



AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF
MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY

November 19, 2013

STUDY SESSION – 6:00 P.M.

City Council Study Sessions

First & Third Tuesdays of each month – 6:00 p.m.

City Council Meetings

Second & Fourth Tuesdays of each month – 6:00 p.m.

City Council Closed Session

*Immediately following Regular City Council Meetings and
Study Sessions, unless no Closed Session Items are Scheduled*

City Hall Council Chamber - 14177 Frederick Street

Upon request, this agenda will be made available in appropriate alternative formats to persons with disabilities, in compliance with the Americans with Disabilities Act of 1990. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to Mel Alonzo, ADA Coordinator at 951.413.3705 at least 48 hours before the meeting. The 48-hour notification will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

Jesse L. Molina, Mayor Pro Tem
Richard A. Stewart, Council Member

Tom Owings, Mayor

Yxstian Gutierrez, Council Member
Victoria Baca, Council Member

**AGENDA
CITY COUNCIL OF THE CITY OF MORENO VALLEY
MORENO VALLEY COMMUNITY SERVICES DISTRICT
CITY AS SUCCESSOR AGENCY FOR THE
COMMUNITY REDEVELOPMENT AGENCY OF THE
CITY OF MORENO VALLEY
MORENO VALLEY HOUSING AUTHORITY**

***THE CITY COUNCIL RECEIVES A SEPARATE STIPEND FOR CSD MEETINGS**

**STUDY SESSION - 6:00 PM
NOVEMBER 19, 2013**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL

INTRODUCTIONS

PUBLIC COMMENTS ON MATTERS UNDER THE JURISDICTION OF THE CITY COUNCIL

There is a three-minute time limit per person. Please complete and submit a BLUE speaker slip to the City Clerk. All remarks and questions shall be addressed to the presiding officer or to the City Council and not to any individual Council Member, staff member or other person.

SPECIAL ORDER OF BUSINESS

1. LEGISLATIVE PRIORITIES UPDATE (CM/20 Min.)
2. SINGLE-USE PLASTIC BAGS (CM/10 Min.)
3. CSD ZONE A FINANCIAL REVIEW (Staff Report/PowerPoint) (FMS / 20 Min.)
4. CITY COUNCIL REQUESTS AND COMMUNICATIONS

(Times shown are only estimates for staff presentation. Items may be deferred by Council if time does not permit full review.)

AGENDA
November 19, 2013

v Oral Presentation only – No written material provided

***Materials related to an item on this Agenda submitted to the City Council/Community Services District/City as Successor Agency for the Community Redevelopment Agency/Housing Authority after distribution of the agenda packet are available for public inspection in the City Clerk's office at 14177 Frederick Street during normal business hours.**

ADJOURNMENT

CERTIFICATION

I, Jane Halstead, City Clerk of the City of Moreno Valley, California, certify that the City Council Agenda was posted in the following places pursuant to City of Moreno Valley Resolution No. 2007-40:

City Hall, City of Moreno Valley
14177 Frederick Street

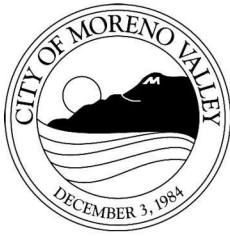
Moreno Valley Library
25480 Alessandro Boulevard

Moreno Valley Senior/Community Center
25075 Fir Avenue

Jane Halstead, CMC,
City Clerk

Date Posted: 11/13/2013

This page intentionally left blank.



APPROVALS	
BUDGET OFFICER	<i>[Signature]</i>
CITY ATTORNEY	<i>[Signature]</i>
CITY MANAGER	<i>[Signature]</i>

Report to City Council

TO: Mayor and City Council

FROM: Thomas M. DeSantis, Assistant City Manager

AGENDA DATE: November 19, 2013

TITLE: CITY LEGISLATIVE PLATFORM

RECOMMENDED ACTION

Recommendations: That the City Council:

1. Receive a staff presentation and provide direction regarding the proposed update to the City's State and Federal Legislative Advocacy Priorities.

SUMMARY

This report will be presented to recommend updates to the timing, format, and content of the Legislative Advocacy Priorities.

DISCUSSION

City Administrative Policy #1.10 establishes the City's State and Federal Legislative Advocacy Priorities. Since its inception in 1995, this Policy has been evaluated and updated annually to reflect the City Council's priorities.

After a review of legislative advocacy formats used by 11 California cities including Riverside, Fontana, Burbank, Colton, Torrance, West Hollywood, Pasadena, Glendale, Redondo Beach, Rancho Cucamonga, and San Jose, staff recommends re-formatting the existing policy and update the content to:

1. Reflect current issues facing the City of Moreno Valley; and

2. Focus advocacy efforts by establishing a broad Platform that defines the core principles supported policy guidance in advocating the City's position on issues or legislation; and
3. Align the timing of future updates with the State and Federal Legislative Sessions.

Once adopted in its final form by the City Council, Moreno Valley's Regional/State/Federal Legislative Platform will provide policy guidance for the City's overall legislative efforts. It will also assist the City and its legislative advocates to advance Moreno Valley interests at the regional, state and federal levels. A legislative platform also allows Officials and staff to respond quickly to issues that could directly impact the City, to interact with our legislators and to assist the City in communicating its interests at all levels of government.

The City Manager and/or designated staff within the City Manager's Office will monitor state and federal legislation as directed by the City Council and take appropriate action to safeguard and/or advance the City's interests. In cases where a legislative issue is not addressed in the Legislative Platform, but impacts the City, staff will return to City Council for direction.

Upon approval by the City Council, the Legislative Platform will remain in effect for the remainder of the Legislative Session (2014); it will be updated for the next Legislative Session (2015-2016), thereby maintaining the new two-year schedule. However, just as unidentified issues may warrant unplanned Council action, mid-year amendments may be made prior to the start of the second year to adjust the Legislative Platform accordingly.

ALTERNATIVES

1. Direct staff to finalize the updates to the existing State and Federal Legislative Advocacy Priorities as presented, for Council consideration during a future City Council Regular Meeting.
2. Direct staff to finalize the updates to the existing State and Federal Legislative Advocacy Priorities with amendments, for Council consideration during a future City Council Regular Meeting.
3. Direct staff not to update the existing State and Federal Legislative Advocacy Priorities.

FISCAL IMPACT

There is no direct cost associated with adopting the State and Federal Legislative Advocacy Priorities. However, the pursuit of legislative priorities has the potential to create revenue and new funding sources.

CITY COUNCIL GOALS

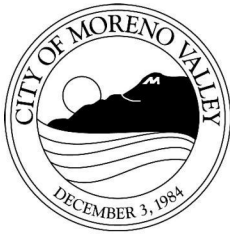
Advocacy. Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies, and corporations.

Prepared By:
Shanna Palau
Management Analyst

Department Head Approval:
Thomas M. DeSantis
Assistant City Manager

Concurred By:
Chris Paxton, Administrative Services Director
John Terell, Community & Economic Development Director
Richard Teichert, Chief Financial Officer
Abdul Ahmad, Fire Chief
Michael McCarty, Parks & Community Services Director
Joel Ontiveros, Police Chief
Ahmad Ansari, Public Works Director

This page intentionally left blank.



APPROVALS	
BUDGET OFFICER	<i>ME</i>
CITY ATTORNEY	<i>SMB</i>
CITY MANAGER	<i>[Signature]</i>

Report to City Council

TO: Mayor and City Council

FROM: Thomas M. DeSantis, Assistant City Manager

AGENDA DATE: November 19, 2013

TITLE: SINGLE-USE PLASTIC BAG LIMIT / BAN UPDATE

RECOMMENDED ACTION

Staff recommends that the City Council:

1. Receive this update on statewide efforts to ban or limit single-use plastic bags; and
2. Direct staff to track the State's progress during the remainder of the 2013-2014 Legislative Session;
3. Direct staff to update the City Council on the status of related legislative initiatives at the end of the Legislative Session.

SUMMARY

This report reviews the status of statewide efforts to ban or limit single-use plastic bags.

DISCUSSION

At the October 15, 2013 City Council Study Session, staff was directed to provide Council with an overview of the current statewide effort to ban single-use plastic bags.

During the 2013-2014 Legislative Session, three bills were introduced that would either limit or prohibit the use of single-use plastic bags; another bill would prohibit local jurisdictions from adopting ordinances that limit or ban single-use plastic bags. None of the bills passed out of their respective houses of origin. However, Senate Bill (SB) 405

(authored by Senator Padilla to prohibit single-use bags) was granted reconsideration which will occur after the start of the remainder of the legislative session in January 2014.

2013-2014 LEGISLATIVE SESSION BILLS

- SB 405 (Padilla) Solid waste: single-use carryout bags. This bill would prohibit grocery stores and large retailers from providing single-use bags to customers beginning January 1, 2015. The ban on single-use bags expands to convenience food stores, food-marts, and certain other specified stores on July 1, 2016. *Status: 5/31/13 - Failed Deadline/Inactive file on 6/3/13; 5/30/13 Motion for reconsideration granted. Bill will return in January 2014.*
- SB 700 (Wolk) Natural resources: parks: carryout bags. This bill would have required that retailers charge five cents for each reusable bag provided to customers at the point of sale. Revenues would have funded grants to cities and counties for local parks and litter abatement and reduction programs *Status: 5/23/13 - SB 700 failed in the Appropriations Committee.*
- Assembly Bill (AB) 158 (Levine) Solid waste: single-use carryout bags. This bill would have prohibited retail stores from providing single-use bags to customers, and it required retail stores to provide only reusable grocery bags. *Status: 5/18/13 - Failed Deadline rule; placed in suspense file. AB 158 failed in the Appropriations Committee.*
- AB 1337 (Allen) Solid Waste: Plastic Bags: Recycling. Opposed by the League of California Cities, this bill would have prohibited a local jurisdiction from adopting, implementing, or enforcing an ordinance that prohibits a retail establishment from offering a plastic bag. It prohibited local jurisdictions from imposing a fee, tax, or other charge on retail establishments that offer customers single-use carryout bags. *Status: 9/13/13 Failed Deadline. AB 1337 failed in the Natural Resources Committee.*

Arguments supporting single-use plastic bag limits or bans are prompted by the negative effect on the environment and taxpayer costs related to blocked storm drains, impaired waterways, adversely affected marine ecosystems, and interrupted recycling streams when plastic bags jam machinery. Statewide, about 19 billion single-use plastic bags are used every year, with an estimated \$25 million in taxpayer funds spent on disposal and clean-up. This equates to an estimated clean-up cost of 13 cents per 100 bags.

Opposing arguments contend that existing California law adequately addresses the need to reduce litter by recycling plastic bags. Assembly Bill 2449 already requires store operators (defined as supermarkets and stores over 10,000 square feet that include a pharmacy) to establish an at-store recycling program. They assert that

virtually all plastic bags placed in the at-store recyclers are re-made into new products and they support expanding the promotion of at-store recycling programs to increase their positive impact.

Additionally, there have been a few reports that the re-use of bags has caused a spike in E. Coli infections and Norovirus in two communities that have enacted a ban on single-use plastic bags. Both reports point to a common sense approach to bag re-use to minimize the spread of bacteria.

Currently, 87 California cities and counties have adopted single-use plastic bag ban ordinances with seven community organizations pursuing an ordinance. Most recently and regionally, the Coachella Valley Association of Governments (CVAG) has moved a draft “regional model” through its Executive Committee (See Attachment 1). The benefit to the regional model is found in consistency of policy implementation. CVAG’s model was based on the ordinance established by the City of San Jose which is widely used by communities looking to establish their own ordinance (See Attachment 2).

A list of California communities with related ordinances (Attachment 3) compiled by Californians Against Waste, a leader among non-profit environmental research and protection advocacy groups, includes the cost per paper bag, the effective year, the CEQA strategy, and the key elements detailed in the ordinances such as the range of retailers and restaurants that are impacted..

ALTERNATIVES

1. Direct staff to track the State’s progress during the remainder of the 2013-2014 Legislative Session and update the City Council at the end of the Legislative Session.
2. Direct staff not to pursue an effort to limit or ban single-use plastic bags.
3. Direct staff to pursue the development of an ordinance that would either limit or ban single-use plastic bags.
4. Direct City Council to contact Riverside County and/or Western Riverside Council of Governments (WRCOG) to gauge these agencies’ potential interest in developing a regional limit or ban on single-use plastic bags.

FISCAL IMPACT

There is no fiscal impact associated with reviewing this report. Any cost which may arise in association with the Council’s subsequent direction will be calculated and disclosed prior to taking substantive action.

CITY COUNCIL GOALS

Advocacy. Develop cooperative intergovernmental relationships and be a forceful advocate of City policies, objectives, and goals to appropriate external governments, agencies, and corporations.

Positive Environment. Create a positive environment for the development of Moreno Valley's future.

ATTACHMENTS

1. Attachment 1_2013_CVAG Single-Use Plastic Bag Ban Draft Ordinance
2. Attachment 2_2013_San Jose Ordinance No 28877 re: Single-Use Plastic Bags
3. Attachment 3_2013_List of Single-Use Bag Ordinances in CA compiled by Californians Against Waste.

Prepared By:
Shanna Palau
Management Analyst

Department Head Approval:
Thomas M. DeSantis
Assistant City Manager

Concurred By:
Ahmad Ansari, Public Works Director

ITEM 7A

**Coachella Valley Association of Governments
Executive Committee
October 28, 2013**

**Staff Report**

Subject: Single-Use Plastic Bag Ordinance

Contact: Katie Barrows, Director of Environmental Resources (kbarrows@cvag.org)

Recommendation: Direct staff to Develop a Regional Model Ordinance to Limit Use of Single Use Plastic Bags to be brought back to the Executive Committee for consideration.

Energy and Environmental Resources Committee: CONCURS (Meeting of October 10th)

Technical Advisory Committee: CONCURS (Meeting of October 14th)

Solid Waste and Recycling Technical Working Group (Meeting of September 9th)

Background: In early 2012, the Energy and Environmental Resources Committee discussed a valley-wide approach to limit the use of plastic bags in the Coachella Valley. After considerable discussion, staff was asked to see what legislation was pending at the state level. It was later reported to the Committee that while state legislation has been proposed a number of times, successful state legislation is not anticipated in the near term. More recently the cities of Palm Desert and Palm Springs have proposed a regional ordinance to address plastic bags as an environmental problem. At the request of Committee Chair Mike Wilson, the potential for a regional approach to the issue of single-use plastic bags was placed on the agenda for the October 10 Energy and Environmental Resources Committee meeting. After discussion, the Committee voted unanimously to recommend to the Executive Committee that CVAG develop a regional model single-use plastic bag ordinance that could be considered for adoption by individual member agencies.

Since the plastic bag issue was discussed last year, members of the Palm Springs Sustainability Commission and Palm Desert Citizen's Sustainability Committee along with staff from both cities have worked actively on the single-use plastic bag issue. They have reached out to local retailers to get input from them on a potential plastic bag ordinance. The Palm Springs Sustainability Commission has hosted several outreach events for local retailers and community members, including a forum in March 2013 to encourage comments and concerns from local retailers and the public to be expressed. As part of this effort, they contacted the California Grocers Association which has indicated their support for a model ordinance that includes provisions to ban plastic carryout bags and mandate a ten cent charge on paper bags; their letter to Palm Springs Mayor Steve Pougnet is attached.

These two citizen's sustainability groups from Palm Desert and Palm Springs have worked together to develop a draft ordinance with the intent that this ordinance be considered for adoption on a regional basis. They have requested that this matter be considered by CVAG committees. The draft model ordinance is attached for your review. The ordinance is based on successful ordinances which have been adopted by other California cities. Over 84 cities in

California have adopted a single use plastic bag ordinance, including the cities of Los Angeles, San Francisco, Santa Barbara, Dana Point, and Laguna Beach. In response to these ordinances, large retailers have developed practices for providing alternatives to plastic bags that should make the transition in the Coachella Valley easier.

The Palm Desert and Palm Springs sustainability groups have recommended that their respective city councils consider this plastic bag ordinance. They have also encouraged consideration by other Coachella Valley cities. On October 24, the Palm Desert City Council will consider a request from their Citizens' Sustainability Committee to authorize the Mayor to send a letter to other local cities supporting a model regional ordinance to limit the distribution of single-use plastic bags in the Coachella Valley. Staff will provide an update on the City of Palm Desert action at the October 28 meeting.

During their discussion, the Energy and Environmental Resources Committee brought up a number of questions. Issues included the cost to local jurisdictions of implementing a plastic bag ordinance, how enforcement would be handled, and whether funding would be available to support education/outreach. Already, significant work on gathering background information, preparation of a draft ordinance and outreach to the community has been done by volunteer members of the sustainability committees and staff from Palm Desert and Palm Springs. Additional assistance and support for a regional effort has been offered by both cities. Implementation costs and enforcement based on the experience of other cities would be evaluated as part of the model ordinance development and brought back to this committee. As a regional effort, CVAG staff anticipates some cost efficiencies resulting from a cooperative approach. CVAG's Solid Waste and Recycling Technical Working Group could assist in this process; at their September 9 meeting, the Solid Waste working group approved a recommendation that the Energy and Environmental Resources Committee review a plastic bag ordinance and make a recommendation for the Executive Committee to develop a regional model. The Technical Advisory Committee discussed the matter at their October 14 meeting and unanimously endorsed a regional approach.

Staff recommends that the Executive Committee support the development of a regional model Single-Use Plastic Bag Ordinance and direct staff to work with member agencies to finalize a model ordinance to be considered for adoption by individual cities. The attached Palm Springs-Palm Desert ordinance was prepared as a model for regional consideration. The draft ordinance establishes criteria for affected stores, incentives, and includes a ten cent per bag charge for paper bags; this charge would cover the cost to retailers of offering an alternative. The model ordinance also establishes a phased approach to implementation, providing for large retailers to implement the ordinance within six months of approval and small retailers within one year of approval. This phased approach gives retailers time to make the transition. The development of a model ordinance would include ways to assist local retailers. With approval of the staff recommendation, a model ordinance would be brought back for your consideration as soon as possible.

Additional information on the plastic bag issue can be found at:
<http://plasticbaglaws.org/studies-journal-articles/>

Exhibit:

1. Draft Model Ordinance – prepared jointly by City of Palm Springs and City of Palm Desert
2. Letters from California Grocers Association and Palm Springs Neighborhood Involvement Committee

**DRAFT
ORDINANCE NO. _____**

**AN ORDINANCE OF THE CITY/COUNTY OF
[_____] AMENDING CHAPTER [INSERT
MUNICIPAL CODE SECTION GOVERNING HEALTH OR
ENVIRONMENT] RELATING TO A BAN OF SINGLE-USE
CARRYOUT PLASTIC BAGS AND PROHIBITING THE FREE
DISTRIBUTION OF RECYCLED PAPER BAGS, BY RETAIL
ESTABLISHMENTS, TO BE EFFECTIVE [INSERT DATE].**

WHEREAS, about nineteen billion (19,000,000,000) single use bags are used annually in California but less than 5% are recycled; and

WHEREAS, about twenty-two million (22,000,000) single-use carryout plastic bags are distributed by retail establishments in the City each year; and

WHEREAS, most of these single use carryout bags are made from plastic or other material that does not readily decompose; and

WHEREAS, numerous studies have documented the prevalence of single use plastic carryout bags littering the environment and blocking storm drains; and

WHEREAS, the City tax payers must bear the brunt of clean up costs; and

WHEREAS, the City Council of the City of _____ is the decision-making body for the approval and adoption of this Ordinance; and

WHEREAS, this ordinance requires stores that decide to make recycled paper carry out bags available to pass-through to their customers the reasonable cost of providing bags;

WHEREAS, based on this analysis, the City has determined that a minimum cost pass-through of \$0.10 per paper bag would cover the reasonable cost to a store of providing the paper bags to its customers; and

WHEREAS, other jurisdictions have imposed paper bag fees on the customers requesting these bags and these fees have proven very effective at generating a major shift in consumer behavior toward the use of reusable bags and significantly reducing bag consumption; and

WHEREAS, the proceeds from the collection of the paper bag pass-through would be retained by the retailer and this ordinance does not specify how the retailers must expend the monies collected; and

WHEREAS, customers can avoid this cost pass-through by using reusable bags; and

WHEREAS, no portion of the cost pass-through will be provided to the City and consequently, the City will not receive any revenues from the retailers' collection of the paper bag pass-through; and

WHEREAS, therefore, the cost pass-through is not a fee subject to Proposition 26; and

WHEREAS, a paper bag cost pass-through is an essential element of the proposed ordinance as it is intended to provide a disincentive to customers to request paper bags when shopping at regulated stores and to promote a shift towards the use of reusable bags by City of _____ consumers; and

WHEREAS, there are several alternatives to Single-use Carryout Plastic Bags readily available in the City, including reusable bags produced locally from sustainable materials; and

WHEREAS, an important goal of the City's Sustainability Plan is to procure and use sustainable products and services; and [IF APPLICABLE]

WHEREAS, it is the City's desire to whenever possible conserve resources, reduce the amount of greenhouse gas emissions, waste, and to protect the public health and welfare including local wildlife, all of which increase the quality of life for City of _____ residents and visitors.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF _____:

City Attorney's Summary

This Ordinance adds Section _____ to Chapter _____ of Title ____ of the _____ Municipal Code and establishes a program for limiting the use of single-use carryout plastic bags.

The City Council of the City of _____ ordains:

SECTION 1. Chapter _____ of Title ____ of the _____ Municipal Code is hereby amended by adding a new Section to be numbered and entitled and to read as follows:

CHAPTER _____ SECTION _____ USE OF SINGLE-USE CARRYOUT PLASTIC BAGS

- _____ **Findings and Purpose**
- _____ **Penalties and Enforcement**
- _____ **Definitions**
- _____ **Public Nuisance**
- _____ **Reserved- Prohibitions and Exemptions??**
- _____ **Reserved- Recordkeeping and Inspection??**
- _____ **Modification, Suspension and/or Revocation of Validly Issued**
- _____ **Permit and/or License**
- _____ **Additional Penalties**
- _____ **Operative Date**

___ **Findings and Purpose**

- A. The City Council of the City of _____ finds and determines that the City is committed to protecting the public health, safety, welfare, and environment, and that in order to meet these goals, it is necessary for the City promote the public purposes served by this Chapter and adopt the following regulations pursuant to these findings.
- B. The City finds that ordinances limiting the use of Single-use Carryout Plastic Bags have been proven to reduce the amount of pollution and improves quality of life for the citizens of _____.
- C. The City finds that, except in unusual circumstances, it is feasible and reasonable for parties who provide Single-use Carryout Plastic Bags to easily transition to paper bags and move to a model that charges for paper bag use by consumers.
- D. The City of _____ recognizes that plastic bags are a public nuisance and affect public health and impacts tourism and quality of life to both residents and visitors in _____.

___ **Penalties and Enforcement**

- A. The City Manager, or his/her designee, is authorized to establish regulations and to take any and all actions reasonable and necessary to obtain compliance with the Chapter, including, but not limited to, inspecting any Retail Establishment's premises to verify compliance.
- B. Any person violating this Section shall be guilty of an infraction, which shall be punishable by a fine.
- C. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this Chapter.

D. Administrative enforcement of this Chapter shall proceed pursuant to Title ___ of the _____ Municipal Code, with the fines to be graduated for repeat violations in amounts set forth by City Council resolution.

E. Each violation of this Chapter shall be considered a separate offense.

F. The remedies and penalties provided in this Section are cumulative and not exclusive, and nothing in this Chapter shall preclude any person from pursuing any other remedies provided by law.

G. Notwithstanding any other provision of this Chapter, commencing on _____, this Chapter may be enforced through any remedy as provided for in this Section. Prior to [INSERT DATE] this Chapter shall not be enforced.

___ Definitions

A. "Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the City for the applicable permits to undertake project within the City.

B. "Compliance Official" means the City Manager or his/her designee, including an agent acting on behalf of the City, assigned to evaluate, and determine compliance or non-compliance with this Chapter.

C. "Customer" means any Person obtaining goods from a Retail Establishment.

E. "Exempt" means projects described by the criteria outlined in Section _____ that are exempt from the requirements of this Chapter.

F. "Store" means any of the following retail establishments located within the City limits of the City of _____:

(1) A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items;

(2) A store of at least 10,000 square feet of retail space that sells any perishable or non-perishable goods including, but not limited to clothing, food, or personal items, and generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code); or

(3) A drug store, pharmacy, supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control; or

- (4) A store of less than 10,000 square feet of retail space that sells any perishable or non-perishable goods including, but not limited to, clothing, food, or personal items, and generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code).
- G. “Nonprofit Charitable Reuser” means a charitable organization, as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than fifty percent (50%) of its revenues from the handling and sale of those donated goods or materials.
- H. “Paper Bag Cost Pass-Through” means the cost which must be collected by retailers from their customers when providing a Recycled Paper Bag.
- I. “Person” means any natural person, firm, corporation, partnership, or other organization or group however organized.
- J. “Pharmacy” means any retail store, where prescriptions, medications, controlled or over the counter drugs, personal care products or health supplement goods or vitamins are sold, but excluding any licensed pharmacy located within a hospital.
- K. “Prepared Food” means foods or beverages which are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. Prepared Food does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.
- L. “Public Eating Establishments” means a restaurant, take-out food establishment, or any other business that receives ninety percent (90%) or more of its revenue from the sale of Prepared Food to be eaten on or off its premises.
- M. “Recycled Paper Bag” means a paper bag provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment that contains no old growth fiber and a minimum of forty percent (40%) post-consumer recycled content; is one hundred percent (100%) recyclable; and has printed in a highly visible manner on the outside of the bag the words “Reusable” and “Recyclable,” the name and location of the manufacturer, and the percentage of post-consumer recycled content. The Recycled Paper Bag is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Material (ASTM) Standard Specification for Compostable Plastics D6400, as published in September 2004.
- N. “Retail Establishment” means any commercial establishment that sells perishable or nonperishable goods including, but not limited to, clothing, food, and personal items directly to the Customer; and is located within or doing business within the geographical limits of the City of _____. Retail Establishment does not include Public Eating Establishments or Nonprofit Charitable Reusers.
- O. “Reusable Bag” means a bag that has handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: (1) is

machine washable or is made of material that can be cleaned or disinfected; (2) has a minimum lifetime of one hundred twenty-five (125) uses, which for purposes of this subsection, means the capability of carrying a minimum of twenty-two (22) pounds one hundred twenty-five (125) times over a distance of at least one hundred seventy-five (175) feet; (3) is made of a plastic that is at least two and one-quarter (2.25) mil thick; (4) does not contain lead, cadmium, or any other heavy metal in toxic amounts, as defined by applicable State and Federal standards and regulations for packaging or reusable bags.

- P. "Single-Use Carryout Plastic Bag" means a bag other than a Reusable Bag provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment.. Single-Use Carryout Plastic Bags do not include bags without handles provided to the Customer (1) to transport produce, bulk food, or meat from a produce, bulk food, or meat department within a store to the point of sale; (2) to hold prescription medication dispensed from a pharmacy; or (3) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a Reusable Bag or Recycled Paper Bag.

___ **Public Nuisance**

A violation of this chapter by any person responsible for committing, causing or maintaining such violation, shall constitute a public nuisance which shall be subject to the provisions of Chapter ___ of the Municipal Code, including but not limited to the imposition of any and all administrative fines and the provisions of any other applicable regulatory codes, statutes and ordinances heretofore or hereinafter enacted by the city, the state, or any other legal entity or agency having jurisdiction.

___ **(Reserved) Prohibitions and Exemptions**

A. No Retail Establishment, to include grocery store or pharmacy, shall provide a Single-Use Carryout Plastic Bag to a customer, at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this Section.

B. No person shall distribute a Single-Use Carryout Plastic Bag at any City facility, City-managed concession, City-sponsored event, or City-permitted event unless otherwise provided in this Section.

C. No person shall distribute a Single-Use Carryout Plastic Bag at the _____ Farmer's Market. Single-use Carryout Plastic Bags may be distributed to customers by food providers for the purpose of safeguarding health and safety during the transportation of prepared take-out foods and liquids intended for consumption away from the food provider's premises.

D. On or before _____ (date) _____ a Retail Establishment may make available for sale to a Customer a Recycled Paper Bag for a minimum charge of ten cents (\$0.10).

E. Notwithstanding the Section, no Retail Establishment may make available for sale a Recycled Paper Bag unless the amount of the sale of the Recycled Paper Bag is separately itemized on the sale receipt.

F. A Retail Establishment may provide a Customer participating in the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code; and a Customer participating in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the California Welfare and Institutions Code, with one (1) or more Recycled Paper Bags at no cost.

___ **(Reserved) Recordkeeping and Inspection**

Every Retail Establishment shall keep complete an accurate record or documents of the purchase and sale of any Recycled Paper Bag by the Retail Establishment, for a minimum period of three (3) years from the date of purchase and sale, which record shall be available for inspection at no cost to the City during regular business hours by any City employee authorized to enforce this Part. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the Retail Establishment address. The provision of false information including incomplete records or documents to the City shall be a violation of this Section.

___ **Modification, Suspension and/or Revocation of Validly Issued Permit and/or License**

Repeated infractions can be charged as a misdemeanor

___ **Severability**

The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

___ **Operative Date**

- A. Stores defined in subsections F, F(1), F(2) and F(3) of Definitions Section _____ shall become subject to this Chapter on DATE (Six Months from date of passage).
- B. Stores defined in subsection F(4) of Definitions Section _____ shall become subject to this Chapter on (One Year from Date of Passage) [DATE].

SECTION 2. This ordinance shall become effective on the thirty-first day following passage.

ADOPTED THIS _____ DAY OF _____, _____

[MAYOR]

ATTEST:

[CITY CLERK]

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF _____)

I, [CITY CLERK], City Clerk of the City of _____, California, do hereby certify that Ordinance No. ____ is a full, true, and correct copy, and was introduced at a regular meeting of the _____ City Council on _____, 2013, and adopted at a regular meeting of the City Council held on _____, 2013 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

[CITY CLERK]
CITY OF _____, CALIFORNIA



June 3, 2013

Honorable Steve Pougnet
Mayor, Palm Springs City Council
3200 East Tahquitz Canyon Way
Palm Springs, CA 92262

RE: Future Carryout Bag Policies

Dear Mayor Pougnet:

On behalf of the California Grocers Association (CGA), I applaud the city for considering such an important issue regarding carryout bags. If you do move forward, however, I urge you to consider what has become the model ordinance in California which bans plastic carryout bags, and mandates a ten cent charge on paper bags. As you are aware, CGA has worked with dozens of jurisdictions throughout California on a compromise solution that protects the environment and protects retailers – a ban on plastic, charge for paper model. We also urge the entire Coachella Valley to work together in adopting an identical policy as this helps our members avoid a patchwork policy among cities, which can be very damaging to our industry.

The California Grocers Association is a non-profit, statewide trade association representing the retail food industry since 1898. CGA represents approximately 500 retail member companies, many of which do business in Palm Springs. Collectively our members operate more than 6,000 retail food stores in California. Those outlets represent the breadth of diversity of California's retail food industry and include traditional supermarkets, convenience stores, wholesale merchandisers, and independent supermarkets. CGA represents many of the grocery companies operating in the City of Palm Springs.

Dozens of jurisdictions across California have regulated or are in the process of regulating single-use carryout bags. Those successful efforts generally involve a ban on single-use plastic bags and a charge on specified single-use paper bags. This approach taken in other jurisdictions is one that has included robust stakeholder participation and in the end embodies broad consensus on the issue. It is important to note that such a model has become the standard in California. Following what has proven to be an effective and workable approach elsewhere helps increase consistency for businesses with store locations in multiple jurisdictions and for the Palm Springs region's very mobile consumers.

Experience with the Los Angeles County carryout bag ordinance, which bans single-use plastic bags and allows recyclable paper bags for a charge, has shown a dramatic shift in consumer behavior away from single-use carryout bags toward reusable bag use. Industry information is showing an almost immediate flip in consumer behavior with over 70% of consumers either bringing their own bag or choosing no bag at all in the first few weeks of implementation. Over a



period of a few months the amount of consumers choosing not to use a single-use bag has climbed to over 80%. Stores that have seen this policy enacted for even longer periods of time have seen close to 94% of customers bring in reusable bags. This type of regulation is environmentally effective and protects retailers, by allowing them to recoup the costs of providing a much more expensive bag to the customer.

Allowing a small charge for paper bags also protects consumers by providing a low-cost option for unplanned purchases. If a customer comes to a store bringing three reusable bags, but buys four bags of groceries, they have an option of purchasing a paper bag for a ten cent charge, as opposed to spending a \$1.00 on another reusable bag. Grocery stores operate on less than 1% profit margins so every penny counts.

Again, we applaud council for considering this very important issue and we urge you to consider the ban on plastic, charge for paper model if you do move forward. We look forward to working with you throughout this process.

Thank You,

Sarah Paulson Sheehy
Director, Local Government Relations

cc: Members, Palm Springs City Council
James Thompson, City Clerk



Palm Springs Neighborhood Involvement Committee

October 10, 2013

Coachella Valley Association of Governments
73-710 Fred Waring Drive
Palm Desert, CA 92260

Dear Members of the Coachella Valley Area Government Executive Board;

The Palm Springs Neighborhood Involvement Committee (PSNIC) is writing in support of a Valley Wide policy that will restrict the use of single-use plastic bags in the Coachella Valley. Our organization supplies a mechanism for two-way communication between the City of Palm Springs (City) and the 33 Officially Recognized Neighborhood Organizations (NOrgs). Our mission and goal is to improve the livability and character of the Palm Springs neighborhoods and the City as a whole and encourage direct participation and education of the City's residents.

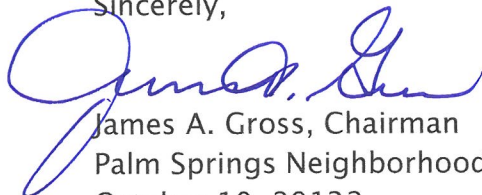
We support legislation to ban single use plastic bags in our local jurisdictions, for the following reasons:

- Plastic is not biodegradable and can remain in the environment for hundreds of years
- Plastic breaks down into smaller pieces that absorb toxic chemicals, are ingested by animal life, and enter the food chain that we depend on
- About 100 billion petroleum based plastic checkout bags are used each year in the U.S., requiring an estimated 12 million barrels of oil annually
- Plastic bags litter our streets, sidewalks, parks, and overall environment; they are a visual and unnecessary environmental blight.
- Reusable bags are an easy, attainable solution. Benefits of local and regional bag legislation include:
 - Local government jurisdictions will spend less money on cleaning up plastic bag litter
 - Local businesses will save money by not having to provide single-use bags

- Visitors to this area will enjoy a clean environment, and experience model cities which are taking concrete actions towards sensible, modern, sustainable lifestyles.

We thank the City of Palm Desert and City of Palm Springs Waste Reduction Subcommittee's for their collaborative work on this effort and we gladly support a Valley wide measure.

Sincerely,



James A. Gross, Chairman
Palm Springs Neighborhood Involvement Committee
October 10, 2013



City Clerk

CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
 200 East Santa Clara Street
 San José, California 95113
 Telephone (408) 535-1260
 FAX (408) 292-6207

STATE OF CALIFORNIA)
 COUNTY OF SANTA CLARA)
 CITY OF SAN JOSE)

I, Dennis Hawkins, City Clerk & Ex-Officio Clerk of the Council of and for the City of San Jose, in said County of Santa Clara, and State of California, do hereby certify that "**Ordinance No. 28877**", the original copy of which is attached hereto, was passed for publication of title on the **14th day of December, 2010**, was published in accordance with the provisions of the Charter of the City of San Jose, and was given final reading and adopted on the **11th day of January, 2011**, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA, LICCARDO,
 NGUYEN, OLIVERIO, PYLE, ROCHA; REED.

NOES: NONE.

ABSENT: NONE.

DISQUALIFIED: NONE.

VACANT: NONE.

Said ordinance is effective as of **11th day of February, 2011**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San Jose, this **19th day of January, 2011**.

(SEAL)

DENNIS HAWKINS, CMC
 CITY CLERK & EX-OFFICIO
 CLERK OF THE CITY COUNCIL

/rmk

ORDINANCE NO. 28877

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTER 9.10 OF TITLE 9 OF THE SAN JOSE MUNICIPAL CODE TO ADD A NEW PART 13 TO BAN SINGLE-USE CARRYOUT BAGS, AND PROHIBIT THE FREE DISTRIBUTION OF RECYCLED PAPER BAGS, BY RETAIL ESTABLISHMENTS, TO BE EFFECTIVE JANUARY 1, 2012

WHEREAS, on November 17, 2010, the Planning Commission of the City of San José, pursuant to the provisions of the California Environmental Quality Act of 1970, together with guidelines promulgated pursuant thereto and Title 21 of the San José Municipal Code, all as amended to date, certified that certain environmental impact report prepared for a Single-Use Carryout Bag Ordinance, under File No. PP-09-193 (the "EIR"); and

WHEREAS, on December 14, 2010, the City Council of the City of San Jose conducted an administrative hearing on an Appeal of the Planning Commission's certification of the EIR for the Single-Use Carryout Bag Ordinance, under File No. PP-09-193, to add Part 13 to Chapter 9.10 of Title 9 of the San Jose Municipal Code to ban single-use carryout bags, and prohibit the free distribution of recycled paper bags by retail establishments; and

WHEREAS, the City Council of the City of San José is the decision-making body for the approval and adoption of this Ordinance; and

WHEREAS, this Council has adopted Resolution No. 75688 setting forth the findings of the decision-making body in connection with the environmental impacts identified in the EIR in connection with the approval and adoption of this Ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Chapter 9.10 of Title 9 of the San Jose Municipal Code is hereby amended by adding a new Part to be numbered and entitled and to read as follows:

Part 13
Single-Use Carryout Bag

9.10.2010 Definitions

The definitions set forth in this Section shall govern the application and interpretation of this Part 13.

- A. "Customer" means any Person obtaining goods from a Retail Establishment.
- B. "Nonprofit Charitable Reuser" means a charitable organization, as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than fifty percent (50%) of its revenues from the handling and sale of those donated goods or materials.
- C. "Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.
- D. "Prepared Food" means foods or beverages which are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. Prepared Food does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.
- E. "Recycled Paper Bag" means a paper bag provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment that contains no old growth fiber

and a minimum of forty percent (40%) post-consumer recycled content; is one hundred percent (100%) recyclable; and has printed in a highly visible manner on the outside of the bag the words "Reusable" and "Recyclable," the name and location of the manufacturer, and the percentage of post-consumer recycled content.

- F. "Public Eating Establishment" means a restaurant, take-out food establishment, or any other business that receives 90% or more of its revenue from the sale of Prepared Food to be eaten on or off its premises.
- G. "Retail Establishment" means any commercial establishment that sells perishable or nonperishable goods including, but not limited to, clothing, food, and personal items directly to the Customer; and is located within or doing business within the geographical limits of the City of San José. Retail Establishment does not include Public Eating Establishments or Nonprofit Charitable Reusers.
- H. "Reusable Bag" means either a bag made of cloth or other machine washable fabric that has handles, or a durable plastic bag with handles that is at least 2.25 mil thick and is specifically designed and manufactured for multiple reuse.
- I. "Single-Use Carryout Bag" means a bag other than a Reusable Bag provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment. Single-Use Carryout Bags do not include bags without handles provided to the Customer (1) to transport produce, bulk food or meat from a produce, bulk food or meat department within a store to the point of sale; (2) to hold prescription medication dispensed from a pharmacy; or (3) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a Reusable Bag or Recycled Paper Bag.

9.10.2020 Single-Use Carryout Bag

- A. No Retail Establishment shall provide a Single-Use Carryout Bag to a Customer, at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment except as provided in this Section.
- B. On or before December 31, 2013, a Retail Establishment may make available for sale to a Customer a Recycled Paper Bag for a minimum charge of ten cents (\$0.10).
- C. On or after January 1, 2014, a Retail Establishment may make available for sale to a Customer a Recycled Paper Bag for a minimum charge of twenty-five cents (\$0.25).
- D. Notwithstanding this Section, no Retail Establishment may make available for sale a Recycled Paper Bag unless the amount of the sale of the Recycled Paper Bag is separately itemized on the sale receipt.
- E. A Retail Establishment may provide a Customer participating in the California Special Supplement Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code; and a Customer participating in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the California Welfare and Institutions Code, with one (1) or more Recycled Paper Bags at no cost through December 31, 2013.

9.10.2030 Recordkeeping and Inspection

Every Retail Establishment shall keep complete and accurate record or documents of the purchase and sale of any Recycled Paper Bag by the Retail Establishment, for a minimum period of three (3) years from the date of purchase and sale, which record

shall be available for inspection at no cost to the City during regular business hours by any City employee authorized to enforce this Part. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the Retail Establishment address. The provision of false information including incomplete records or documents to the City shall be a violation of this Section.

SECTION 2. This ordinance shall be effective on January 1, 2012.

PASSED FOR PUBLICATION of title this 14TH day of December, 2010, by the following vote:

AYES: CAMPOS, CHIRCO, CHU, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, PYLE; REED.

NOES: CONSTANT.

ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



LEE PRICE, MMC
City Clerk

Single-Use Bag Ordinances in CA (updated October 8, 2013)

Local Jurisdiction	Brief Description	Effective Year	CEQA/Strategy	Key Elements and Notes
Fairfax	plastic ban	2008	Voter Initiative	Covers all retail
Malibu	plastic ban	2008/2009	Exemption	Covers all retail and restaurants
Manhattan Beach	plastic ban	2012	Neg Dec	Covers all retail
LA County	plastic ban, 10 c for paper	2011/2012	EIR	Covers large supermarkets, drug stores & convenience stores
San Jose	plastic ban, 10 c for paper	2012	EIR	Covers all retail except nonprofit
Marin County	plastic ban, 5 c for paper	2012	Exemption	Covers large supermarkets, drug stores & convenience stores
Santa Monica	plastic ban, 10 c for paper	2011/2011	EIR	Covers all retail and farmer's markets
Calabasas	plastic ban, 10 c for paper	2011/2012	used LAC EIR	Covers large supermarkets, drug stores & convenience stores
Santa Clara County	plastic ban, 15 c for paper	2012	Neg Dec	Covers all retail except nonprofit
Long Beach	plastic ban, 10 c for paper	2011/2012	used LAC EIR	Covers large supermarkets, drug stores, convenience stores & farmer's markets
Santa Cruz Co (amend)	plastic ban, 10/25 c for paper	2012/2013	Mit Neg Dec	Covers all retail and restaurants
Pasadena	plastic ban, 10 c for paper	2012/2012	used LAC EIR	Covers large supermarkets, drug stores, & convenience stores, free paper bags for farmer's markets and city events
Monterey	plastic ban, 10/25 c for paper	2012	Neg Dec	Covers all retail except nonprofit
Sunnyvale	plastic ban, 10 c for paper	2012/2013	EIR	Covers all retail except nonprofit
SLO County & 7 Cities	plastic ban, 10 c for paper	2012	Exemption	Covers large supermarkets, drug stores, & convenience stores in unincorporated County and incorporated Cities
Alameda Co & 14 Cities	plastic ban, 10/25 c for paper/reusable	2013	EIR	Covers large supermarkets, drug stores, & convenience stores in unincorporated County and incorporated Cities
San Francisco	plastic ban, 10 c for paper /reusable	2012 (expand '07 ban)	Exemption	Covers all retail and restaurants, no price requirement on bags for restaurant leftovers, allows compostable bags
Millbrae	plastic ban, 10 c for paper	2012	Neg Dec	Covers all retail except nonprofit/drycleaner
Laguna Beach	plastic ban, 10 c for paper	2013	Neg Dec	Covers all retail and farmer's markets
Dana Point	plastic ban, voluntary charge for paper	2013/2013	Neg Dec	Covers all retail
Carpinteria	plastic ban, paper ban for large stores	2012/2013	Exemption	Covers all retail
Ojai	plastic ban, 10 c for paper	2012	Neg Dec	Covers all retail
Ukiah	plastic ban, 10 c for paper	2012/2013	EIR	Covers all retail
Watsonville	plastic ban, 10/25 c for paper	2012	Santa Cruz Co Neg Dec	Covers all retail
Solana Beach	plastic ban, 10 c for paper	2012/2013	Neg Dec	Covers all retail
Fort Bragg	plastic ban, 10 c for paper	2012/2013	EIR	Covers all retail
Mendocino County	plastic ban, 10 c for paper	2013/2013	EIR	Covers all retail
Carmel	plastic ban	2012	Neg Dec	Covers all retail except nonprofit
Santa Cruz City	plastic ban, 10 c for paper	2013	Neg Dec	Covers all retail
West Hollywood	plastic ban, 10 c for paper	2013/2013	used LAC EIR	Covers all retail
San Mateo County	plastic ban, 10/25 c for paper/reusable	2013	EIR	Covers all retail
Pacifica	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail except nonprofit
Mountain View	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail except nonprofit
South San Francisco	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail except nonprofit
Foster City	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail except nonprofit
Belmont	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail except nonprofit
Colma	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail except nonprofit
Capitola	plastic ban, 25 c for paper	2013	Neg Dec	Covers all retail
Daly City	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail except nonprofit
Menlo Park	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail except nonprofit
Glendale	plastic ban, 10 c for paper	2013/2014	used LAC EIR	Covers large supermarkets, drug stores, convenience stores, & farmer's markets
San Bruno	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail except nonprofit
Portola Valley	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail except nonprofit
Cupertino	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail except nonprofit
Half Moon Bay	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail except nonprofit
San Carlos	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail except nonprofit
Los Altos	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail except nonprofit
Burlingame	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail except nonprofit
Brisbane	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail except nonprofit
Redwood City	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail except nonprofit
Huntington Beach	plastic ban, 10 c for paper	2013	EIR	Covers large supermarkets, drug stores, convenience stores, & farmer's markets
East Palo Alto	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail except nonprofit
San Mateo City	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail except nonprofit
Palo Alto	plastic ban, 10 c for paper/reusable	2013 (expand '09 ban)	EIR	Covers all retail and restaurants
Culver City	plastic ban, 10 c for paper	2013	used LAC EIR	Covers large supermarkets, drug stores & convenience stores
LA City	plastic ban, 10 c for paper	2014	EIR	Covers large supermarkets, drug stores & convenience stores
Richmond	plastic ban, 5/10 c for paper/reusable	2014	Used RecycleMore EIR	Covers all retail
Campbell	plastic ban, 10/25 c for paper/reusable	2014	used San Mateo EIR	Covers all retail except nonprofit
Los Gatos	plastic ban, 10/25 c for paper/reusable	2014	used San Mateo EIR	Covers all retail except nonprofit
El Cerrito	plastic ban, 5/10 c for paper/reusable	2014	Used RecycleMore EIR	Covers all retail
Morgan Hill	plastic ban, 10 c for paper/reusable	2014	Exemption	Covers all retail
San Pablo	plastic ban, 5/10 c for paper/reusable	2014	Used RecycleMore EIR	Covers all retail

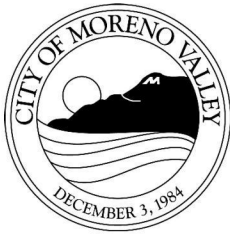


Elements of a Successful Single-Use Bag Ordinance

- Prohibition on distribution of single-use plastic carryout bags & single-use paper bags with less than 50% recycled content (at least 40% pcc)
- End wasteful, costly practice of hiding carryout bag price, require retailers to charge not less than actual average cost of providing paper bags
- Stores retain revenue, but required to report the amount charged and number of bags sold.
- Store definition:
 - gross annual sales of \$2 million or more selling food and nonfood goods
 - at least 10,000 square feet of retail space with a licensed pharmacy
 - pharmacy, convenience store, or other retail store selling a limited line of food goods
 - Can be customized to phase in restaurants and other retailers with different implementation dates based on store size/category
- Exemptions for protective/produce type bags, WIC/lower income
- Defines reusable bags as: Handled bag specifically designed and manufactured for multiple reuse and
 - made of cloth or other machine washable fabric, and/or made of durable plastic at least 2.25 mils thick
 - meets lead and other heavy metal safety requirements as specified for packaging under state Toxics in Packaging law (Health & Safety Code Sections 25214.11-25214.26)

Several California companies are leading the globe in the manufacture of durable, reusable bags made from recycled materials. As this market becomes more fully developed, jurisdictions may want to consider policies and incentives to promote the use of California manufactured reusable bags with the highest level of post-consumer recycled material.





APPROVALS	
BUDGET OFFICER	<i>[Signature]</i>
CITY ATTORNEY	<i>[Signature]</i>
CITY MANAGER	<i>[Signature]</i>

Report to City Council

TO: Mayor and City Council

FROM: Rick Teichert, Chief Financial Officer

AGENDA DATE: November 19, 2013

TITLE: CSD Zone A Financial Review

RECOMMENDED ACTION

Staff recommends that the City Council provide direction regarding the preliminary financial review of Community Services District (CSD) Zone A (Parks & Community Services)

BACKGROUND

At the time of City incorporation, the CSD Zone A was formed to continue to provide an enhanced level of parks and community services. Services funded by Zone A include maintenance of approximately 531 acres of parkland and linear parkways, 10 miles of improved multi-use trails, facilities, and over 150 recreational programs. Certain areas within the City may also participate in Community Facilities District No. 1, which provides supplemental funding for the maintenance of new facilities and services beyond those provided by CSD Zone A.

The CSD Zone A is funded by the Zone A parcel tax (\$4.9 million) of \$87.50 per dwelling unit, nonresidential parcel or undeveloped parcel. An annual inflation adjustment has not been approved for this zone. New revenue is limited to new dwelling units or parcel splits. The CSD Zone also receives a portion of ad-valorem property taxes (\$1.7 million) and charges for services/rental income (\$1.6 million).

The amended budgets for FY 2013/14 and FY 2014/15 reflect a shortfall of (\$642,000) and (\$505,000) respectively.

DISCUSSION

To address the projected shortfall within CSD Zone A, a review of the budget is being conducted as part of a two-phased analysis. The first phase examined the current

staffing budgets along with the golf course operations. The second phase analysis will conduct a deeper analysis into the CSD Zone A revenue sources; programs and activities; funding of one-time costs; and funding of reserves.

The initial analysis has been conducted to review the previous personnel budgets versus actual expenditures over prior year periods. As part of the examination of the staff funding levels, potential position changes were examined to provide for better aligned positions and to provide a higher level of customer service. The following provides a summary of the current proposed staffing changes.

Department / Position Title		FY 2009/10 No.	FY 2010/11 No.	FY 2011/12 No.	FY 2012/13 No.	FY 2013/14 No.	Proposed FY 2013/14 Adj.	Proposed FY 2013/14 No.
Parks & Community Services								
	Administrative Assistant	FT	-	-	-	-	1	1
	Event Specialist	FT	-	-	-	-	1	1
	Park Ranger	FT	3	3	3	3	1	4
	Recreation Specialist	FT	-	-	-	-	1	1
	Sr Office Asst	FT	1	1	1	1	*(1)	-
	Sr Parks Maint Technician	FT	1	1	1	2	*(1)	1
TOTAL - Parks & Community Svcs			5	5	5	6	2	8
* Vacant positions								

Additionally, to seek alternatives to further reduce the cost of operating the golf course, the City issued a Request for Proposals in February of this year. Staff has rated the proposals with the highest rated proposal from Landmark Golf. Staff is continuing to evaluate the proposal by the professional golf company Landmark Golf, based out of Indian Wells, Ca.

The Landmark proposal indicates they may manage and operate Cottonwood Golf Course and Parks and Community Services may annually save a minimum of \$50,000 to Zone A while increasing play and providing a better maintained course for everyone to enjoy.

The results of the first phase analysis shall be discussed within the presentation to Council. With the completion of this initial analysis, the proposed changes to personnel, golf course operations, and the addition of a vacancy factor will support a balanced budget for FY 2013/14. With limited revenue growth in the future, it is essential that additional financial and operational analysis be completed to address potential future budget shortfalls.

ALTERNATIVES

1. Direct that staff return to the City Council with proposed budget and staffing adjustments for approval. Direct staff to initiate the additional Phase Two review of the CSD Zone A program.

2. Direct that staff investigate other alternatives.
3. Direct that staff not pursue any budget or staffing adjustments at this time.

FISCAL IMPACT

The FY 2013/14 – 2014/15 CSD Zone A budgets were adopted with the use of fund balance to meet anticipated expenditures. These proposed budget and staffing adjustments, if approved by Council, would create a balanced CSD Zone A budget without the use of fund balance.

ATTACHMENTS/EXHIBITS

Attachment 1: PowerPoint Presentation

Prepared By:
Marshall Eyerman
Financial Resources Division Manager

Department Head Approval:
Rick Teichert
Chief Financial Officer

Concurred By:
Mike McCarty
Parks & Community Services Director

This page intentionally left blank.

MORENO VALLEY

Community Services District

Zone A (Parks and Community Services)

-39-

Item No. 3.

Study Session
November 19, 2013

Zone A: Background

- Community Services District (CSD) formed at time of City incorporation
- Zone A established to provide enhanced parks and community services
- Revenues received by Zone A are restricted to use within Zone A
- Revenue sources include:
 - No funding from the City's General Fund
 - Annual Parcel Tax of \$87.50 (\$4.9M) No CPI approved
 - Ad-valorem Property Taxes (\$1.7M)
 - Program Fees and Charges (\$1.6M)

Zone A: Services

- Funds maintenance of
 - 531 acres of parks
 - 10 miles of linear trails
- Provides over 150 recreational programs, along with
 - Senior Community Center
 - Holiday events
 - SOARING Recreation Guide
 - Sport leagues
 - Day camps
 - Time for Tots

Zone A: Enhanced Services

Over the past three years, new programs to improve our residents' Quality of Life have been added, including:

- Movies in the park series (attended by 400-500 people each time)
- Concerts in the park series
- Bike ride
- Formalized an Arts Commission which has presented events including Artoberfest, Arts and Crafts in Park, Writer's Launch Pad and more
- Works with the Animal Shelter to provide adopt-a-pet programs at community parks.

Amended Budget

	FY 2013/14	FY 2014/15
Revenues:		
Taxes:		
Property Tax	\$ 1,709,000	\$ 1,733,000
Other Taxes	4,900,000	4,900,000
Charges for Services	1,067,122	1,070,507
Use of Money & Property	583,900	591,300
Miscellaneous	18,100	18,100
Total Revenues	8,278,122	8,312,907
Expenditures:		
Personnel Services	4,268,036	4,280,901
Contractual Services	1,778,413	1,761,843
Material & Supplies	831,520	616,160
Fixed Charges	2,305,902	2,305,902
Total Expenditures	9,183,871	8,964,806
<i>Excess (Deficiency) of Revenues</i>		
<i>Over (Under) Expenditures</i>	(710,384)	(468,137)
Transfers:		
Transfers In	424,136	307,500
Transfers Out	(160,000)	(160,000)
Net Transfers	264,136	147,500
Total Revenues & Transfers In	8,702,258	8,620,407
Total Expenditures & Transfers Out	9,343,871	9,124,806
Net Change or		
Adopted Use of Fund Balance	\$ (641,613)	\$ (504,399)

Proposed Expenditure Reductions: Staffing

Defund 2 existing positions/Create 4 new positions

- No staff layoffs
- Increases/modifies scope of service
- Two additional part-time positions being evaluated

Department / Position Title			FY 2009/10 No.	FY 2010/11 No.	FY 2011/12 No.	FY 2012/13 No.	FY 2013/14 No.	Proposed FY 2013/14 Adj.	Proposed FY 2013/14 No.
<u>Parks & Community Services</u>									
	Administrative Assistant	FT	-	-	-	-	-	1	1
	Event Specialist	FT	-	-	-	-	-	1	1
Parks	Park Ranger	FT	3	3	3	3	3	1	4
	Recreation Specialist	FT	-	-	-	-	-	1	1
Parks	Sr Office Asst	FT	1	1	1	1	1	*(1)	-
Parks	Sr Parks Maint Technician	FT	1	1	1	2	2	*(1)	1
TOTAL - Parks & Community Svcs			5	5	5	6	6	2	8
* Vacant positions									

Proposed Expenditure Reductions: Staffing

- Allocate \$26,000 to ASES grant
 - Sept. 10, 2013 Council accepted additional funding
- Reduce budget based on historical staffing levels and vacancy factors
- **Total Zone A projected savings \$591,600**

-45-

Item No. 3.

Proposed Expenditure Reductions: Golf Course

- Current Financials:

\$265,000 Operating Cost

\$72,000 Fee Receipts

(\$193,000) Annual Shortfall

- Explore New Operating Contract with Landmark Golf
 - Increase investment to create new demand/revenues
 - Evaluate the re-allocation of (1) park maintenance position being funded by CFD No. 1
 - May provide an additional \$50,000 savings
- **Total Zone A projected savings \$50,000**

Proposed Budget

- Staffing Budget
- Golf Course

	FY 2013/14	FY 2014/15
Revenues:		
Taxes:		
Property Tax	\$ 1,709,000	\$ 1,733,000
Other Taxes	4,900,000	4,900,000
Charges for Services	1,067,122	1,070,507
Use of Money & Property	583,900	591,300
Miscellaneous	18,100	18,100
Total Revenues	8,278,122	8,312,907
Expenditures:		
Personnel Services	3,676,423	3,684,906
Contractual Services	1,728,413	1,711,843
Material & Supplies	831,520	616,160
Fixed Charges	2,305,902	2,305,902
Total Expenditures	8,542,258	8,318,811
<i>Excess (Deficiency) of Revenues Over (Under) Expenditures</i>	(710,384)	(468,137)
Transfers:		
Transfers In	424,136	307,500
Transfers Out	(160,000)	(160,000)
Net Transfers	264,136	147,500
Total Revenues & Transfers In	8,702,258	8,620,407
Total Expenditures & Transfers Out	8,702,258	8,478,811
Net Change or Adopted Use of Fund Balance	\$ -	\$ 141,596

Further Challenges

FYs 2013/14 – 2014/15 balanced with proposed adjustments

- Deficit returns in FY 2015/16 (\$162,000)
- By FY 2019/20 grows to (\$972,000) annually
- Additional revenue source(s) needed
 - Future service level reductions will be necessary; or
 - General Fund subsidy to maintain services
- Is 5% furlough sustainable? Approx. \$200K/yr to Zone A
- Increasing CalPERS retirement rates
- Available reserves: \$3.6M; Must provide cash flow along with repairs, maintenance, and replacements

Next Steps

- City Council Meeting on December 10, 2013 to request approval for items presented:
 - Staff adjustments
 - Golf Course contract
- Phase Two of the analysis:
 - Continue to monitor staffing levels and funding sources
 - Monitor Programs/Activities; cost versus benefit
 - Examine Necessary Reserve Funding levels
 - Examine Equipment Replacement Schedule and one-time costs

This page intentionally left blank.