services Specialist at 981-6418 (V) or 981-6347 (TDD)** at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the commission secretary for further information.

Secretary:

Kellie Knox
Health, Housing & Community Services Department
2180 Milvia Street, 2nd Floor
Berkeley, CA 94704
(510) 981-5301
kknox@berkeleyca.gov



Community Health Commission

Community Health Commission

DRAFT MINUTES

Regular Meeting, Thursday, October 26, 2023

The meeting convened at 6:43 p.m. with Commission Chair Katz presiding.

ROLL CALL

Present: Commissioners Webber, Smart, Spigner (6:43), Adams, Lee, Katz (6:41).

Absent: None.

Excused: Commissioners Bechtolsheim.

Staff present: Kellie Knox, Dr. Anju Goel, Janice Chin, Rachel Rodriguez

Community Members: One.

COMMENTS FROM THE PUBLIC: None.

ACTION ITEM

1. M/S/C (Webber/Adams): Motion to adopt minutes from the September 28, 2023 meeting.

Ayes: Commissioner Webber, Smart, Spigner, Adams, Lee, Katz

Noes: None.

Abstain: None.

Absent from vote: None

Excused: Commissioners Bechtolsheim.

Motion Passed.

ACTION ITEM

6. M/S/C (Webber/Lee): Motion to cancel CH Commission meeting that is currently scheduled for 11/23/2023.

A Vibrant and Healthy Berkeley for All

Ayes: Commissioner Webber, Spigner, Adams, Lee, Katz

Noes: None.

Abstain: None.

Absent from vote: Commissioner Smart

Excused: Commissioners Bechtolsheim. .

Motion Passed.

ACTION ITEM

2. M/S/C (Lee/Spigner): Motion to add Commissioner Webber to the Health Equity Subcommittee

Ayes: Commissioner Webber, Spigner, Adams, Lee, Katz

Noes: None.

Abstain: None.

Absent from vote: Commissioner Smart

Excused: Commissioners Bechtolsheim. .

Motion Passed.

ACTION ITEM

2. M/S/C (Lee/Webber): Motion to remove Commissioner Spigner from Health Facilities subcommittee and add to Chronic Disease Prevention subcommittee.

Ayes: Commissioner Webber, Spigner, Adams, Lee, Katz

Noes: None.

Abstain: None.

Absent from vote: Commissioner Smart

Excused: Commissioners Bechtolsheim. .

Motion Passed.

PRESENTATION AND SITE TOUR: Janice Chin and Rachel Rodriguez, City of Berkeley, HHCS, Public Health Division.

DISCUSSION ITEMS:

2. Add/Remove Subcommittees/ Members (Katz) – *Motions passed*
3. Public Health Officer’s Report – *Introduction and Discussion*
4. Commission Chair’s Report by Chair Katz - *Discussion*
5. Subcommittee Reports
 - e. Health Facilities – *discussion*
6. November’s scheduled meeting – *Motion to cancel meeting passed.*
7. City Council Referral on Long Term Care Facility Oversight - Bartlett (Katz) – *Discussion.*

This meeting adjourned at 8:54 p.m.

Minutes will be voted on at January 25, 2023 meeting.

Minutes approved on: _____

Respectfully submitted,
Kellie Knox, Commission Secretary _____

Community Health Commission 2023 Work Plan

Guiding Philosophy: To look at health through the lens of equity, and to address, ameliorate, and abolish health inequities in Berkeley through our work while advancing other public health efforts.

Mission/Purpose:

1. Collaborate with the community and the Berkeley Health Officer Unit and Public Health Division, and City of Berkeley to eliminate health inequity by:
 - a. Advocating for good policy to council that has the potential to improve the health of Berkeley residents that can be implemented, monitored, and evaluated.
 - b. Representing the community through the diversity of this commission
 - c. Increasing the public education/social marketing efforts, understanding, and awareness of issues.
 - d. Advocating together with the residents of Berkeley most affected by institutional, social, organizational inequities/disparities.
 - e. Providing a public forum for all community members to share concerns, ideas
2. Achieve general public health progress by being responsive to community needs and facilitating general health and safety.

Overall goals, issues & priorities: All issues can be addressed through a health equity lens.

- Include a focus on the impact of COVID-19 and the city's response to it
- Increase healthy food security
- Advocate for the expansion of affordable housing
- Continue to urge that Alta Bates Berkeley Medical Campus remain open while also helping to suggest actions to address consequences of planned closure
- Be responsive in potential recommendations to help Berkeley residents, and care providers and clinics cope with potential federal disruption in healthcare policy and federal spending cuts
- Further address more social determinants of health
- Continue to be a community advocate to City Council to address structural, institutional, and health inequities impacting all underserved populations
- Work to have community health data measures documented in a timely manner and to promptly evaluate and act on novel data such as the Health Status Report
- Work to support policies and initiatives that advance UHC such as Medicare for all
- Advise the City Council as HHCS and Public Health Division develop their

strategic plans, community health assessment and community health improvement plan.

General steps and actions needed to meet priorities:

1. Conduct outreach to encourage Berkeley community members to engage with the CHC
2. Collaborate with other commissions to share resources and support recommendations
3. Focused/specialized ad-hoc subcommittees, as needed
4. Keep track of local, state, and federal policy and data flow

Specific steps and actions needed to meet priorities:

➤ Basic Needs Security

Focus on healthy food security and affordable/accessible housing

- In terms of healthy food security:
 - Advocate for policies to mitigate unhealthy food consumption
 - Advocate for affordability and accessibility of healthy foods in supporting programs like the Berkeley Food Institute, etc.,
- In terms of accessible/affordable housing:
 - Advocate for affordable housing
 - Advocate for increased rent control
- Connect with the community based organizations and appropriate city of Berkeley departments to acquire information about available resources for Berkeley residents.

➤ Chronic Disease Prevention

- Recommend interventions to address diabetes, obesity, heart diseases, and other chronic conditions highlighted by the Berkeley health status report.
- Recommend interventions to respond to deferred preventative care due to COVID-19

➤ Health Equity

- Review the Health Status Report- dialogues with staff and community to investigate the data and identify populations experiencing inequities, and recommend program interventions for the City Public Health Division
 - Engage Stakeholders on LGBT health equity issues to help complement findings of the Health Status Report
 - Investigate and implement efforts to improve immigrant access to health care
- Advocate for the implementation of strategies that will reduce health inequities:
 - Investigate community access to telehealth and other technologies to improve healthcare equity
 - Work on cultural competency for health care providers
 - Continue to support the development of the African American Holistic Resource Center

➤ Health Facilities

- Continue to recommend actions to keep Alta Bates open
- Consider ways to increase emergency care access in Berkeley
- Respond to City Council referral regarding Long Term Care Facilities

➤ Policy tracking

- Track City Council minutes, state, and national legislative actions
- Bring policy updated to the Commission as appropriate.

District	Last	First	Community Health Commission Subcommittees 2024				
			Health Facilities	Health Equity	Basic Needs Security	Chronic Disease Prevention	Entheogenic
1	Webber	Sara		x	X		
2	Bechtolsheim	Benjamin	X			X	
3							
4	Smart	Karma		X	X		X
5	Spigner	Tora		X		x	
6	Adams	Joseph					X
7	Lee	Eric	X				
8							
M	Katz	Andy	X				
			3	3	2	2	2

updated 1/9/2024



Community Health Commission

Date: January 9, 2024
To: Community Health Commission Commissioners
From: Kellie Knox, Secretary CHC
Subject: 2024 Commission Meeting Dates

Happy New Year Commissioners!

Attached please find my suggested dates for Commission meetings for the calendar year 2024. These dates will need to be formally adopted at the January Regular meeting.

There were three months where the regular, fourth Thursday of the month fell on a significant religious or national holiday. I have proposed alternate dates for the months of May, October and November to avoid those holidays.

DRAFT 2024 Commission Meeting Schedule

Please complete this form and email it to the
commission@berkeleyca.gov by: **Friday, January 8, 2024**

Name of Commission: Community Health

Commission Secretary: Kellie Knox

Example

Month	Meeting Day and Date	Time	Month	Meeting Day and Date	Time
February 2024	Wednesday 2/10/2024	7:00 pm	July 2024	No Meeting	

Month	Meeting Day	Meeting Date	Time
January 2024	Thursday	1/25/2024	6:30 pm
February 2024	Thursday	2/22/2024	6:30 pm
March 2024	Thursday	3/28/2024	6:30 pm
April 2024	Thursday	4/25/2024	6:30 pm
May 2024	Thursday	5/30/2024	6:30 pm
June 2024	Thursday	6/27/2024	6:30 pm
July 2024	Thursday	7/25/2024	6:30 pm
August 2024	No Meeting		
September 2024	Thursday	9/26/2024	6:30 pm
October 2024	Thursday	10/17/2024	6:30 pm
November 2024	Thursday	11/21/2024	6:30 pm
December 2024	No Meeting		

2024				Thursday 12:00 PM	Thursday 12:00 PM	Monday 2:30 PM	Wednesday 11:00 AM	Thursday 5:00 PM
COUNCIL MEETING DATE	Commission needs to take action by	Reports Due to Dept. Director	Reports Due to CAO	Dept. Reports Due to Clerk Day 33	Agenda Committee Packet to Print Day 19	Agenda Committee Meeting Day 15	Final Agenda Meeting - (Print Agenda on wed.) Day 13	Council Agenda Delivery Day 12
Winter Recess [December 13, 2023 through January 15, 2024]								
Jan 16	11/23	11/30	11/30	12/14	1/2 - Tue	1/4 - Thur	1/4 - Thur	1/5 - Fri
Jan 30	12/7	12/14	12/14	12/28	1/11	1/16 - Tue	1/17	1/18
Feb 13	12/21	12/28	12/28	1/11	1/25	1/29	1/31	2/1
Feb 27	1/4	1/11	1/11	1/25	2/8	2/13 - Tue	2/14	2/15
Mar 12	1/18	1/25	1/25	2/8	2/22	2/26	2/28	2/29
Mar 19	1/25	2/1	2/1	2/15	2/29	3/4	3/6	3/7
Spring Recess [March 20 through April 15, 2024]								
Apr 16	2/22	2/29	2/29	3/14	3/28	4/1	4/3	4/4
May 7	3/14	3/21	3/21	4/4	4/18	4/25 - Thr	4/25 - Thr	4/26 - Fri
May 14	3/21	3/28	3/28	4/11	4/25	5/1 - Wed	5/1	5/2
May 21	3/28	4/4	4/4	4/18	5/2	5/7 - Tue	5/8	5/9
Jun 4	4/11	4/18	4/18	5/2	5/16	5/21 - Tue	5/22	5/23
Jun 25	5/2	5/9	5/9	5/23	6/6	6/10	6/12	6/13
Jul 9	5/16	5/23	5/23	6/6	6/20	6/24	6/26	6/27
Jul 23	5/30	6/6	6/6	6/20	7/3 - Wed	7/8	7/10	7/11
Jul 30	6/6	6/13	6/13	6/27	7/11	7/15	7/17	7/18
Summer Recess [July 31 through September 9, 2024]								
Sep 10	7/18	7/25	7/25	8/8	8/22	8/26	8/28	8/29
Sep 24	8/1	8/8	8/8	8/22	9/5	9/9	9/11	9/12
Oct 1	8/8	8/15	8/15	8/29	9/12	9/16	9/18	9/19
Oct 15	8/22	8/29	8/29	9/12	9/26	9/30	10/2	10/3
Oct 29	9/5	9/12	9/12	9/26	10/10	10/15 - Tue	10/16	10/17
Nov 12	9/19	9/26	9/26	10/10	10/24	10/28	10/30	10/31
Nov 19	9/26	10/3	10/3	10/17	10/31	11/4	11/6	11/7
Dec 3	10/10	10/17	10/17	10/31	11/14	11/18	11/20	11/21
Dec 10	10/20	10/27	10/27	11/7	11/21	11/25	11/27	11/27 - Wed
Winter Recess [December 11, 2024 through January 14, 2025]								

VTO Affected Dates

Holiday Affected Dates

Religious Holiday Affected Date

Updated 11/30/2023

Reports not submitted by the deadlines listed will not be included on the agenda.

Worksession	Thursday 12:00 PM	Thursday 5:00 PM
	Day 26 Dept. Reports Due to Clerk	Day 5 Council Agenda Delivery
Jan 23	12/28	1/18
Feb 6	1/11	2/1
Sep 17	8/22	9/12
Oct 8	9/12	10/3

Land Acknowledgement Statement

The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley's residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley's incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today.

**BEN BARTLETT**

CITY COUNCILMEMBER, DISTRICT 3

Att-07

CONSENT CALENDAR

December 14, 2021

To: Honorable Mayor and Members of the City Council
 From: Councilmember Ben Bartlett
 Subject: Health Care Facility Oversight

RECOMMENDATION

Refer to the City Manager and the Community Health Commission an assessment of the breadth of regulatory control the City of Berkeley can exert on skilled nursing facilities, and create a process of accountability if complaints are found to be substantiated that threaten, or could potentially escalate to the point of threatening, the wellbeing of patients and/or violate federal, state, or local law; the business license of the offending facility will be suspended until the skilled nursing facility submits a report demonstrating rectification of the situation.

BACKGROUND

The California Department of Public Health (CDPH) mandates that skilled nursing facilities provide 3.5 hours of patient care to each patient per day.¹ For instance, some care facilities in Berkeley are reported to have as few as 6 staffers serving 66 patients, meaning that even if the staff worked around the clock, at most they would be able to offer 2.1 staff hours per patient per day. In 2021 alone, the facility has received 12 complaints, but not a single one has been followed up by an enforcement action². This is just a single example in an egregious pattern of lack of care met with lack of enforcement. In 2019, for example, skilled nursing facilities were found to violate an average of 23 federal and state laws per facility. Yet, in the 77 skilled nursing facilities across California, not a single regulation was enforced. As a result, there has been a history of negligence, mistreatment, and patient abuse within Californian care facilities.³

CURRENT SITUATION

The City has received numerous grievances from concerned community members over the quality of care in certain skilled nursing facilities in Berkeley. Community members complain of neglect, indifference, and harmful, negligent behavior with sometimes tragic consequences.

The City must address these hazards by creating internal procedures and policies designed to prevent further harmful acts. Precedence for license revocation policies can be found in other municipalities. For example, Chapter 6 Section 1.80 of Superior, Colorado Municipal Code states that business licenses can be suspended “when any activity conducted by the licensee, his or her employee or agent violates any federal, state or local rule, regulation or law.”⁴ The City

¹<https://canhrnews.com/guidelines-for-3-5-direct-care-service-hours-per-patient-day-dhppd-staffing-audits/>

² <https://www.cdph.ca.gov/Programs/CHCQ/LCP/CalHealthFind/Pages/SearchResult.aspx>

³ <https://calmatters.org/health/2021/10/nursing-homes-oversight-california-hearing/>

⁴ https://library.municode.com/co/superior/codes/municipal_code?nodeId=CH6BULIRE

of Berkeley could adopt such an ordinance to shutter inept care facilities and deter improper conduct and mismanagement.

Furthermore, to ensure enforcement, the City could mandate that all complaints be forwarded to the Environmental Health Division to be reviewed in a timely manner. This would prevent a backlog of complaints and strengthen City follow-through.

The City of Berkeley needs to enforce strict regulations over the performance and conditions of skilled nursing care facilities to ensure that patients are not stripped of their right to quality care. As stated above, a particularly skilled nursing care facility received 12 complaints in 2021, but there was zero enforcement action taken against them. With this recommendation, there will be a strict standard that skilled nursing care facilities must meet to guarantee that issues are adequately addressed by the City of Berkeley. Furthermore, it provides safeguards to ensure that patients are not neglected by those assigned to look after them.

FINANCIAL IMPLICATIONS

Determine as part of City Manager and Commission response.

Suppose the City can regulate skilled nursing facilities (generally not a City role). In that case, there could be significant financial implications because there is currently no staff assigned to this work in the City.

COMMUNITY CONSULTATIONS

This item was informed by consultations with and complaints raised by community members.

CONTACT PERSONS

Councilmember Ben Bartlett
James Chang
Hillary Phan
Jerry Wong

bbartlett@cityofberkeley.info
jchang@cityofberkeley.info
510-981-7130
510-981-7135

11/13/2023

To: The Commission on Community Health

Re: Rigel Robinson's Sidewalk / Vehicle recommendations

Dear Commissioners,

I am a disabled senior. In my neighborhood the skateboards, scooters, bicycles, and unicycles we routinely try to dodge to navigate simple errands became untenable years ago. The fact that the extant laws are unenforced - but not unenforceable - does not mean that they don't matter. Unless you think, as Councilmember Robinson appears to do, that the lives and safety of disabled seniors and vulnerable pedestrians are unimportant. Unless you think, as Councilmember Robinson seems to do, that the ADA is unimportant.

This may not currently be on your agenda. Please put it on. Take a strong, early stand against this thoughtless, dangerous, unconstitutional proposal.

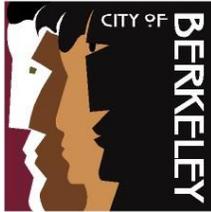
I am from the generation that fought and secured the federal protections of the Americans with Disabilities Act, which would be controverted by Robinson's proposal. I also fought hard, as a life-long bicycle commuter through the direct action of Critical Mass rides, for the recognition of bicycles as **vehicles**, vehicles with every right to the roadway, a recognition which has changed roadways widely in favor of bicycle safety. If safe roadways for the vehicles **that bicycles in fact are** under the law are not enough for bicyclists, by all means they should fight as hard as we did for dedicated bike lanes.

But Berkeley needs to fight much harder for its vulnerable seniors, whose voices are not covered as robustly as the nationwide bike lobby, which not only dominated honest discussion of the safety issues at Gilman and Monterey, they cost us another valuable department director literally unable to navigate the political pressure to accomplish contradictory directives.

Stand up for safety. Stand up for seniors. Stand up for the disabled and physically vulnerable of any age. Stand up for sidewalks as dedicated, safe, pedestrian walkways. Take advantage of this moment to recommend that this proposal not only be flatly rejected, but that signage and enforcement to protect sidewalks as safe spaces to walk be improved so that the legal rights we currently have are, in fact, manifest in our daily efforts to safely get to the market, the post office, the bank, etc. Bicycles, under the law, are vehicles, are capable of being lethal in the best of hands, and do not belong on sidewalks.

Sincerely,

Carol Denney
1970 San Pablo Ave #4
Berkeley, CA 94702
510-548-1512



City Clerk Department

January 12, 2024

To: Commission Secretaries

From: Mark Numainville, City Clerk

Subject: Councilmember Robinson Commission Appointees

Councilmember Robinson, representing District 7, has resigned from the Berkeley City Council, effective 5:00 p.m. on January 12, 2024. This memo addresses certain matters concerning the roles and responsibilities of the commissioners serving under his appointment. Please share this information with your commission.

1. Leaves of Absence

Municipal Code Section 3.02.030 states that "a member of a board, commission or committee may be granted a leave of absence not to exceed three months by the appointing Councilmember or the Council..." It goes on to say that "the appointing Councilmember or the Council may fill such a vacancy by a temporary appointment..."

Since the Council as a whole may only grant leaves of absence to commissioners that the council appoints as a whole, there is no provision for the appointees of a vacant council seat to obtain a leave of absence. Please advise your District 7 appointees that any absence from commission meetings will be considered an unexcused absence and will be reported on the next semi-annual attendance report.

2. Appointments/Re-appointments

No new appointments/re-appointments may be made for District 7 vacancies until a new Councilmember has been elected to this office.

3. Temporary Appointments

No temporary appointment may be made for a District 7 commission seat until a new Councilmember has been elected to this office.

4. Terms of Office

Berkeley Municipal Code Section 2.04.075 provides that a commissioner's *term* expires upon the resignation of the councilmember who appointed them. In this context, "term" refers to the initial term of the commissioner which normally expires on December 1 of the first year of their appointment. The commissioner's *service* on the commission is extended beyond the resignation of the Councilmember and they may continue to serve as a "hold over" commissioner until a new appointment is made. Of course, these commissioners are still subject to all the requirements for commission membership and service (e.g. Form 700, attendance, etc.).

cc: Mayor & City Council
City Manager
City Attorney