



Agenda Item No. _____

File Code No. 630.01

CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: March 13, 2012

TO: Mayor and Councilmembers

FROM: City Administrator's Office

SUBJECT: Request From Mayor Schneider and Councilmember House Regarding Single-Use Bag Ordinance.

RECOMMENDATION:

That Council consider a request from Mayor Schneider and Councilmember House regarding a single-use bag ordinance.

DISCUSSION:

Attached is a memo from Mayor Schneider and Councilmember House regarding their request to have Council consider a single-use bag ordinance. Also attached, for your information, is a staff report from the Environmental Services Division of the Finance Department regarding the status of this subject.

ATTACHMENTS:

1. Memo From Mayor Schneider and Councilmember House
2. Staff Report from the Finance Department

PREPARED BY: Marcelo Lopez, Assistant City Administrator

SUBMITTED BY: James L. Armstrong, City Administrator

APPROVED BY: City Administrator's Office



CITY OF SANTA BARBARA

Memorandum

AGENDA DATE: March 13, 2012

TO: James L. Armstrong, City Administrator

FROM: Mayor Helene Schneider
Councilmember Grant House

SUBJECT: Request to Place an Item on a Council Agenda Regarding a Single-Use Bag Ordinance

Pursuant to Council Resolution No. 09-097 regarding the Conduct of City Council Meetings, we request that an item be placed on the Santa Barbara City Council Agenda regarding a Single-Use Bag Ordinance

Summary of information to be presented:

To receive a presentation from the Where's Your Bag Campaign, from the Community Environmental Council (CEC), B.E.A.C.O.N., and other single-use bag coalition members about changes in California legal rulings and new ordinances pertaining to single-use bags, including but not limited to:

- The City of Santa Barbara's actions to date including the Where's Your Bag educational campaign.
- The California Supreme Court decision upholding the Manhattan Beach plastic bag ordinance in July 2011.
- The nineteen ordinances in the State of California affecting 40 jurisdictions regulating single-use bags.
- Santa Clara County, Marin County, San Jose, and expansions of LA County and Long Beach ordinances that have been put into effect as recently as January 1, 2012.
- Millbrae City Council's adoption of a single-use bag ordinance on February 15 restricting the use of single-use plastic bags and letting single-use paper bags that meet specific requirements to be sold for 10 cents each.
- San Luis Obispo County's January 2012 ordinance regarding the use of plastic bags in the unincorporated areas of the county and all seven cities banning plastic check-out bags and placing a minimum 10-cent charge for paper check-out bags in supermarkets, pharmacies, large stores, and convenience stores.

Memorandum

Request to Place an Item on a Council Agenda Regarding a Single-Use Bag Ordinance

March 6, 2012

Page 2

- The California Grocers Association (CGA) support for an ordinance that models San Luis Obispo's recently passed ordinance.
- B.E.A.C.O.N.'s offer to be the lead agency for a shared-cost regional environmental impact report (E.I.R.) that would significantly reduce the cost of the City conducting its own E.I.R.

Statement of Specific Action:

The specific action to be taken by the City Council at this meeting will be to reconsider the current City Council direction regarding a mandatory Where's Your Bag ordinance and a ballot measure in 2013; to initiate the process to replace it with a single-use bag ordinance; and to direct the Ordinance Committee to review the current information available regarding the regulation of single use plastic and paper bags including but not limited to the recently passed San Luis Obispo County plastic bag ban and return with a recommended ordinance for Council approval.

Statement of the Reasons Why it is Appropriate and Within the Jurisdiction of the Council to Consider this Subject Matter and to Take the Requested Action:

A discussion of this subject is appropriate and within the jurisdiction of the City Council because it is consistent with existing policies and in the City's interest to reduce waste, promote the use of reusable shopping bags, and ensure our creeks, beaches, and the ocean are kept clean and free of ambient waste such as single-use plastic bags.

We are requesting that this be scheduled for an upcoming Council meeting, preferably March 13, 2012.

cc: Mayor and Council
City Attorney
Community Development Director



CITY OF SANTA BARBARA

STAFF REPORT

DATE: March 13, 2012

TO: Mayor and Councilmembers

FROM: Finance Department, Environmental Services Division

SUBJECT: Single-Use Bag Ordinance

DISCUSSION :

Mayor Schneider and Councilmember House have submitted a request to consider a single-use bag ordinance. The purpose of this Council Agenda Report (CAR) is to provide supplemental information regarding this issue. Detailed information on the single-use bag issue is included in the February 1, 2011 and July 12, 2011 Council Agenda Reports and is therefore not included in this report.

Where's Your Bag? Program

The goal of the voluntary *Where's Your Bag?* (WYB) education program is to encourage people to bring reusable bags whenever they shop. At its inception in 2009, WYB partners successfully recruited ten local grocery stores. Participating grocery stores were provided with educational materials, staff training, parking lot signs, and tabling events where free reusable bags were given away to store patrons. The campaign also produced media releases, public service announcements, and held "Prize Patrol" events to further educate the public on the environmental benefits of reusable bags. To date, 7,100 reusable bags have been distributed through the program free of charge.

The public education and outreach components of the WYB campaign were successful, as the reusable bag message has raised public awareness through numerous media outlets. However, education within the grocery stores has proved to be ineffective. Despite initial enthusiasm from participating stores at the onset of the program, most stores did not incorporate all of the program elements into their daily operations, and did not see the hoped for behavior change by store patrons. The exceptions were Tri-County Produce, Lazy Acres and Scolari's, where store managers worked closely with staff to implement all program elements. These stores have observed increases in reusable bag usage by customers. Los Angeles County, noting similar results, discontinued its voluntary program and eventually adopted an ordinance to ban single-use bags and to impose a fee on paper bags. However, the Los Angeles County Ordinance is currently being challenged in Los Angeles Superior Court in a writ of mandate action to have it declared unconstitutional in violation of Prop 218 (Article XIII (C) of the State Constitution) with a Superior Court ruling expected this month.

Council Direction

On July 12, 2011, Council received a presentation from staff outlining the options for reducing single-use bags. At this meeting, Council directed staff to: (1) work with the Ordinance Committee to develop an ordinance making elements of the voluntary Where's Your Bag? program mandatory; and, (2) prepare the documents needed for the City Council to place a ballot measure to assess a regulatory tax on plastic bags, paper bags, or both on the next regularly scheduled election (November 2013), As per Council direction, staff has been working on development of a mandatory education ordinance.

Staff has been advised that the City Attorney's office is preparing a summary of the current litigation pending against those cities and counties which have recently enacted bag ordinances and it will be provided separately to the Council.

PREPARED BY: Matt Fore, Environmental Services Manager

SUBMITTED BY: Bob Samario, Finance Director

APPROVED BY: City Administrator's Office