

RESOLUTION NO. ____-2019

RESOLUTION OF THE FORT BRAGG CITY COUNCIL APPROVING THE USE OF FORFEITED CONSTRUCTION AND DEMOLITION INCENTIVE DEPOSITS FOR EDUCATIONAL CAMPAIGN TO ENCOURAGE VOLUNTARY COMPLIANCE WITH LOCAL AND STATE LAWS AND TO RAISE AWARENESS FOR FUTURE LAWS REGULATING THE USE OF SINGLE USE PLASTICS IN CITY LIMITS

WHEREAS, Fort Bragg Municipal Code §6.28.020 titled **PROHIBITED DISPOSABLE FOOD SERVICE WARE** reads:

- A. Retail food establishments and food providers may not sell, hand out, give away, distribute or otherwise provide prepared food in disposable food service ware that contains polystyrene foam.
- B. City facility food providers may not hand out, give away, distribute or otherwise provide prepared foods in disposable food service ware that contains polystyrene foam.
- C. City departments may not purchase, acquire or use disposable food service ware that contains polystyrene foam.
- D. City contractors and lessees may not use disposable food service ware that contains polystyrene foam in City facilities and while performing under a City contract or lease; and

WHEREAS, Fort Bragg Municipal Code §6.28.050 titled **BIODEGRADABLE DISPOSABLE FOOD SERVICE WARE** reads: It is the policy of the City to promote and encourage, on a voluntary basis, the use of biodegradable disposable food service ware by retail food establishments in order to lessen the environmental harm of disposable food service ware that becomes litter; and

WHEREAS, California Assembly Bill No.1884 prohibits full-service restaurants, as specified, from providing single-use plastic straws, as defined, to consumers unless requested by the consumer; and

WHEREAS, Fort Bragg Municipal Code §15.34.070 titled **DEPOSIT INCENTIVE REQUIRED** states: As a condition precedent to issuance of any building, demolition, or encroachment permit that involves the production of solid waste destined to be delivered to a landfill, the applicant shall post an incentive in a form acceptable to the authorized agent. The deposit incentive will be set by resolution. The incentive shall be returned, without interest, in total or in proportion, upon proof to the satisfaction of the authorized agent, that no less than the required percentages or proven proportion of those percentages of the tons of debris generated by the demolition and/or construction project have been diverted from landfills and have been recycled or reused; and

WHEREAS, Fort Bragg Municipal Code §15.34.130 titled **USE OF CONSTRUCTION AND DEMOLITION RECYCLING INCENTIVE** provides: Incentive funds not reclaimed by applicants, due to failure to achieve threshold recycling and diversion levels, will be used to improve construction and demolition waste recycling facilities, education, and programs within the City; and

WHEREAS, the City Council elected to make establishing Fort Bragg as a leader in sustainable practices a priority by integrating concepts of sustainability into City Plans, Projects and Purchases; and

WHEREAS, the use of funds from the restricted special revenue fund number 190-0000-0309, in the amount of up to \$82,000 may be used to improve solid waste recycling facilities, and to provide other

related education and programs within the City as cited in the City of Fort Bragg FY 2019/20 Adopted budget.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby approve the use of forfeited Construction and Demolition incentives for educational campaigns and programs to encourage voluntary compliance and raise awareness for future proposed policies in the City of Fort Bragg.

The above and foregoing Resolution was introduced by Councilmember _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 10th day of June, 2019, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

WILLIAM V. LEE
Mayor

ATTEST:

June Lemos, CMC
City Clerk