

Ordinance No. 124128

Council Bill No. 117710

AN ORDINANCE relating to vending machines operated on City Property; requiring all vending machines operated on City Property to stock "Healthier" and "Healthiest" food and beverage selections as defined by Public Health Seattle & King County "King County Healthy Vending Guidelines".

Related Legislation File: _____

Date Introduced and Referred: <u>2.11.13</u>	To: (committee): <u>Planning, Land Use + Sustainability</u>
Date Re-referred:	To: (committee):
Date Re-referred:	To: (committee):
Date of Final Action: <u>3/4/13</u>	Date Presented to Mayor: <u>3/5/13</u>
Date Signed by Mayor: <u>3.12.13</u>	Date Returned to City Clerk: <u>3.12.13</u>
Published by Title Only <u>X</u>	Date Vetoes by Mayor:
Published in Full Text	
Date Veto Published:	Date Passed Over Veto:
Date Veto Sustained:	Date Returned Without Signature:

The City of Seattle – Legislative Department

Council Bill/Ordinance sponsored by: Richard Conlin

Committee Action:

Date	Recommendation	Vote
<u>3/11</u>	<u>Adopt</u>	<u>3-0, PC, TB, MO</u>

This file is complete and ready for presentation to Full Council.

Rad
2/27/13

Full Council Action:

Date	Decision	Vote
<u>March 4, 2013</u>	<u>Passed</u>	<u>9-0</u>

Law Department

CITY OF SEATTLE
ORDINANCE 124128
COUNCIL BILL 117710

AN ORDINANCE relating to vending machines operated on City Property; requiring all vending machines operated on City Property to stock "Healthier" and "Healthiest" food and beverage selections as defined by Public Health Seattle & King County "King County Healthy Vending Guidelines".

WHEREAS, approximately half the adult population in the city of Seattle is overweight or obese; and

WHEREAS, overweight adults are at greater risk for numerous serious health outcomes that place a large burden on the health care system and increase health care costs, including type 2 diabetes, heart disease, stroke, high blood pressure, high cholesterol, certain cancers, asthma, arthritis and other debilitating diseases; and

WHEREAS, studies show that Americans consume too few vegetables, fruits, high-fiber whole grains, low-fat milk and milk products and seafood, and too much saturated and trans fats, refined grains, sodium and sugar-sweetened beverages; and

WHEREAS, ensuring easy access to healthy food and beverage choices in City worksites would provide opportunities for City employees to consume more nutritious food and beverages while at work and support healthy and productive City employees; and

WHEREAS, ensuring all city employees have access to healthy food and beverage choices in City worksites requires vending machine content standards for vending machines operated on City property; and

WHEREAS, The King County Healthy Vending Guidelines adopted by the Seattle King County Board of Health establishes standards for vending machine content based upon calories, fat, sugar and sodium content; and

WHEREAS, the Department of Parks and Recreation has led the way by successfully implementing the King County Healthy Vending Guidelines of "Healthier" and "Healthiest" choices in all vending machines in City park facilities; NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:



1 Section 1. Any concessionaire operating a food and/or beverage vending machine on
2 City property shall stock at least 50 percent of the items within each such machine with food and
3 beverages items that meet the "Healthiest" or "Healthier" product selection criteria adopted by
4 the Seattle King County Board of Health in the King County Healthy Vending Guidelines
5 (Attachment A), and shall clearly label such items to inform consumers that such items meet the
6 Guidelines.

7 Section 2. No City officer or employee shall have the authority to contract for the
8 placement on City property of any vending machine in which less than 50% of the items stocked
9 meet the "Healthiest" or "Healthier" product selection criteria set forth in the King County
10 Healthy Vending Guidelines, and no contrary or inconsistent contract provision shall be
11 approved by any department head or any subordinate thereof or be binding upon the City. All
12 written contracts containing provisions that are contrary or inconsistent with this Section,
13 including any contract extensions that are in force on the effective date of this ordinance shall be
14 allowed to continue in effect in accordance with the provisions and conditions therein until
15 expiration, provided that no such contrary or inconsistent provisions shall be renewed. Any
16 contract that is in violation of this Section shall not be binding on the City of Seattle, and any
17 City officer or employee that enters into or is responsible for such contract shall not be
18 considered an agent or officer of the City for purposes of the contract but instead shall bear
19 solely responsibility and liability to any other contracting party. The City reserves the right to
20 remove from City premises at any time and at the concessionaire's or any other contracting
21 party's expense and risk, any vending machine found to be out of compliance with this
22 ordinance.

23 Section 3. Sections 1 and 2 of this ordinance shall not apply to vending machines on
24 property within the control of the Department of Parks and Recreation that are subject to the
25 requirements of Ordinance 123765; nor shall any provision contained within Sections 1 and 2
26
27
28



1 apply to the extent that it conflicts with any collective bargaining agreement or to the extent that
2 such provision is subject to collective bargaining.

3 Section 4. It is the City Council and Mayor's intent to review implementation, compliance and
4 impact of this ordinance one year from the effective date. This evaluation will include
5 recommendations for promoting purchases of healthier foods and beverages, and will consider
6 whether increasing the percentage of items in vending machines that meet the "Healthiest" or
7 "Healthier" product selection criteria would promote healthier purchases. The evaluation will be
8 conducted jointly by the City Personnel Department and Public Health – Seattle & King County
9 and completed by June 30, 2014.

10
11 Section 5. During the six months commencing from the effective date of this Ordinance,
12 and to the extent funds from current appropriations are available, the City Council directs that the
13 Director of Personnel or his or her delegated representative inform and educate City employees
14 about the King County Healthy Vending Guidelines and the benefits of healthy vending choices
15 through such avenues including but not limited to the Personnel Department's Wellness
16 newsletter and the Personnel Department's website.

17 Section 6. Section 1 and Section 2 of this ordinance shall take effect 90 days after the
18 effective date of this ordinance.

19 Section 7. This ordinance shall take effect and be in force 30 days after its approval by
20 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
21 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

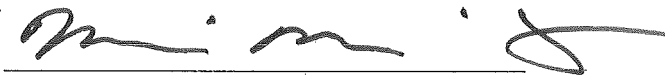
22 Passed by the City Council the 4th day of March, 2013, and
23 signed by me in open session in authentication of its passage this
24 4th day of March, 2013.





President _____ of the City Council

Approved by me this 12 day of March, 2013.



Michael McGinn, Mayor

Filed by me this 12th day of March, 2013.



Monica Martinez Simmons, City Clerk

(Seal)

Attachment A: King County Healthy Vending Guidelines





KING COUNTY Healthy Vending Guidelines



Why do we need Healthy Vending Guidelines?

Obesity and poor nutrition are serious problems in King County. A key strategy of obesity prevention is improving access to healthy food and reducing access to unhealthy food.

- More than half of King County adults and almost one-third of youth are overweight or obese, increasing the risk for serious health problems.
- Less than one-third of adults and youth report eating the recommended five fruits and vegetables per day, and one-third of youth report consuming one or more sodas on the previous day.

It's often difficult for King County residents to eat nutritious food when eating outside the home because there is a lack of healthy options—especially when making food and beverage selections from vending machines. Despite how common vending machines are, this is the first time guidelines for selecting healthier choices for vending machines are available in King County. Nutrition guidelines are an emerging strategy to improve the nutritional quality of food available in vending machines.

The King County Healthy Vending Guidelines, adopted by the King County Board of Health, provide recommendations for the nutritional quality of food and beverages in vending machines to help make the healthy choice, the easy choice.

WHO CAN USE THESE GUIDELINES?

King County residents eat in a variety of community and work settings; all are appropriate places to implement the guidelines:

- Worksites
- Government buildings
- Hospitals
- Social service organizations
- Childcare & after-school care
- Schools & youth programs

What goes in a healthy vending machine?

The goal of the King County Healthy Vending Guidelines is to make it easier for people to drink water and eat nutrient-rich whole food like:

- Vegetables: baby carrots, celery sticks
- Fruit: apples, oranges, pears, bananas
- Whole grains: granola bars, crackers, pretzels
- Nuts & seeds: trail mix, peanuts, almonds
- Fat-free & low-fat dairy: yogurt, cheese
- Lean meats, fish & beans: beef jerky, tuna, hummus

The guidelines are also intended to help you avoid eating unhealthy food and beverages with added sugars, saturated and trans fat, refined grains and sodium, like, candy, chips, cookies, fried foods, soda and energy drinks.

Choosing food for your vending machine based on food type (e.g. fruit, whole grains, etc) rather than simply looking at calories, fat, sodium and sugar will ensure that the healthiest options are available.

HEALTHY VENDING GUIDELINES

Examples of Food & Beverages

Table 1 provides examples of food and beverages for three categories, **Healthiest**, **Healthier** and **Limited**. This is not an exhaustive list. Differences between food and beverages for each category are described in the first row of the table. The goal is to increase the number of Healthiest and Healthier items while decreasing the number of Limited items.

On the next page in **Table 2** you will find the necessary criteria for choosing **Healthiest** and **Healthier** food and beverages using fat, sugar and sodium levels, the primary way **Healthiest** and **Healthier** food are different.

TABLE 1

	HEALTHIEST	HEALTHIER	LIMITED
	Foods are nutrient-rich and primarily whole foods that contain low to no added sugar and sodium.	Foods are more processed or refined with more added sugar, sodium or fat. They contain fewer nutrients for the amount of calories they provide.	Foods are high in sodium, sugar, fat and refined grains and are less healthy.
Vegetables	<ul style="list-style-type: none"> *Fresh or dehydrated vegetables (e.g. baby carrots, celery, broccoli) Cup of soup with a quarter cup of vegetables 	<ul style="list-style-type: none"> *Fresh or dehydrated vegetables with added salt, sugar or fat Baked potato chips 	<ul style="list-style-type: none"> Fried vegetables Regular chips
Fruits	<ul style="list-style-type: none"> *Fresh or dehydrated fruit (e.g. apples, oranges, pears, apricots, avocados, bananas) *Fruit packed in its own juice *100% fruit sorbet with no added sweeteners 	<ul style="list-style-type: none"> *100% frozen fruit juice bars with no added sweetener *Fresh or dehydrated fruit with added salt, sugar or fat Fruit packed in "lite" syrup 	<ul style="list-style-type: none"> Fruit in heavy syrup Imitation fruit snacks and gummies Popsicles
Grains	<ul style="list-style-type: none"> 100% whole grain crackers, pretzels, rice cakes, pita 100% whole grain cereals, granola or cereal bars, muffins Air popped or low-fat popcorn 	<ul style="list-style-type: none"> Whole grain crackers, pretzels, pita, corn chips, soy crisps[†] Whole grain cereals, granola or cereal bars, muffins, fig bars[†] 	<ul style="list-style-type: none"> Doughnuts, croissants, pastries, cookies, cakes, pies, pop tarts Full fat granola Products made with refined grains such as multigrain crackers, cereals and cereal bars
Nuts & seeds	<ul style="list-style-type: none"> Unsalted nuts or seeds Trail mix or fruit nut bars with only unsalted nuts and unsweetened dried fruit 	<ul style="list-style-type: none"> Salted nuts and seeds (low-sodium) Trail mix or fruit nut bars with salted nuts and added sugar 	<ul style="list-style-type: none"> Salted nuts and seeds Trail mix that includes candy
Dairy	<ul style="list-style-type: none"> *Fat-free or low-fat plain yogurt *Fat-free or low-fat and low-sodium cheese *Low-fat and low-sodium cottage cheese 	<ul style="list-style-type: none"> *Fat-free cream cheese *"Lite" string cheese *Pudding, yogurt, frozen yogurt, ice cream made with fat-free or low-fat milk 	<ul style="list-style-type: none"> Full-fat ice cream Full-fat yogurt Full-fat cheese
Meat, beans & eggs	<ul style="list-style-type: none"> Low-sodium dried meat (jerky) or tuna Low-fat, low-sodium bean soup Hard boiled egg 	<ul style="list-style-type: none"> Hummus Low-fat bean soup 	<ul style="list-style-type: none"> Full-sodium dried meat (jerky) Full-sodium tuna
Beverages	<ul style="list-style-type: none"> Plain water Plain carbonated water (seltzer) Unflavored fat-free or 1% milk Unsweetened tea or coffee 	<ul style="list-style-type: none"> Fat-free or 1% flavored milk (≤22 g sugar per 8 oz) 100% fruit juice with no added sweeteners (≤8 oz serving for adults, ≤4 oz serving for children/youth) Zero- or low-calorie beverages (≤10 calories per 8 oz) Non-caloric, artificially sweetened beverages (diet) 	<ul style="list-style-type: none"> 2% milk, flavored or unflavored Whole milk, flavored or unflavored Calorically sweetened soda, teas, coffee drinks, lemonade, fruit drinks, sports drinks and energy drinks that exceed 10 calories per 8 oz

^{*} Shelf Life: A refrigerated vending machine may be necessary

[†] Whole Grain: At least 51% of the grain ingredients are whole grains. When you read the ingredient label, the first two grain ingredients should be whole grains.

HEALTHY VENDING GUIDELINES

Nutrient Levels for Healthiest & Healthier Categories

For food and beverages in your vending machines, review the calories, fat, sugar and sodium content to determine which category they fall into. Below are levels for the Healthiest and Healthier categories; food and beverages from the Limited category would fall outside these levels.

For example, granola bars could be Healthiest, Healthier or Limited, depending on how much sugar, fat and sodium are included. **Table 2** below will help you to determine which category they fall into.

TABLE 2

FOOD	
Calories	Healthiest and Healthier <ul style="list-style-type: none"> Adults - No more than 250 calories per serving Children and youth - No more than 200 calories per serving
Fat	Healthiest <ul style="list-style-type: none"> No added fat for vegetables, fruits, nuts and seeds, dairy and meat, beans and eggs; for grains and soup follow the recommendations below for Healthier Healthier <ul style="list-style-type: none"> No more than 35% of calories from total fat, excluding nuts, seeds and nut butters as these can be high in fat but are considered a source of healthy fat—make sure these foods fall within acceptable calorie, sugar and sodium levels No more than 10% of calories from saturated fat Zero trans fat
Sugar	Healthiest <ul style="list-style-type: none"> No added sugar for all food groups except grains; no more than 6 grams of sugar per serving of grains Healthier <ul style="list-style-type: none"> No more than 35% of weight from total sugars, excluding whole fruit products or ingredients with no added sweeteners <p>Added sweeteners include sucrose, fructose, glucose, corn syrup and high fructose corn syrup, honey, agave syrup, maple syrup, molasses, evaporated cane juice and fruit or fruit juice concentrates</p> <ul style="list-style-type: none"> <i>Consideration for dairy products with sugar</i> - Pudding, yogurt, frozen yogurt or frozen milk desserts are limited to 30 grams total sugar per 8 oz <i>Consideration for grains</i> - no more than 10 grams of sugar per serving
Sodium	Healthiest <ul style="list-style-type: none"> No more than 150 mg per serving Healthier <ul style="list-style-type: none"> Adults - No more than 360 mg per serving Children and youth - No more than 200 mg per serving
BEVERAGES	
For children & youth*	Healthiest <ul style="list-style-type: none"> Beverages should be sugar-free and caffeine-free Water Unflavored fat-free or 1% milk 100% fruit juice ≤4 oz serving Healthier <ul style="list-style-type: none"> Fat-free or 1% flavored milk (≤22 grams sugar per 8 oz) Sugar-free and caffeine-free beverages with artificial sweeteners (diet drinks) should be available only for high school students and only after school Note: Sports drinks and vitamin drinks should not be available in schools

* <http://www.cdc.gov/Healthyyouth/nutrition/pdf/nutritionfactsheetschools.pdf>

Best practices for implementing healthy vending guidelines

Using a team-based approach to establish healthy vending helps your organization to increase buy-in and to identify the right strategy to use to implement your healthy vending program.* Here are some components of this approach:

- Select a recognized leader to champion the program
- Engage with stakeholders such as administrators, staff, food and nutrition service providers, students, parents, and others in the planning process
- Create an implementation plan with goals, strategies and timeline
- Pilot test to allow staff to identify healthy, tasty choices and adjust to new options
- Assess the environment: Determine where vending machines are located, what products are offered, and whether there are existing nutrition or vending policies. Find out what the current perceptions are around healthy eating among staff and other stakeholders.
- Conduct an annual review to evaluate and revise your vending guidelines as needed (e.g. with updates to Dietary Guidelines for Americans)

Approaches for creating a healthy vending policy

Below are three approaches that can work together to help you create a healthy vending policy. To truly promote health in your organization through healthy vending, the third approach, providing only healthy choices, should be considered the long term goal.

1. Make healthy choices available

Most vending machines do not currently offer healthy options. Offering healthy food and beverages gives residents the ability to make a healthy choice when they select products from your vending machine.

- Add products from the Healthiest and Healthier categories and reduce Limited products
- An example of a target might be 75% products from the Healthiest (~50%) and Healthier (~25%) categories

2. Make the healthy choice the easy choice through pricing, marketing and education

Often the least healthy options in vending machines have the lowest price and most compelling marketing. This encourages people to purchase these products. These same strategies can be used to promote healthy options by lowering the price, increasing the visibility and highlighting the healthiest options.

- Use education and marketing to promote Healthiest and Healthier products
- Work with your vendor(s) to price Healthiest food and beverages at the lowest cost and Limited products at the highest cost
- Place Healthiest and Healthier food at eye level
- Use signage to identify which products are Healthiest and which are Healthier
- Limit advertising on vending machines to food and beverages that are found in the Healthiest and Healthier categories
- Ensure vending machines post calories next to each item in accordance with FDA requirements

3. Offer only healthy food and beverages

If you want to implement the most healthy approach, stocking only Healthiest and Healthier food is the best choice. Therefore the King County Board of Health recommends that you consider working toward 100% healthy vending.

- An example would be to eliminate Limited products completely, so that **all** food and beverages in your vending machines are from the Healthiest (~60%) and Healthier (~40%) categories within a three-year period assuming successful stakeholder engagement

*Centers for Disease Control and Prevention. Improving the Food Environment Through Nutrition Standards: A Guide for Government Procurement. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Division for Heart Disease and Stroke Prevention. February 2011.



FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
Legislative	Phyllis Shulman/684-8805	

Legislation Title: AN ORDINANCE relating to vending machines operated on City Property; requiring all vending machines operated on City Property to stock "Healthier" and "Healthiest" food and beverage selections as defined by Public Health Seattle & King County "King County Healthy Vending Guidelines".

Summary of the Legislation: The legislative sets standards for any concessionaire operating a food and/or beverage vending machine on City property to stock at least 50 percent of the items with items that meet the "Healthiest" or "Healthier" product selection criteria referenced in the King County Healthy Vending Guidelines

Background:

Seattle King County Board of Health developed vending guidelines to promote healthier choices for individuals as one tool to combating obesity in the county. The City is engaged in multiple efforts to increase access to healthy food as directed in Resolution 31019. This legislation provides increased access mostly for City employees to healthy snacks.

Please check one of the following:

☒ **This legislation does not have any financial implications.**

☐ **This legislation has financial implications.**

Appropriations:

Fund Name and Number	Department	Budget Control Level*	2012 Appropriation	2013 Anticipated Appropriation
TOTAL	n/a			

**See budget book to obtain the appropriate Budget Control Level for your department.*

Appropriations Notes:

N/A

Anticipated Revenue/Reimbursement Resulting from this Legislation:

Fund Name and Number	Department	Revenue Source	2012 Revenue	2013 Revenue
TOTAL	n/a			

Revenue/Reimbursement Notes:

Total Regular Positions Created, Modified, or Abrogated through this Legislation, Including FTE Impact:

Position Title and Department	Position # for Existing Positions	Fund Name & #	PT/FT	2012 Positions	2012 FTE	2013 Positions*	2013 FTE*
TOTAL							

* 2013 positions and FTE are total 2013 position changes resulting from this legislation, not incremental changes. Therefore, under 2013, please be sure to include any continuing positions from 2012.

Position Notes:

Do positions sunset in the future?

n/a

Spending/Cash Flow:

Fund Name & #	Department	Budget Control Level*	2012 Expenditures	2013 Anticipated Expenditures
TOTAL	n/a			

* See budget book to obtain the appropriate Budget Control Level for your department.

Spending/Cash Flow Notes:

Other Implications:

- a) Does the legislation have indirect financial implications, or long-term implications?
 n/a

- b) What is the financial cost of not implementing the legislation?
n/a
- c) Does this legislation affect any departments besides the originating department? n/a
- d) What are the possible alternatives to the legislation that could achieve the same or similar objectives? n/a
- e) Is a public hearing required for this legislation? No
- f) Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation? No
- g) Does this legislation affect a piece of property? No
- h) Other Issues:

List attachments to the fiscal note below:

Received
APR 04 2013
City of Seattle
Office of the City Clerk

STATE OF WASHINGTON -- KING COUNTY

--SS.

295442
CITY OF SEATTLE, CLERKS OFFICE

No. 124127,128,129,130,131

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:TITLE ONLY ORDINANCE

was published on

03/25/13

The amount of the fee charged for the foregoing publication is the sum of \$108.24 which amount has been paid in full.



Affidavit of Publication

Subscribed and sworn to before me on
03/25/2013
Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle Title Only Ordinances

The full text of the following legislation, passed by the City Council on March 4, 2013, and published below by title only, will be mailed upon request, or can be accessed at <http://clerk.seattle.gov>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Contact: Office of the City Clerk at (206) 684-8344.

ORDINANCE NO. 124127

AN ORDINANCE declaring approximately 7.4 acres of City-owned real property located north of South 231st Way in the City of Kent, Washington as no longer required for municipal utility purposes and surplus to the City's needs; authorizing the Director of Seattle Public Utilities to enter into a Memorandum of Agreement with the City of Kent to jointly market these parcels with adjacent parcels owned by the City of Kent through an open competitive process, and ratifying and confirming certain prior acts.

ORDINANCE NO. 124128

AN ORDINANCE relating to vending machines operated on City Property; requiring all vending machines operated on City Property to stock "Healthier" and "Healthiest" food and beverage selections as defined by Public Health Seattle & King County "King County Healthy Vending Guidelines".

ORDINANCE NO. 124129

AN ORDINANCE relating to Seattle Public Utilities; approving changes to the Consent Decree previously authorized by Ordinance 123908 and authorizing the Director of Seattle Public Utilities to submit the amended Consent Decree to the U.S. District Court and to fulfill the obligations set forth therein; and ratifying and confirming certain prior acts.

ORDINANCE NO. 124130

AN ORDINANCE relating to Seattle Public Utilities; authorizing the Director of Seattle Public Utilities to execute a wheeling agreement with Shoreline Water District, and ratifying and confirming certain prior acts.

ORDINANCE NO. 124131

AN ORDINANCE relating to the NE 45th Street Viaduct project; authorizing the Director of Seattle Public Utilities to acquire, accept, and record, on behalf of the City of Seattle, a permanent sewer easement from the University of Washington for a combined sewer main; placing said easement under the jurisdiction of Seattle Public Utilities; declaring a separate sanitary sewer easement in the vicinity to be surplus to the City of Seattle's needs; and authorizing relinquishment of the surplus easement.

Date of publication in the Seattle Daily Journal of Commerce, March 25, 2013.
3/25(295442)