



AGENCY: City Council
MEETING DATE: June 10, 2019
DEPARTMENT: Community Development
PRESENTED BY: J. Gonzalez
EMAIL ADDRESS: jgonzalez@fortbragg.com

AGENDA ITEM SUMMARY

TITLE:

Receive Report and Consider Adoption of City Council Resolution to Approve Utilization of Forfeited Demolition and Construction Incentives to Launch an Educational Campaign Encouraging Voluntary Compliance from Local Establishments with Fort Bragg Municipal Code Chapter 6.28 (Disposable Food Ware) and California Assembly Bill 1884 in Accordance with Municipal Code Chapter 15.34.130 (Use of Construction and Demolition Recycling Incentive)

ISSUE:

On September 20, 2018, Governor Jerry Brown approved Assembly Bill 1884, which included Chapter 5.2 (commencing with Section 42270) to Part 3 of Division 30 of the Public Resources Code, relating to food facilities. This bill prohibits full-service restaurants from providing single-use plastic straws to customers unless requested. Violations of this requirement would be punishable by a fine of \$25 for each day in violation, not to exceed an annual total of \$300. By creating a new crime and imposing additional enforcement duties on local health agencies, this bill imposes a state-mandated local program.

Plastic straws are used in restaurants throughout the City. In addition to plastic straws, polystyrene foam is also utilized by many local businesses. This has been prohibited since 2014 per Fort Bragg Municipal Code (FBMC) Chapter 6.28 titled "Disposable Food Ware." Section 6.28.020 states:

- 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.

(Ord. 913 § 2, passed 09-22-2014)

To address the issue of restaurants providing plastic straws without being requested and using polystyrene foam products, staff proposes a proactive educational outreach to local businesses in order to bring our local businesses into compliance. This effort could be funded by using a special revenue fund, Construction/Demolition Ordinance Revenue, which

has a total of \$42,366.

This special revenue account is funded by forfeited Construction & Demolition (C&D) deposits. C&D deposits are assessed at the time of building permit applications for new construction, remodel projects or demolition. The deposit amount (except for a \$25 processing fee) is returned to applicant upon completion of the project and submittal of supporting documentation showing construction materials were diverted from landfills and recycled or reused (see Attachment 2 - FBMC 15.34.070 Deposit Incentive Required). Deposit amounts that are not claimed by the applicant are forfeited and retained; and may only be utilized to improve solid waste recycling facilities and provide other related education and programs within the City.

At this time, the City does not have a program to utilize these special funds.

ANALYSIS:

According to the National Geographic Society, each year an estimated 18 billion pounds of plastic waste enters the world's oceans from coastal regions. New research is emerging about the possible long-term impacts of tiny pieces of plastic on the marine food chain, raising questions about how it might ultimately affect human health and food security. The City's ban on using disposable polystyrene foam and State law allowing single-use plastic straws only upon request are efforts to address the negative environmental impacts of these products.

There are many alternatives to plastic straws, cutlery and polystyrene foam containers that are sustainable, economical options. Proactive community-based outreach, including site visits, print materials, workshops and possible incentives to encourage voluntary compliance, would likely be more effective than code enforcement violation letters and fees.

RECOMMENDED ACTION:

Adopt a Resolution to approve use of forfeited Construction and Demolition funds to launch an educational campaign to encourage voluntary compliance with FBMC Chapter 6.28 (Disposable Food Ware) and California Assembly Bill 1884, in accordance with FBMC 15.34.130 (Use of Construction and Demolition Recycling Incentive).

ALTERNATIVE ACTION(S):

1. Provide direction to use forfeited Construction and Demolition funds to launch a Composting Educational Campaign, in partnership with Heather Guevara from Zero Waste Mendo and Cold Creek Compost (Attachment 4 - Cold Creek Compost Facts and Accepted Materials).
2. Direct staff to implement the recommended action and Alternative Action No. 1 and prioritize implementation timeline.
3. Direct staff to research other opportunities to utilize forfeited Construction and Demolition funds within the parameters of the ordinance.

FISCAL IMPACT:

Forfeited deposits are retained in a separate fund per the City's Construction & Demolition Ordinance. The current fund balance is \$42,366. Staff is not requesting a specific amount since the amount needed would depend on the selected action(s).

Furthermore, there is no anticipated fiscal impact on the general fund, as staff time may be charged to this special fund as long as staff is performing activities in the parameters of the ordinance.

CONSISTENCY:

All of the proposed actions adhere to the parameters of the Fort Bragg Municipal Code 15.34.130 Use of Construction and Demolition Recycling Incentive.

IMPLEMENTATION/TIMEFRAMES:

FY 2019/2020

ATTACHMENTS:

1. Resolution
2. Pertinent Fort Bragg Municipal Codes
3. California Assembly Bill 1884
4. Cold Creek Compost Facts and Accepted Materials

NOTIFICATION:

1. Downtown Businesses
2. Heather Guevara, Zero Waste Mendo