



CITY COUNCIL AGENDA REPORT

DATE: 9/6/2010

AGENDA OF: 9/14/2010

DEPARTMENT: Public Works

SUBJECT: Single-Use Bag Reduction Ordinance. (PW)

RECOMMENDATION: Motion to accept the draft Single-Use Bag Reduction Ordinance in concept and to direct staff to proceed with preparation of documents for environmental review.

BACKGROUND: A countywide working group, composed of members of the Countywide Solid Waste Technical Advisory Committee (TAC), the Santa Cruz County Commission on the Environment, Save Our Shores and interested individuals, examined issues and options for creating a Single-Use Bag Ban model ordinance that could be utilized by each individual jurisdiction. Both the Public Works Commission and the City Council took action recommending a concerted, countywide effort on this issue. The attached ordinance is the resulting document, formatted specifically to fit the City of Santa Cruz Municipal Code.

All county jurisdictions have reviewed this model ordinance and several have taken some steps toward adoption. The County Board of Supervisors recommended approval of the ordinance and directed staff to forward it to the Planning Department for environmental impact evaluation. The Capitola City Council has endorsed the direction of the ordinance. Staff in Watsonville and Scotts Valley are fine tuning the ordinance for action by their respective City Councils.

Although the issue of a single-use bag ban is probably better suited to a statewide solution, the California legislature has again failed to take action during this year's legislative session. Assembly Bill 1998 (Brownley) represented a coalition of work between several diverse groups: Assemblywoman Brownley, Californians Against Waste, the Governor's Office and the California Grocers Association, and would have made California the first state to take action on single-use bags. It recently died in committee, due to intense lobbying from the plastics industry and convenience store owners.

DISCUSSION: The proposed ordinance seeks the reduction of single-use bags, commonly referred to as "carry-out" bags. It bans the distribution of plastic carry-out bags by any retail establishment in the City of Santa Cruz. It also imposes a fee for paper carry-out bags, \$.10 each, which is retained by the retailer to help offset the cost of implementing this ordinance. All retail establishments, including food, fast food restaurants and retail outlets, are covered by this ordinance. The ordinance has been reviewed by the City Attorney and is ready to move forward for deliberation, although several issues still require resolution.

Information from other California jurisdictions pursuing single-use bag bans indicate that some level of environmental review will be necessary. Although there is some evidence that it may be as simple as issuing a Negative Declaration, the worst case could be a full Environmental Impact Report. There are several court cases pending which will shed more light on this as they are resolved. Staff is still investigating the potential for some level of consolidated environmental impact documentation with the county and other local jurisdictions, although some amount of individualization of the documents for each jurisdiction would still be required. Staff has included some funds in the FY11 Refuse Enterprise Fund budget specifically for environmental documentation for this project.

The Transportation and Public Works Commission (TPWC) reviewed this proposed ordinance on July 19, 2010, and recommended the ordinance to Council. They recommended adding a feature to track business feedback on implementation of the ordinance, and periodic reports back to the Commission on compliance with the ordinance. The TPWC requested to have the ordinance brought back to them before Council considers approval of the final ordinance. After receiving and incorporating any additional comments and revisions from Council, staff will do outreach to inform the affected businesses of the proposed ordinance and invite their input, much like we did for the environmental packaging ordinance. Staff will then place the proposed ordinance back on the TPWC agenda and will advertise the meeting to receive public comment. Once a final version of the ordinance is reached, staff will begin the environmental review and documentation process, which includes further opportunity for public comment, and then return the final version of the ordinance to Council for consideration of adoption.

FISCAL IMPACT: No fiscal impact at this time.

Prepared by:

Submitted by:

Approved by:

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ATTACHMENTS: Draft Ordinance