

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Dave Klotzle, City Engineer/Public Works Director 
Prepared By: Shaun Kroes, Senior Management Analyst 

DATE: January 25, 2013 (CC Meeting of 02/06/13)

SUBJECT: Consider Report on Beach Erosion Authority for Clean Oceans and Nourishment Single Use Bag Ban Environmental Impact Review

BACKGROUND/DISCUSSION

On January 17, 2013, the Ventura Countywide Storm Water Quality Program (Program) National Pollutant Discharge Elimination System (NPDES) Storm Water Management Committee (WMC) approved a request from the Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) for reimbursement in the amount of \$32,000.00. The City of Moorpark is a member of the WMC. BEACON members include the Counties of Santa Barbara and Ventura as well as the coastal cities of Goleta, Santa Barbara, Carpinteria, Ventura, Oxnard and Port Hueneme. The approved reimbursement is for BEACON's efforts in completing an environmental impact report (EIR) for future Single Use Carryout Bag Ordinances that a jurisdiction may adopt to regulate the use of paper and plastic single use carryout bags within the geographic limits of Santa Barbara and Ventura Counties, including the unincorporated areas as well as the 18 incorporated cities. The attached WMC agenda report approving the reimbursement includes information on BEACON and the purpose of the EIR.

Although the EIR was originally designated to cover BEACON members, the project scope of work was amended to include all jurisdictions in Santa Barbara and Ventura Counties. This will enable each jurisdiction to use the EIR and draft ordinance if it decides to move forward with a plastic bag ban. It should be noted that contribution to the BEACON EIR does not obligate the City of Moorpark to implement a plastic bag ban. The WMC members recognized the potential benefit and costs savings to each member agency by contributing to a joint EIR rather than each jurisdiction funding their own EIR in the future if they decide to implement a plastic bag ban. The \$32,000.00 donation reimburses Ventura County BEACON members who had previously provided the \$32,000.00 to move forward with the EIR.

BEACON's Notice of Preparation of a Draft Environmental Impact Report BEACON Single Use Carryout Bag Ordinance was released on November 30, 2012, and included two public scoping meetings. The first meeting was December 12, 2012 in Santa Barbara. The second meeting was December 19, 2012 in Oxnard. The Administrative Draft EIR (which is not a public document) has been released for internal review. The EIR is expected to be released for public review in early February 2013. Staff will review the EIR and provide any comments as appropriate.

FISCAL IMPACT

The WMC expenditure of \$32,000.00 includes existing planned FY 2012/13 contributions from WMC members, including the City of Moorpark. Moorpark's contribution to the BEACON EIR through the WMC donation is \$604.60 and is included in Moorpark's FY 2012/13 Program contribution of \$40,000.00. The \$604.60 is a significant savings compared to the estimates of \$20,000.00 to \$40,000.00 for the City to hire its own consultant to prepare California Environmental Quality Act documents including an EIR.

STAFF RECOMMENDATION

Receive and File.

Attachment:

Program WMC Action Item Report – BEACON Reimbursement Request

Ventura Countywide Storm Water Quality Program
Management Committee Action Item Report
January 17, 2013.

Action Item Number: 2

Recommended by: Gerhardt Hubner

Subject: Approve Reimbursement of the Ventura County BEACON members for their share of the Single Use Bag Ban EIR cost.

Cost: \$32,000

Budgeted: Sponsorships \$5,000; Legislation tracking and commenting \$30,000; General Contingency \$50,000.

Voting: Implementation Agreement states: *Any budgetary motion must be approved by a 2/3 majority vote of the COMMITTEE (8 of 12), and any non-budgetary motion must be approved by majority vote.*

Discussion:

Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) is a multijurisdictional joint-powers agency comprised of the Counties of Santa Barbara and Ventura as well as the coastal cities of Goleta, Santa Barbara, Carpinteria, Ventura, Oxnard and Port Hueneme. At its September 23, 2011 meeting, the BEACON Board of Directors adopted a resolution to support and endorse efforts to limit the adverse impact of single use plastic bags.

BEACON also voted to seek support from member agencies and other agencies within Santa Barbara and Ventura counties to conduct a regional EIR for the ban and/or restriction of single use bags in the region. The process of a regional EIR encompassing both Counties is expected to cost roughly \$70,000. BEACON members in Ventura County which include the City and County of Ventura, the City of Oxnard and Port Hueneme have all voted to partner on the regional EIR and have pledged \$32,000 (\$8000 each) to that end.

The City of Port Hueneme requested that BEACON petition the Ventura Countywide Stormwater Management Committee to reimburse the Ventura County BEACON members for their share of the EIR cost and reallocate the costs across all the cities in Ventura County. If this Action Item is approved, \$32,000 from the Stormwater Principal Permittee Budget will reimburse the Ventura BEACON member's costs.

The proposed Single Use Carryout Bag Ordinance would regulate the use of paper and plastic single use carryout bags within the geographical limits of Santa Barbara and Ventura counties, including the unincorporated areas as well as the 18 incorporated cities. The intent of the ordinance is to reduce the environmental impacts related to the use of single use carryout bags, and to promote a shift toward the use of reusable bags.

The ordinance would (1) prohibit the free distribution of single use carryout paper and plastic bags and (2) require retail establishments to charge customers for recycled paper bags and at the point of sale. Regulated retail establishments would be allowed to sell reusable bags or distribute them free of charge. The ordinance sets forth that the minimum charge for single use recyclable paper bags would be ten cents

(\$0.10). Regulated bags would not include reusable bags, produce bags, or product bags (as defined). The Proposed Ordinance would not apply to restaurants and other food service providers, allowing them to provide plastic bags to customers for prepared take-out food intended for consumption off of the food provider's premises.

Any of the following retail establishments could be subject to the Proposed Ordinance if adopted by the individual jurisdiction:

1. A store of at least 10,000 square feet of retail space that 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) which sells a line of dry grocery or canned goods, or non-food items and some perishable food items for sale or a store that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code; or
2. A drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other similar retail store or entity engaged in the retail sale of a limited line of grocery items or goods which typically includes, but is not limited to, milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 liquor license issued by the state Department of Alcoholic Beverage Control.

The final Proposed Ordinance may be used as part of an addition trash management plan where excluders are not installed, and will help meeting requirements of adopted TMDLs, and the future Statewide Trash Policy.

This Action Item does not commit the Program, or any Permittee, to adopting or supporting the Ordinance, only to supporting the completion of the EIR. If approved the following table shows the cost breakdown:

BEACON Bag EIA Cost Breakdown		
Permittee	IA Cost Share Percent	Share
Camarillo	4.49%	\$ 1,435.00
County	10.54%	\$ 3,370.80
Fillmore	0.62%	\$ 198.40
Moorpark	1.89%	\$ 604.60
Ojai	0.64%	\$ 203.20
Oxnard	8.23%	\$ 2,633.40
Port Hueneme	0.72%	\$ 228.80
San Buenaventura	6.16%	\$ 1,969.40
Santa Paula	1.33%	\$ 424.00
Simi Valley	6.95%	\$ 2,223.80
Thousand Oaks	8.47%	\$ 2,708.60
WPD	50.00%	\$ 16,000.00
Total	100.00%	\$ 32,000.00