



ADMINISTRATIVE SERVICES COMMITTEE

Agenda

Wednesday, June 6, 2012

4:00 pm

Madison Avenue Meeting Room
500 SW Madison

- | | |
|----------------------------|--|
| Discussion/Possible Action | I. Third Quarter Operating Report
(Attachment) |
| Discussion/Possible Action | II. Allied Waste Services Annual Report
(Attachment) |
| Discussion/Possible Action | III. Single-Use Plastic Bag Reduction Recommendation
(Attachment) |
| Information | IV. Other Business |

Next Scheduled Meeting

Wednesday, June 20, 2012 at 4:00 pm

Madison Avenue Meeting Room, 500 SW Madison Ave

Agenda

Advisory Question Explanatory Statement

Municipal Code Review: Chapter 3.08, "Transit Operations Fee"

2013-2014 City Council Team Building and Goal Setting Facilitator Process

MEMORANDUM

May 21, 2012

TO: Administrative Services Committee
FROM: Nancy Brewer, Finance Director **NB**
SUBJECT: Third Quarterly Operating Report

I. Issue

To review and accept the Third Quarterly Operating Report for FY 11-12.

II. Discussion

The Third Quarterly Operating Report (QOR) has been published on the City's web site and is available for review. Total revenues at the end of the third quarter of the fiscal year were nearly 74% of budgeted total revenues. Operating revenue received to date is roughly proportional to prior years, but higher in total dollars than prior year results primarily due to the first year of receipts under the 2011 Operating Levy.

Operating expenditures across departments were roughly as expected and comparable to the prior year at nearly 66% of the amended budget. Most departments are continuing to experience some personal service savings as the result of holding vacant positions open in consideration of the very tight budget established for FY 11-12. It is noteworthy that as of the end of the third quarter, the City now has about 32 unfilled FTE (not including Seasonal positions); only about 25% of these are expected to be filled in the fourth quarter, since many are being held open subject to proposed expenditure reductions for FY 12-13, or for one-time savings over the early part of next fiscal year. In summary, financial performance in all funds is generally at expected levels, with the following noteworthy situations:

- Revenue sharing receipts have now exceeded revised estimates, but are still expected to fall short of the adopted budget by about \$120,000. Municipal court fine payments in the third quarter are still in line with last year's levels, but anticipated to be at least \$130,000 under budget as well. While both transient room taxes and franchise fees continue to trend marginally higher than budget and last year's results, it is unlikely to be enough to offset a total revenue shortfall in the General Fund.
- Parks & Recreation, particularly in the Aquatics Fund, is experiencing improved recreation program revenue generation, and expects to come in over target on charges for service this fiscal year. This is good news heading into the fourth quarter which is traditionally one of the stronger quarters seasonally for this department/fund.
- Street fund revenues continue to lag target as of the third quarter of FY 11-12. Conservation of gas due to high fuel prices (impacting highway taxes), is leading to insufficient receipts to cover budgeted expenditures. This fund continues to be closely monitored for long-term fiscal health and potential changes in spending plans to ensure fiscal viability.
- The Community Development Revolving Fund continues to be closely monitored by Housing staff and the budget office, due to concern over a possible temporary year-end fund balance deficit. The fund's loan project reimbursements are lagging spend downs. While the situation is anticipated to be remedied early in FY 12-13 as CDBG and HOME drawdowns are received, there may be a need for an interfund loan to ensure a balanced fund this year end.

Attached to this memo is the executive summary for the Third QOR (Attachment A) and the Property Tax Funds Combined income statement (Attachment B). The executive summary includes some basic economic information, an analysis of any significant variances from expected financial performance, an income statement for all funds combined, and a summary of operating expenditures by fund and by department. The summary also includes a table showing all the budget amendments approved so far this fiscal year by the City Council. These amendments all have the effect of increasing total appropriations for the City above what was in the adopted budget.

The Capital Project budget is just over 40% expended at the end of the third quarter. Capital project work and the related spending tend to be weighted toward the final quarter of the year, both as a function of ensuring funding

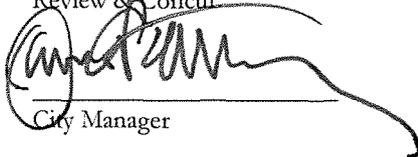
availability and due to construction seasonality issues. Substantial progress was made in the third quarter on the North Hills 1st Reservoir project, with completion of seismic upgrades.

The Quarterly Operating Report also includes an update on the status of City Council Goals as of March 31, 2012.

III. Requested Action

Review the Third Quarterly Operating Report, and recommend the City Council accept the report.

Review & Concur:



City Manager

THIRD QUARTERLY OPERATING REPORT FISCAL YEAR 2011-2012

EXECUTIVE SUMMARY

May 17, 2012

The Quarterly Operating Report is produced and published on the City's web site within 45 days of the close of each fiscal quarter based on Financial Policy 10.04.050, then shared with the City Council's Administrative Services Committee to provide citizens, the Budget Commission, and City Council with information about the City's financial performance for the quarter.

This Executive Summary provides highlights of the City's financials, and includes, as an appendix, a reader's guide to some of the terminology used throughout the report. The remainder of the report covers:

- The revenue and expenditure performance for each of the operating funds in an income statement format that includes operating and non-operating revenues, expenditures and total fund activities. The first income statement presented in that section shows results year-to-date for all property tax funds combined.
- Departmental information including updated performance measures for the quarter as well as accomplishments and pending work plan items. This section also includes a report on vacancies;
- Capital Improvement Program (CIP) status report on the various projects underway year-to-date; and
- An update on City Council Values and Goals.

The FY 11-12 budget was prepared and adopted during a time of moderate economic recovery from the previous year's economic recession, but in a highly fiscally constrained City environment. High unemployment, stagnant property values, and slowed development, as well as lower than historical revenues in both FY 09-10 and FY 10-11, were all taken into account when preparing the budget. Despite these factors, demand for many City services continues to be robust, which in the face of the relatively flat or declining revenue stream is having a negative impact on fund balances across the organization.

The Federal Open Market Committee (FOMC) released a statement in March, following their January meeting, confirming that the economy continues to expand moderately. The labor markets continue to improve which is evident in the declining unemployment rate in recent months, though unemployment remains elevated. Household spending and business fixed investment also show advancement, but the housing sector remains depressed. The FOMC expects moderate economic growth over the coming quarters, and consequently anticipates that the unemployment rate will decline gradually. Downside risks to the economic outlook are still present in global financial market strains and the recent increase in oil and gasoline prices, which will push up inflation temporarily. At the end of March, the national unemployment rate was 8.2% while Oregon's unemployment decreased slightly to 8.6%, leaving 183,314 Oregonians jobless; however, this is 19,788 fewer individuals than in March 2011. At 5.7% unemployment on a seasonally adjusted basis, Corvallis has continued to fare better than the State in general, and remains the lowest for this statistic of all Metropolitan Statistical Areas in Oregon.

Overall, the City's financial performance through the third quarter of the fiscal year generally has been as expected. Revenue and expenditure timing is close to historical patterns (i.e., City Manager's Office spends nearly 75% of its risk management fund budget on liability and general insurance premiums in the first quarter of the year; the majority of Property Tax revenue is received in the second quarter). The economy continues to impact the pace of residential building; there was some improvement achieved last year, but not at the levels seen prior to the economic downturn. While percentages of budgeted revenues are generally in a similar range to the prior year, it should be noted that total revenues are up by nearly \$8.3 million over the same time last year. About half of this balance is attributable to cashflow timing of receipts from the 2011 Operating tax levy and the associated transfers, and only a portion of the remainder represents an actual increase over total revenues expected. Intergovernmental and miscellaneous receipts respectively are also earlier than is typical, for capital projects and business energy tax credits for the Transit program.

As of the end of the third quarter for the fiscal year, total expenditures are less than 75% of budgeted expenditures, but are approximately \$9.3M higher than last year's spending levels driven primarily by a \$4.7 million increase in transfers (for the Operating Levy and CIP projects) but also partly by Fire and Public Works spending a higher percentage of their capital outlay (i.e. vehicle replacements) budgets earlier in the year. Public Works had increased spending associated with the completion of summer projects in Transportation, as well as various special projects, including the Water Fund Flexnet System project and several grant-related activities. Increases in Community Development spending are due to large CDBG and HOME grant funded projects for non-profits (i.e. CARDV, Willamette Neighborhood Housing Services (WNHS), and Corvallis Homeless Shelter Coalition/Partners Place). Departments are continuing to actively control expenditures in an effort to attain adequate fund balances by year end.

The following table compares year-to-date actuals with budget for all funds in both FY 11-12 and FY 10-11:

REVENUE	AMENDED BUDGET	UNAUDITED FY 11-12	FY 11-12 % REC/EXPEND	AMENDED BUDGET	Y-T-D FY 10-11	FY 10-11 % REC/EXPEND
Budgeted Fund Balance	\$31,590,966					
Property Taxes	\$24,194,090	\$22,858,741	94.48%	\$21,208,240	\$19,865,996	93.67%
Other Tax	1,151,190	805,558	69.98%	1,036,190	740,109	71.43%
Licenses/Permits	8,025,850	5,815,594	72.46%	6,844,580	4,969,376	72.60%
Charges for Service	38,363,030	30,135,031	78.55%	38,375,510	29,884,035	77.87%
Intergovernmental	17,909,231	8,196,066	45.76%	18,538,917	7,859,059	42.39%
Fines/Forfeitures	1,385,740	931,548	67.22%	1,365,570	899,031	65.84%
Miscellaneous	3,206,010	2,352,156	73.37%	2,648,600	1,185,045	44.74%
Other Financing Sources/Transfers in	14,049,368	8,897,064	63.33%	15,646,822	6,292,768	40.22%
TOTAL CURRENT REVENUE	\$108,284,509	\$79,991,758	73.87%	\$105,664,429	\$71,695,419	67.85%
EXPENDITURE BY DEPARTMENT						
City Manager's Office	\$3,060,210	\$2,171,013	70.94%	\$3,149,270	\$2,266,879	71.98%
Community Development	8,711,800	4,345,938	49.89%	8,276,960	3,915,862	47.31%
Finance	5,017,380	3,565,110	71.06%	4,995,400	3,475,557	69.58%
Fire	11,384,830	8,379,326	73.60%	10,626,930	7,620,523	71.71%
Library	6,561,530	4,257,713	64.89%	6,434,610	4,417,215	68.65%
Park & Recreation	6,096,500	4,229,835	69.38%	5,795,480	4,008,549	69.17%
Police	13,129,775	9,352,783	71.23%	12,585,424	9,121,840	72.48%
Public Works	30,378,230	19,014,885	62.59%	29,330,670	17,279,457	58.91%
Non-Departmental	1,367,300	921,472	67.39%	1,539,260	1,105,429	71.82%
TOTAL OPERATING EXPENDITURES	\$85,707,555	\$56,238,075	65.62%	\$82,734,004	\$53,211,311	64.32%
Debt Service	\$8,182,690	\$4,402,308	53.80%	\$8,228,600	\$4,765,102	57.91%
Capital Projects	12,242,808	4,956,086	40.48%	14,282,447	3,028,944	21.21%
Transfers Out / Other Financing Uses	14,049,368	8,889,039	63.27%	13,089,352	4,151,070	31.71%
Contingencies/Reserves	1,369,840	0	0.00%	1,217,520	0	0.00%
TOTAL ALL EXPENDITURES	\$121,552,261	\$74,485,508	61.28%	\$119,551,923	\$65,156,427	54.50%
CURRENT REVENUES LESS TOTAL EXPENDITURES	(\$13,267,752)	\$5,506,250		(\$13,887,494)	\$6,538,992	

In general, the status of the City's finances was in line with expectations at the end of the third quarter. Year-to-date revenues of \$79,991,758 are at 73.87% of the Amended Total Revenue Budget of \$108,284,509. The Amended Budget reflects the adopted budget, plus any amendments approved by the City Council via resolution during the course of the fiscal year. In the first nine months of FY 11-12, the following amendments to the budget were approved:

Date	Amendment Type	Resource	Fund	Department	Net Expenditure Impact
8/15/2011	Res - Grant	OR State Parks&Rec Dept Grant	CIP	Parks & Rec	\$ 5,000
8/15/2011	Res - Grant	LSTA Grant	Library	Library	\$ 75,000
9/6/2011	Res - Grant	ODOT Grant	CIP	Public Works	\$ 237,603
9/6/2011	Res - Grant	DOJ Byrne Grant	General	Police	\$ 10,284
10/3/2011	Res - Grant	ODOT Grant	CIP	Public Works	\$ 74,500
10/3/2011	Res - Grant	USDAF Grant - CRSF	Water Timber	Public Works	\$ 6,400
11/21/2011	Res - Grant	DOJ Byrne Grant	General	Police	\$ 85,411
11/21/2011	Res - Grant	ODOT Grant	Stormwater Constr.	Public Works	\$ 106,072
				Total Increase	\$ 600,270

Significant revenue highlights include:

- **Property taxes** totaled \$22,858,741 through the third quarter which equals 94.48% of the budgeted property tax revenue. The majority of property taxes for the fiscal year are typically collected in the second quarter. FY 11-12 year-to-date property tax revenues are comparable with last fiscal year's rate of collection.
- **Other Taxes** are collected from hotels in the form of room taxes and totaled \$805,558 or 69.98% of budget as of third quarter-end. Summer seasonality and early football season hotel stays have led to slightly better total dollar results thus far in FY 11-12 compared to last year at this time. While results are trending slightly below budgeted cashflows in the third quarter, it is still anticipated that total receipts for the year will come in higher than originally forecast due to positive response to Visit Corvallis' social media programs and their exploration of other potential markets for increased hotel stays, such as sports and religious organization conferences.

- **Licenses, Fees and Permits** totaled \$5,815,594 which represents 72.46% of the amended budget and is aligned with revenue as a percentage of budget received during the same time last year. While franchise fees are underperforming year-to-date, Consumers Power implemented a residential rate increase in October and PacifiCorp implemented one in January, which could offset projected shortfalls brought on by utility conservation efforts. Comcast is also expected to pay an additional \$47,570 in franchise fees due to the outcome of its recent audit. The transportation maintenance and sustainability initiative fees are generally on target and Development Service permit fees are trending higher than expected due to ongoing projects at OSU.
- **Charges for Services** were \$30,135,031 which represents 78.55% of the amended budget. While these revenues appear to be on target with budget and last year, it should be noted that system development charge receipts at the end of the third quarter were nearly double what was forecasted for the year. These restricted use monies as well as improved ambulance revenue collections are serving to offset on a combined basis some potentially significant shortfalls in metered utility revenues as well as recreation program revenues which could affect fund balance levels in those latter service areas.
- **Intergovernmental** revenues have increased from second quarter and are higher than last year's actuals at \$8,196,066 or 45.76%. The receipt of grant monies tends to be volatile and highly dependent on timing of related expenditures.
- **Fines & Forfeiture** receipts related to Municipal Court remain under budget but are increasing relative to last year based on concentrated efforts related to collection of past due traffic and parking fines. Since beginning collection efforts in FY 10-11, results through the end of Q3 FY 11-12, are summarized in the following table:

	<u>Overdue Fines</u>	<u>Written Off</u>	<u>Collected</u>	<u>Balance</u>
	<u>Turned Over</u>			<u>Outstanding</u>
Traffic	\$ 2,004,982	\$ 37,803	\$ 92,629	\$ 1,874,551
Parking	\$ 373,563	\$ 8,207	\$ 103,382	\$ 261,975

- **Interest earnings** totaled \$212,944 at the end of the third quarter, which represents 56.01% of the budgeted interest and is about 101% of last year's earnings at this same point in time. The under budget receipts level is attributed to the continued decline of interest rates. The City's investment advisory firm has helped bolster what earnings there are in this category, but it appears evident that budgeted revenues will not be attainable by year end given that the market is expected to continue to hover at historic lows for the next year or more.

Operating expenditures for all funds totaled \$56,238,075 or 65.62% of the Amended Operating Expenditure Budget which is higher than last year both in total dollars expended and percentage of budget. These results are primarily due to the explanations outlined above for Public Works and Community Development, and particularly the latter, which in the past has traditionally underexpended its grant appropriations due to the length of time to fruition of housing loan projects. The higher current year spending is also partly reflective of increased personal service costs due to hiring for vacancies that were unfilled at the same time last year, due to the levy funding for some services. Non-operating expenditures, which include capital projects, transfers, debt service, and contingency, totaled \$18,247,433 or 50.91% of the \$35,844,706 Amended Non-Operating Budget. In total, expenditures through the third quarter were \$74,485,508 or 61.28% of the \$121,552,261 budgeted, compared to 54.50% for the third quarter of last fiscal year. A breakdown of departmental expenditures by category is provided below:

OPERATING EXPENDITURES BY DEPARTMENT

DEPARTMENT	AMENDED BUDGET	PERSONAL SERVICES	SUPPLIES & SERVICES	CAPITAL OUTLAY	TOTAL EXPENDITURES	% OF AMENDED BUDGET
<i>Total Budget by Category</i>		\$47,174,369	\$35,991,586	\$2,541,600	\$85,707,555	
City Manager's Office	\$3,060,210	\$879,770	\$1,291,243	\$0	\$2,171,013	70.94%
Community Development	8,711,800	2,625,446	1,678,647	41,845	4,345,938	49.89%
Finance	5,017,380	2,536,899	993,069	35,142	3,565,110	71.06%
Fire	11,384,830	6,453,717	1,377,128	548,481	8,379,326	73.60%
Library	6,561,530	2,833,123	1,414,905	9,685	4,257,713	64.89%
Parks & Recreation	6,096,500	2,748,358	1,481,476	0	4,229,835	69.38%
Police	13,129,775	7,130,276	2,167,107	55,401	9,352,783	71.23%
Public Works	30,378,230	8,379,581	9,906,577	728,727	19,014,885	62.59%
Non Department	1,367,300	0	921,472	0	921,472	67.39%
TOTAL	\$85,707,555	\$33,587,170	\$21,231,624	\$1,419,281	\$56,238,075	65.62%
Percent of Budget		71.20%	58.99%	55.84%	65.62%	

Significant expenditure highlights include:

- **Personal Services** totaled \$33,587,170 or 71.20% of the amended budget of \$47,174,369 and was in line with the percent of budget spent in FY 10-11, though \$643,916 higher due to contractual step increases, associated payroll tax increases, and retirement cashouts year-to-date. Payroll expenditures should stay relatively close to the FY 10-11 actuals through FY 11-12 based on Exempt, AFSCME, and IAFF agreeing to no COLA increases, although PERS rate increases across all units will have an impact. The CPOA agreement was still pending at the end of the quarter, so their membership has also not received a COLA year-to-date. AFSCME health benefit cost increases are anticipated to be offset by the agreed upon 2-day furlough.
- **Supplies and Services** totaled \$21,231,624 or 58.99% of the amended budget of \$35,991,586. The dollars spent in FY 11-12 are approximately 5% higher than the amount spent in FY 10-11 due primarily to the increases in Community Development and Public Works noted above.
- **Capital Outlay** totaled \$1,419,281 or 55.84% of the amended budget of \$2,541,600. The dollars spent in FY 11-12 are approximately \$1million more than the same period in FY 10-11 due in part to many departments expending their capital budgets early in the fiscal year as compared to last year; the Fire Department expended monies for ambulance replacements that were bid in FY 10-11 for purchase in FY 11-12, and Public Works made a significant down payment on its Flexnet meter-reading software. At the same time in FY 10-11, only \$355,177 had been spent on capital outlay (i.e. vehicle replacements). Capital purchases do not tend to follow a regular pattern other than to typically weight toward the end of the fiscal year to ensure that sufficient budget remains for the acquisition.

NON OPERATING EXPENDITURES

- **Capital projects** totaled \$4,956,086 or 40.48% of the amended budget of \$12,242,808. Capital project expenditures tend to fluctuate year-over-year, and there are always projects that are either carried forward into following years or simply do not come to fruition. For FY 11-12, several projects have yet to begin.
- **Debt service** payments totaled \$4,402,308 or 53.80% of the total budget of, \$8,182,690 which is lower than last year's levels, due to the 1994 Advanced Refunding General Obligation bonds having been fully paid off in the first quarter of FY 10-11.
- **Transfers and Other Financial Uses** totaled \$8,889,039 or 63.27% of the amended budget of \$14,049,368. The majority of the transfers are related to capital projects. See the Capital Improvement Program section for information on the status of capital projects.

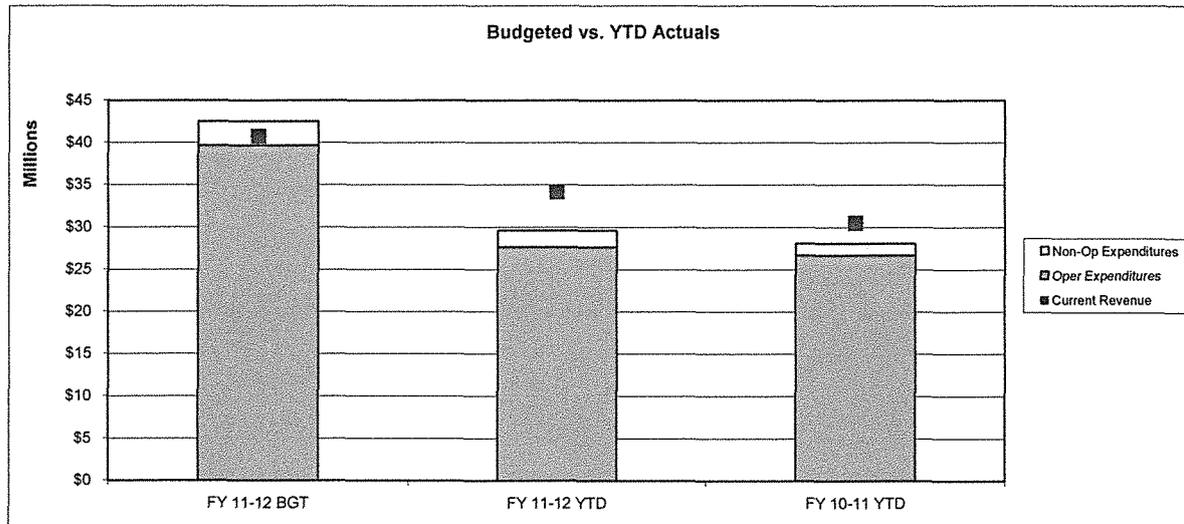
As always, if you have questions or concerns about the information in this report, please do not hesitate to contact me at (541) 766-6990 or via e-mail at nancy.brewer@ci.corvallis.or.us.

Nancy Brewer
Finance Director

PROPERTY TAX FUNDS COMBINED*

REVENUE	AMENDED BUDGET	3rd Quarter FY 11-12	UNAUDITED FY 11-12	FY 11-12 % REC/EXPEND	3rd Quarter FY 10-11	Y-T-D FY 10-11	FY 10-11 % REC/EXPEND
Budgeted Fund Balance	\$4,951,425						
Property Taxes	\$20,274,090	\$1,284,406	\$19,250,502	94.95%	\$784,238	\$18,098,581	94.10%
Other Tax	1,151,190	238,040	805,558	69.98%	219,495	740,109	71.43%
Licenses/Permits	5,624,980	1,624,154	3,783,042	67.25%	1,531,577	3,520,430	64.60%
Charges for Service	5,470,200	1,099,800	4,366,130	79.82%	940,176	4,190,812	78.96%
Intergovernmental	4,954,615	564,229	3,315,745	66.92%	407,890	3,050,424	60.40%
Fines/Forfeitures	976,510	208,919	605,614	62.02%	218,081	593,570	61.98%
Miscellaneous	378,880	165,936	405,384	107.00%	41,727	334,020	97.74%
Other Financing Sources	1,936,060	104,722	1,667,111	86.11%	2,505	21,507	5.00%
TOTAL CURRENT REVENUE	\$40,766,525	\$5,290,207	\$34,199,088	83.89%	\$4,145,689	\$30,549,453	80.80%
EXPENDITURE BY DEPARTMENT							
Community Development	\$1,356,480	\$302,061	\$955,017	70.40%	\$363,109	\$1,086,613	67.15%
Finance	677,700	167,327	501,629	74.02%	145,796	430,804	69.61%
Fire	11,384,830	2,872,923	8,379,326	73.60%	2,482,827	7,620,523	71.71%
Library	6,531,530	1,400,814	4,257,713	65.19%	1,456,107	4,417,068	68.65%
Parks and Recreation	6,096,500	1,231,299	4,229,835	69.38%	1,134,386	4,008,549	69.17%
Police	10,597,875	2,454,248	7,569,616	71.43%	2,399,126	7,370,619	73.26%
Public Works	1,642,760	230,541	846,623	51.54%	197,410	657,669	36.20%
Non-Departmental	1,365,950	293,755	920,122	67.36%	366,009	1,104,079	71.79%
TOTAL OPERATING EXPENDITURES	\$39,653,625	\$8,952,968	\$27,659,880	69.75%	\$8,544,770	\$26,695,924	69.32%
Debt Service	\$244,430	\$28,342	\$244,422	100.00%	\$30,389	\$30,389	60.88%
Transfers	2,337,440	25,420	1,719,930	73.58%	0	1,368,130	75.24%
Contingencies/Reserves	318,290	0	0	0.00%	0	0	0.00%
TOTAL ALL EXPENDITURES	\$42,553,785	\$9,006,730	\$29,624,232	69.62%	\$8,575,160	\$28,094,443	69.04%
CURRENT REVENUE LESS							
TOTAL EXPENDITURES		(\$1,787,260)	(\$3,716,523)			\$4,574,855	
					(\$4,429,471)	\$2,455,009	

* Includes General, Parks & Recreation, Fire & Rescue, and Library Funds



MEMORANDUM

TO: Administrative Services Committee
FROM: Mary Steckel, Interim Public Works Director
DATE: May 3, 2012
SUBJECT: 2011 Allied Waste of Corvallis Annual Report



ISSUE

The solid waste franchise agreement between the City of Corvallis and Allied Waste of Corvallis (Allied) requires that an annual report be submitted to the City by March 1st of each year. This Annual Report (Attachment I) is a summary of the company's operations for year ending December 31, 2011.

BACKGROUND

The 10-year franchise agreement with Allied gives the company exclusive rights to collect and transport solid waste within the city limits and to earn a reasonable rate of return. The agreement requires specific services, including garbage collection, curbside recycling, public education on recycling or reuse issues, and special collection events. Allied pays the City a franchise fee equal to 5% of the company's annual cash receipts for customers within the city limits.

DISCUSSION

Report Review

Public Works reviewed the Annual Report to ensure that it contains all of the information required by the franchise agreement. In addition, the Finance Department performed an unaudited evaluation (Attachment II) of the financial information presented in the report.

Salaries for administrative staff increased by 75% or \$310,504 while operation's labor increased 14%. Allied attributes part of the administrative increase to the addition of an assistant general manager as the result of consolidating Allied's operations in Dallas with Corvallis. As part of the consolidation, Allied also reduced a supervisor (operations) position. Staff find it puzzling that such a consolidation would lead to an increase in management staff that Corvallis ratepayers are supporting in addition to an increase in operation's labor despite the removal of a supervisor position.

The financial effect of the large increase in administrative salaries is substantial, if administrative salaries would have increased by only 14 percent, the same as operation's labor, net income would be roughly two percent higher.

Professional fees increased from \$6,265 to \$102,334. Staff requested additional information on this from Allied and they stated that a new accountant with the company allocated expenses differently than in the past and that they would take care to be consistent in the future.

If a rate increase is submitted by Allied based on the net income reported in the Annual Report, staff may seek more detailed information on the management/operations structure and require a third-party financial/operations audit as part of a rate review.

Recycling Highlights

The State has established waste recovery goals for each watershed; for Benton County, the goal is 50%. The most recent recycling rate for Benton County reported by the Oregon Department of Environmental Quality (DEQ) is 45.5% for 2010, a 1.6% increase compared to 2009. This number includes the recycling reported by

Allied along with data from other recyclers (i.e. scrap metal and bottle deposits) and various disposal sites. The official calculation for 2011 will be available from the DEQ in late Fall or early 2013.

The detailed recycling reporting on pages 18-20 provides baseline information by material type to help guide future program enhancements or changes.

Yard Debris and Food Waste

In May 2009, Allied implemented a Council-approved service enhancement to increase yard debris collection to weekly and to add vegetative food waste. This action resulted in Corvallis becoming the first city in Oregon to collect food waste with residential yard debris at the curb.

In June 2010, Allied enhanced the vegetative food waste program to allow all food waste, including proteins (meat, eggs, dairy), resulting in full organics collection. The 2011 data shows a steady increase in commercial food waste collection, up 114% compared to 2010. Allied continues to promote the organics program to residential and commercial customers and believes there is a large potential to increase participation.

Electronics (e-waste)

Electronic recycling collection decreased in 2011. Over the past few years, consumers began changing to flat screen TVs and computer monitors which drove increases in e-waste recycling. This transition to new viewing equipment appears to have tapered off, returning e-waste recycling tonnages to more historical numbers.

Plastic Film

In 2011, 29 tons (58,000 lbs) of plastic film was collected at the recycling depot, the most since the program was started in 2008.

Spring Recycling Event

Participation in the Spring Recycling Event has decreased in the last few years. Although 2011 saw a slight increase in customers compared to 2010, it was still significantly lower than previous years. Allied believes this may be due to the additional materials collected at their recycling depot and the implementation of weekly yard debris service.

Household Hazardous Waste (HHW) Events

The four 2011 HHW events saw a 5% decrease in customer attendance resulting in 1.7% less material collected when compared to 2010. A breakdown of the types and amounts of materials is provided on page 23 of the Annual Report.

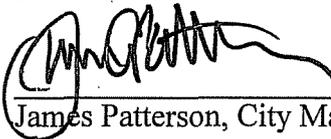
Coming in 2012

Allied plans to increase efficiencies by making changes to commercial collection routes. Allied also plans to continue investigating the feasibility of incorporating new materials into comingled recycling.

RECOMMENDATION

No action is necessary; this report is for information only.

Reviewed and Concur:


James Patterson, City Manager


Nancy Brewer, Finance Director

Attachments:

- Attachment I - 2011 Allied Waste of Corvallis Annual Report
- Attachment II - Finance Review of Annual Report

2011 Annual Report ~ Allied Waste of Corvallis



Enclosed is the Annual Report for Allied Waste of Corvallis outlining the services provided to the City of Corvallis.





TABLE OF CONTENTS

Table of Contents..... 1

Letter From Management 3

Summary of Services..... 4

 Figure 1 – Number of Customers Receiving Service Indicated 4

2011 Franchise Fees & Payments 5

 Figure 3 – AW of Corvallis – 2011 & 2010 Receipts & Franchise Fee Payments 5

 Figure 4 – AW of Corvallis – 2011 & 2010 Recycle Receipts & Franchise Fee Payments 5

 Figure 5 –2011 & 2010 Medical Receipts & Franchise Fee Payments 6

 Figure 6 – AW of Corvallis – Comparison of Franchise Fees Paid 6

Financial Overview..... 7

 Revenue, Earnings, & Expenses 7

Balance Sheet 9

 Figure 6.1 – Company Total – Assets – As of December 31, 2011..... 9

 Figure 6.2 – Company Total – Liabilities & Equity – As of December 31, 2011 10

Income Statement 11

 Figure 7 – AW of Corvallis Operations Related to The City of Corvallis – Year Ending December 31, 2011 11

 Figure 8 – Schedule of Direct Expenses 12

Statement of Changes in Financial Position 13

 Figure 9 – Company Total – Statement of Cash Flows – Year Ending Dec. 31, 2011..... 13

2011 Trends 14

Operations Efficiencies – Yearly Comparisons..... 14

Capital Expenditures and Investment in Corvallis 17

 Figure 10 – Cap-Ex – 2008 to 2011 Actual & 2012 Budgeted 17

Recycling 18



Tons and Material Breakdown..... 18

 Figure 11 – Tons Recycled by Commodity Type 18

 Figure 12 – 2011 Residential Curbside MSW & Recycle Tons by Month 19

 Figure 13 – 2011 Recycle Depot Tons by Month 20

 Figure 14 – 2011 Commercial Recycle Tons by Month 20

Annual Eventspring Recycle Event..... 21

 Figure 15 – Spring Recycle Event Customer Numbers 21

 Figure 16 – HHW Customer Count..... 22

 Figure 17 – HHW Material Total 23

Summary of Research Related to Resource Recovery Systems..... 24

 Figure 18 – Food Waste & Yard Debris Tons..... 24

Education and Community Outreach 25

 Activities throughout 2011 25

Appendix A..... 29

 Figure 19 – Customer Complaints & Compliments..... 29

Appendix B..... 30

 Figure 23 – Commercial / Industrial Customer Count 30





LETTER FROM MANAGEMENT

March 1, 2012

Mayor Julie Manning
Members of the Corvallis City Council
City of Corvallis Staff



I am pleased to present the annual report for Allied Waste of Corvallis operations within the City of Corvallis.

Here are a few highlights from 2011:

- We redesigned our residential routes to increase efficiency. The large number of planning hours invested in this endeavor resulted in a smooth transition as the collection days of over 17,000 residential customers were changed.
- We completed our sixth year of coordinating the Master Recycler Program, with 30 Master Recyclers completing this free course. These graduates are now “paying back” to the community by volunteering and developing programs.
- Allied Waste has been an active partner of the Corvallis Sustainability Coalition, serving on task and action groups. Our recycling educator is a member of both the Waste Reduction Action Group and the Food Waste Composting Committee. We continue to be sensitive to issues raised by the Coalition and take part in the town hall process. The goals of the coalition, as adopted by council, help to shape our long-range program planning. Allied Waste was also a sponsor of the 2011 Sustainability Town Hall.
- We continued to make significant improvement in all of our efficiency metrics in 2011. We collected more yards of commercial waste for each hour worked, we serviced more residents for each hour worked, and each drop box was hauled in less time. Efforts to maintain and improve efficiency keep operating costs down, benefiting the citizens of Corvallis.

We are a proud partner with Corvallis and I appreciate your comments and suggestions as you review this report. Feel free to contact me anytime at 541-754-0445.

Best Regards,

Ron Tacchini
Operations Manager
Allied Waste of Corvallis



SUMMARY OF SERVICES

FIGURE 1 – NUMBER OF CUSTOMERS RECEIVING SERVICE INDICATED

	2008	2009	2010	2011
Residential				
Cans	118	95	78	68
20 Gal Cart	414	410	426	421
35 Gal Cart weekly	9,311	8,169	8,075	8,103
35 Gal Cart bi-weekly		785	918	998
64 Gal Cart	2,200	1,997	1,952	1,942
90 Gal Cart	1,167	829	825	801
On-Call	201	186	183	179
Total Residential	13,411	12,471	12,457	12,512
Commercial	967	1,658	1,182	1,209
Industrial	89	78	83	136

**Residential recycling customers in city limits: 12,638*
**Residential mixed organic waste customers in city limits: 11,571*
**Solid Waste Disposal Site – Coffin Butte Landfill*



2011 FRANCHISE FEES & PAYMENTS

FIGURE 3 – AW OF CORVALLIS – 2011 & 2010 RECEIPTS & FRANCHISE FEE PAYMENTS

CURRENT YEAR 2011			PRIOR YEAR 2010		
Month	2011 Receipts	Fee Paid	Month	2010 Receipts	Fee Paid
Jan-11	\$566,222	\$28,311	Jan-10	\$476,333	\$23,817
Feb-11	\$582,565	\$29,128	Feb-10	\$581,241	\$29,062
Mar-11	\$593,368	\$29,668	Mar-10	\$526,611	\$26,331
Apr-11	\$597,605	\$29,880	Apr-10	\$594,660	\$29,733
May-11	\$570,687	\$28,534	May-10	\$542,320	\$27,116
Jun-11	\$625,015	\$31,251	Jun-10	\$602,999	\$30,150
Jul-11	\$578,466	\$28,923	Jul-10	\$547,065	\$27,353
Aug-11	\$639,200	\$31,960	Aug-10	\$626,957	\$31,348
Sep-11	\$585,556	\$29,278	Sep-10	\$566,322	\$28,316
Oct-11	\$623,516	\$31,176	Oct-10	\$665,859	\$33,293
Nov-11	\$590,367	\$29,518	Nov-10	\$555,264	\$27,763
Dec-11	\$632,547	\$31,627	Dec-10	\$639,481	\$33,215
TOTAL	\$7,185,115	\$359,256	TOTAL	\$6,925,109	\$347,496

* Data above excludes receipts & franchise fees for Bio-Med of Oregon or Recycling

FIGURE 4 – AW OF CORVALLIS – 2011 & 2010 RECYCLE RECEIPTS & FRANCHISE FEE PAYMENTS

CURRENT YEAR 2011			PRIOR YEAR 2010		
Month	2011 Receipts	Fee Paid	Month	2010 Receipts	Fee Paid
Jan-11	\$36,829	\$1,841	Jan-10	\$12,914	\$646
Feb-11	\$36,634	\$1,832	Feb-10	\$15,464	\$773
Mar-11	\$42,270	\$2,113	Mar-10	\$20,987	\$1,049
Apr-11	\$45,336	\$2,267	Apr-10	\$23,101	\$1,155
May-11	\$41,940	\$2,097	May-10	\$19,560	\$978
Jun-11	\$45,283	\$2,264	Jun-10	\$23,986	\$1,199
Jul-11	\$39,705	\$1,985	Jul-10	\$21,946	\$1,097
Aug-11	\$46,177	\$2,309	Aug-10	\$20,967	\$1,048
Sep-11	\$42,162	\$2,108	Sep-10	\$26,431	\$1,322
Oct-11	\$44,107	\$2,205	Oct-10	\$30,609	\$1,530
Nov-11	\$31,290	\$1,565	Nov-10	\$37,960	\$1,898
Dec-11	\$31,237	\$1,562	Dec-10	\$42,226	\$2,244
TOTAL	\$482,970	\$24,149	TOTAL	\$296,151	\$14,807



FIGURE 5 – 2011 & 2010 MEDICAL RECEIPTS & FRANCHISE FEE PAYMENTS

Month	Medical Waste Receipts	Medical Waste Fee Paid	Month	Medical Waste Receipts	Medical Waste Fee Paid
Month	2011 Receipts	Fee Paid	Month	2010 Receipts	Fee Paid
Jan-11	\$3,421	\$171	Jan-10	\$8,897	\$445
Feb-11	\$10,556	\$528	Feb-10	\$6,307	\$315
Mar-11	\$7,774	\$389	Mar-10	\$7,475	\$374
Apr-11	\$9,766	\$488	Apr-10	\$7,714	\$386
May-11	\$6,467	\$323	May-10	\$7,484	\$374
Jun-11	\$9,193	\$460	Jun-10	\$6,412	\$321
Jul-11	\$7,199	\$360	Jul-10	\$7,154	\$358
Aug-11	\$5,951	\$298	Aug-10	\$6,022	\$301
Sep-11	\$7,685	\$384	Sep-10	\$10,136	\$507
Oct-11	\$7,645	\$382	Oct-10	\$6,673	\$334
Nov-11	\$7,259	\$363	Nov-10	\$5,958	\$298
Dec-11	\$5,627	\$281	Dec-10	\$10,368	\$522
TOTAL	\$88,542	\$4,427	TOTAL	\$90,599	\$4,534

FIGURE 6 – AW OF CORVALLIS – COMPARISON OF FRANCHISE FEES PAID

Years	City of Corvallis Receipts	Franchise Fee Paid	Percent Change
1997-98	\$4,361,494	\$218,075	-0.2%
1999*	\$4,502,824	\$225,144	3.2%
2000	\$5,158,146	\$257,921	14.6%
2001	\$5,217,607	\$260,880	1.1%
2002	\$5,246,287	\$262,314	0.5%
2003	\$5,271,952	\$263,598	0.5%
2004*	\$5,264,319	\$263,216	-0.1%
2005*	\$6,089,698	\$304,485	15.7%
2006*	\$6,668,284	\$333,360	9.5%
2007*	\$6,804,766	\$340,238	2.1%
2008	\$6,860,594	\$343,030	0.8%
2009*	\$6,910,493	\$345,523	0.7%
2010	\$7,015,709	\$366,939	1.9%
2011	\$7,756,627	\$387,831	10.2%

*Indicates rate increases 7/1999, 9/2004, 9/2005, 10/2006, 11/2007, & 5/2009

**2011 includes Franchise Fees paid on recycling receipts; prior years do not



FINANCIAL OVERVIEW

REVENUE, EARNINGS, & EXPENSES

REVENUE

Revenue in 2011 grew 6.7% over 2010. Strong commodity prices, mostly cardboard and commingle, along with modest volume growth, drove the variance. Commodity revenue grew 60% year over year.

OPERATIONS EXPENSE

The total cost of operations increased 14% when compared to 2010. Fuel prices and disposal costs accounted for the majority of the increase.

- Labor costs increased 14%. Revenue growth, cost of living adjustments and a restructure of supervisor roles accounted for the increase.
- Repairs and maintenance costs increased 21%. More than typical major engine rebuilds drove the increase.
- Vehicle operating costs increased 43%. Fuel is the primary cost driver in this category. Our average fuel rate in 2010 was \$2.73 and increased to an average over \$3.40 per gallon in 2011.
- Facility operating was about flat year over year, increasing \$2k or 1%.
- Safety, insurance and claims increased 15% from prior year. A few major claims drove the increase.
- Disposal/Recycling Purchases costs increased 7%. Landfill and yard waste rates increased approximately 4%, along with increase in volume drove the majority of the increase. Landfill rates increased largely due to increased costs associated with environmental, leachate costs and the development of a new cell.
- Depreciation increased 3%, primarily to higher investment in equipment, namely collection vehicles.

RISING FUEL COSTS

Rising fuel prices accounted for 23% of the year over year increase in operating expenses.

Fuel rate in 2011 was \$3.40 per gallon, up from \$2.73 in 2010.



SALARIES & GENERAL ADMINISTRATIVE EXPENSE

Salaries and administrative expenses increased when compared to 2010 by 6%, mostly relating to an addition of an assistant general manager position. The AGM position was created through consolidation of AW of Corvallis and Dallas. We removed a supervisor position and added an AGM as a training position for succession planning and other productivity and efficiency gains. AGM Pam Enriquez was added to our staff after consolidation of our Dallas facility.

OPERATING MARGIN

Net income, as a percentage of revenue, decreased 2.7 basis points, from 8.3% to 5.6%. Inflationary expenses, largely rising fuel and disposal costs, more than offset favorable commodity prices.

BALANCE SHEET

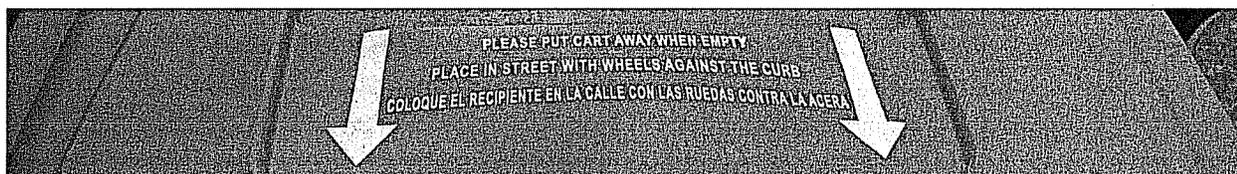


FIGURE 6.1 – COMPANY TOTAL – ASSETS – AS OF DECEMBER 31, 2011

	2011	2010	2009
ASSETS			
Current Assets			
Cash	-	-	-
Net Trade Receivables	773,368	927,523	865,941
Other Receivables	2,500	1,750	(1,752)
Prepaid Expenses	59,091	52,708	67,509
Inventories	46,703	66,033	64,413
Deposits	-	-	-
Total Current Assets	881,662	1,048,014	996,111
Property & Equipment			
Buildings & Improvements	-	-	52,296
Vehicles & Equipment	3,937,497	3,557,615	2,784,461
Containers & Compactors	1,467,432	1,335,599	1,432,983
Furniture & Fixtures	36,087	59,308	52,497
Computer Equipment	34,733	-	-
Accumulated Depreciation	(2,096,497)	(1,399,001)	(764,541)
Total Property & Equipment	3,379,252	3,553,521	3,557,696
Goodwill			
Goodwill	-	-	-
Total Assets	4,260,915	4,601,535	4,553,807



FIGURE 6.2 – COMPANY TOTAL – LIABILITIES & EQUITY – AS OF DECEMBER 31, 2011

	2011	2010	2009
LIABILITIES & EQUITY			
Current Liabilities			
Accounts Payable	111,642	256,173	93,713
Accrued Liabilities	207,359	216,170	806,111
Unearned/Deferred Revenue	-	23	-19
Total Liabilities	319,002	472,366	899,805
Stockholder's Equity			
Intercompany Accounts ¹	-2,771,681	-878,378	2,748,212
Common Stock	-	-	-
Additional Paid-in Capital	-	-	-
Retained Earnings (Beginning)	5,007,548	1,718,411	29,255
Current Year Earnings	1,706,047	1,754,568	876,535
Other Inc. (Dec) - R/E	-	1,534,568	-
Total Stockholder's Equity	3,941,914	4,129,169	3,654,002
Total Liabilities & Equity	4,260,915	4,601,535	4,553,807





INCOME STATEMENT

FIGURE 7 – AW OF CORVALLIS OPERATIONS RELATED TO THE CITY OF CORVALLIS – YEAR ENDING DECEMBER 31, 2011

	2011	2010	2009
Revenue	\$7,501,760	\$7,026,291	\$6,651,599
Cost of Operations	\$5,644,205	\$4,958,930	\$4,742,459
Gross Profit	\$1,857,555	\$2,067,361	\$1,909,140
Salaries, General and Administrative	\$1,161,031	\$1,098,385	\$1,194,590
Operating Income	\$ 696,524	\$ 968,976	\$ 714,550
Provision for Income Taxes	\$ 278,610	\$ 389,362	\$ 285,820
Net Income	\$ 417,914	\$ 579,614	\$ 428,730
Net Income as a Percent of Sales	5.60%	8.20%	6.40%

*The financials above use an estimated 40% tax rate. Actual rates, published after the annual report is submitted were 53.6% & 42.1% in 2009 and 2010 respectively



FIGURE 8 – SCHEDULE OF DIRECT EXPENSES

	2011	2010	2009
COST OF OPERATIONS			
Labor	1,717,246	1,501,646	1,502,106
Repairs and Maintenance	568,365	470,668	476,300
Vehicle Operating Costs	536,639	374,655	308,538
Equipment Rent	-	187	211
Facility Operating	195,755	193,196	198,147
Safety, Insurance and Claims	249,082	217,124	152,832
Disposal/ Recycling Purchases	1,349,361	1,261,193	1,202,722
Franchise Fees	383,790	366,837	343,030
Other Operating Costs	121,503	67,752	57,214
Depreciation	522,464	505,672	501,359
TOTAL COST OF OPERATIONS	\$ 5,644,205	\$ 4,958,930	\$ 4,742,459
SALARIES, GENERAL & ADMINISTRATIVE			
Salaries	724,969	414,465	366,775
Rent and Office Expense	145,447	169,209	178,114
Travel and Entertainment	15,305	17,432	12,463
Professional Fees	102,334	6,265	16,685
Bad Debt Expense	16,566	30,463	23,669
Management Services	150,387	290,320	434,996
Other Expenses	6,024	160,093	156,016
Depreciation	-	10,138	5,872
TOTAL SALARIES, GENERAL & ADMINISTRATIVE	\$ 1,161,032	\$ 1,098,385	\$ 1,194,590

*Franchise Fee shown above is reported on an accrual basis and will differ slightly from what is shown on page 7





STATEMENT OF CHANGES IN FINANCIAL POSITION

FIGURE 9 – COMPANY TOTAL – STATEMENT OF CASH FLOWS – YEAR ENDING DEC. 31, 2011

Cash provided from (used for) Operations:		
Net Income		1,452,105
Non-cash operating expenses:		
Depreciation & Amortization	774,274	
Allowance for doubtful accounts	33,873	
Add: Total non-cash operating expenses		808,147
Change in operating Assets & Liabilities		
Accounts Receivable	154,155	
Other Receivable	(750)	
Prepaid Expenses	(6,383)	
Inventories	19,330	
Payables	(144,531)	
Accrued Liabilities	(8,811)	
Deferred Revenue	(23)	
Total change in operating assets & liabilities		12,987
Cash provided by net operating activities		2,273,239
Cash provided from (used for) Investing Activities:		
Fixed Assets		(526,262)
Goodwill		-
Intercompany Obligations		(1,746,977)
Cash provided from (used for) investing activities		(2,273,239)
Cash provided by (used for) Financing Activities:		
(Prior period adjustment associated with Republic purchase of Allied Waste)		
Increase (Decrease) in cash		

* The Cash Flow Statement represents Cash Flows from all operations of Allied Waste of Corvallis, not just the city of Corvallis



2011 TRENDS

OPERATIONS

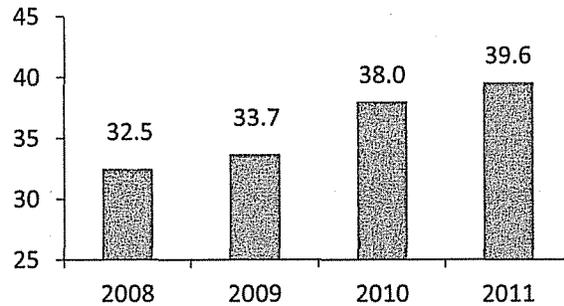
The operations team focused on several areas in 2011:

- Safety** – Each year Allied Waste strives to improve safety frequency rates and the number of claims. We are pleased to report that the number of claims decreased from 5 claims in 2010 to 4 claims in 2011. The accident frequency rate remained the same low rate of 8.87 in 2011. These results were obtained through diligent focus, constant training and re-training, driver observations and a strong commitment to safety by every employee in the company. Drivers spend at least 13 hours in formal safety training each year. Operations supervisors also conduct route observations on each driver every month to ensure safety and service standards are practiced.
- Residential trash, recycling and yard waste routes were adjusted to increase efficiencies by balancing routes, eliminating overlap, and locating them in the same geographical area each day. The collection days of approximately 17,000 customers changed with little confusion due to focused customer communication prior to and during the change.

OPERATIONS EFFICIENCIES – YEARLY COMPARISONS

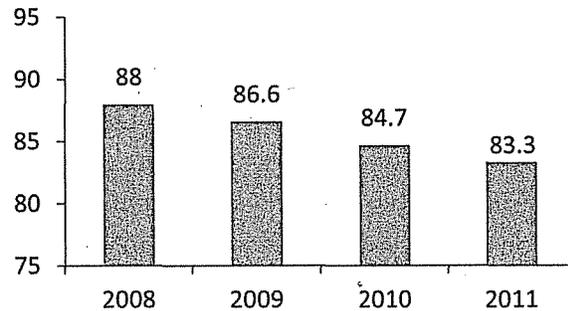
Commercial Yards / Hour

■ Yards Per Hour (Higher number indicates improvement)



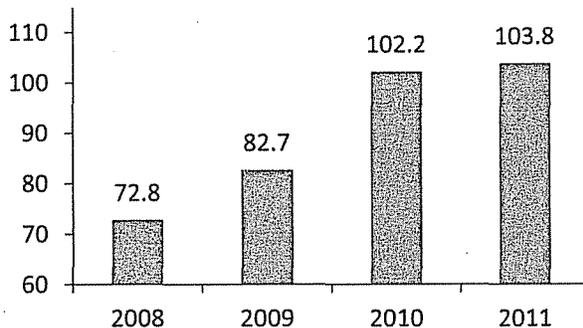
Industrial Minutes / Haul

■ Minutes Per Haul (Lower number indicates improvement)



Residential Drive-bys / Hour

■ Drive-bys Per Hour (Higher number indicates improvement)





- **Efficiency Improvement** – We continued to make significant improvement in all efficiency metrics in 2011. More yards of commercial waste were collected for each hour worked, more residents were serviced for each hour worked, and the average drop box was hauled in less time. Improvements in each line of business are shown on the graphs at right.
- **Facility** – We maintained the knowledgeable and courteous staff at the recycling depot on the Allied Waste property. The depot is secure and staffed 12 hours a day, 7 days a week. As a result, contamination has been significantly reduced. Customers appreciate the assistance they receive when they arrive at the depot and the extensive list of items that can be dropped off at the depot for recycling.
- **Fleet Maintenance** – We continue to implement environmentally friendly tactics to reduce our impact on the environment. Utilizing biodegradable hydraulic oil in the shop that saves roads and waterways from damaging pollution. To reduce greenhouse gases and particulate emissions, Allied trucks are equipped with automatic 5-minute idle shut off mechanisms and new trucks are equipped with diesel oxidation catalysts that will reduce pollution from particulates by one-third.

CUSTOMER SERVICE

We pride ourselves on being able to help each and every customer with just one phone call or email. On a quarterly basis, Customer Service Representatives are “secret shopped” over the phone via recorded conversations that ensure service quality and tone remains at the highest standards. They are graded on approximately 30 different criteria and are trained to provide the best customer service possible. The Customer Service Representatives for Corvallis had an average score of 95% during 2011 and were ranked third out of the 100 Republic Services call centers nationwide. In addition, Allied customers are randomly surveyed over the phone or by email. These surveys include questions regarding customer expectations, perceived value, service quality, problem resolution, and customer loyalty.

FOCUS FOR 2012

- The configuration of our commercial routes will be altered to increase efficiency by balancing routes and eliminating overlap.
- Two new roll off trucks have been purchased and will be put into service in the first quarter on 2012. These trucks will be more fuel efficient than any other roll offs in our fleet.
- Our entire fleet will be retrofitted with an oil purification system that will extend oil change intervals and thereby reduce oil consumption.
- We will continue to maintain a focus on driver training and safe operating practices.
- We will continue to work with the City of Corvallis and Benton County to evaluate opportunities to improve our watershed’s recovery rate and achieve the goal of 50%.



- The T12 fluorescent lighting in our building will be converted to T8 lighting to reduce energy consumption.
- We will research the feasibility of mixing glass into the commingled recycling carts. Benefits include safer work environment for our employees, more efficient operations, reduced carbon footprint, and improved customer convenience.
- Continued promotion of organic waste composting and related customer education remains a focus item for 2012. In 2011 we donated over 100 cubic yards of compost to projects like community gardens and school arboretums.



CAPITAL EXPENDITURES AND INVESTMENT IN CORVALLIS

FIGURE 10 – CAP-EX – 2008 TO 2011 ACTUAL & 2012 BUDGETED

2008

Shop Equipment	13,600
Container Delivery Truck	16,500
Commercial Containers	27,000
Industrial Containers	12,500
Residential Carts	87,000
Residential Curbside Recycling Bins	5,100
Security Camera System	5,700
Total	167,400

2009

Residential Carts	36,072
Commercial MSW Truck - Front Load	228,631
Residential MSW Truck - Side Load	231,698
Commercial Containers	37,143
Cardlock Fueling System	23,483
Container Delivery Truck	34,665
Shop Equipment	4,597
Service Truck	89,000
Truck Scales	8,955
Auto Lube System	7,922
Grabber Assembly	3,321
Total	705,487

2010

Service Truck	22,500
Residential MSW Trucks - Side Load	763,262
Yard Waste Carts	49,229
MSW Carts	35,731
Tractor	94,881
Recycle Glass Bins	3,525
Total	969,128

2011

Roll Off Truck	224,286
Commercial Truck	157,606
MSW Carts - 32, 64, & 90 Gallon	52,316
Recycle Glass Bins	7,480
Commercial Containers	27,800
Roll Off / Drop Boxes	45,950
Office and Operations Fixtures - Desks and Cubicles*	10,824
Total	526,262

*desk for administrative assistant and cubicles for new drivers

2012

Truck Scales for DOT Compliance	45,000
Water Treatment System*	80,000
Composters	9,000
MSW Carts	33,000
Recycle Glass Bins	14,000
Commercial Containers	113,000
Network Telephone Equipment**	74,685
Shop Equipment	4,500
Total	373,185

*for treating water used to wash trucks

**corporate mandated telephone and data network improvements





FIGURE 12 – 2011 RESIDENTIAL CURBSIDE MSW & RECYCLE TONS BY MONTH

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Woodwaste (WW)													
Cedar Shavings (CS)													
Municipal Solid Waste (MSW)	1,003	882	1,018	966	1,004	1,213	1,106	1,167	1,109	1,070	1,098	1,011	12,647
Leaves	55	-	-	-	-	-	-	-	-	80	1,530	1,030	2,695
Yard Debris (YD)	381	344	377	817	1,110	1,198	753	624	526	628	761	539	8,058
Food Waste (FW)													
Cardboard (CB)													
Office Paper (OP)													
Newsprint (NP)													
Comingle (CO)	435	346	415	394	389	431	374	418	412	396	456	448	4,915
Glass (GL)	50	53	39	53	46	56	41	48	57	49	54	55	600
Metal													
e-Waste													
Motor Oil (MO)	0.15	1	1	1	0.36	0.10	0.13	0.10	0.08	4	4	1	11
Household Hazardous Waste (HHW)													
Batteries (Batt)													
Concrete													
Paint													
Plastic Film (PF)													
Total - All Tons	922	744	832	1,264	1,546	1,684	1,168	1,090	995	1,157	2,803	2,073	16,280

Disposal Sites	
GL = glass	Coffin Butte Landfill (road base)
Metal	Cherry City / Metro Metals
MSW = municipal solid waste	Coffin Butte Landfill
CB = cardboard	Source Recycling
OP = office paper	Source Recycling
NP = newsprint	Source Recycling
CO = commingle	Source Recycling
e-Waste	ECS, Reganysis
Paint	Habitat ReStore
PF= Plastic Film	SP Recycling
CS = cedar shavings	Heeler Farm
MO = motor oil	Safety Kleen
Concrete	Knife River
WW = wood waste	PRC
FW = food waste	PRC
YD = yard debris	PRC
HHW = Household hazardous waste	PCS

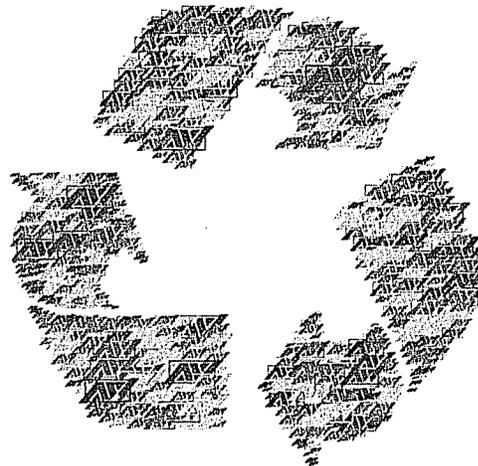




FIGURE 13 – 2011 RECYCLE DEPOT TONS BY MONTH

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Woodwaste (WW)													
Cedar Shavings (CS)													
Yard Debris (YD)				139									139
Food Waste (FW)													
Cardboard (CB)	80	66	51	58	55	59	56	72	75	74	77	97	821
Office Paper (OP)													
Newsprint (NP)													
Comingle (CO)	36	38	50	43	35	36	42	40	38	41	52	45	495
Glass (GL)	52	39	55	34	54	40	42	50	46	52	48	48	560
Metal	13		47	41	23	9	30	34	5	49	33	6	289
e-Waste	11	6	31	10	2	16	20	4	14	15	9	11	149
Motor Oil (MO)													
Household Hazardous Waste (HHW)		17			20			36			25		97
Batteries (Batt)	0.41	4	0.34		4		0.69	4			4		17
Concrete													
Paint													
Plastic Film (PF)	3	6	2	2	2	3	2	1	1	3	3	2	29
Total - All Tons	196	176	237	327	194	162	192	242	179	234	250	209	2,597

*All glass (including commercial recycle) is counted in the depot tons section

* No MSW collected at Recycle Depot

FIGURE 14 – 2011 COMMERCIAL RECYCLE TONS BY MONTH

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Woodwaste (WW)	73	41	46	87	104	114	52	43	34	48	67	46	756
Cedar Shavings (CS)													
Yard Debris (YD)	30	31	31	2	38	52	254	28	34	37	49	43	400
Municipal Solid Waste (MSW)	2,030	1,873	2,147	2,336	2,019	2,285	2,237	2,277	2,448	2,179	2,457	2,372	26,659
Food Waste (FW)	23	28	35	40	38	32	30	26	34	22	28	27	362
Cardboard (CB)	217	119	235	203	210	196	177	203	210	211	222	182	2,385
Office Paper (OP)	31	24	27	7	8	13	3	11	16	20	15	10	185
Newsprint (NP)													
Comingle (CO)	104	95	119	115	114	131	97	105	103	95	103	102	1,282
Glass (GL)													
Metal													
e-Waste													
Motor Oil (MO)													
Household Hazardous Waste (HHW)													
Batteries (Batt)													
Concrete	21	5	73	55	15	143	74	75	61	46		35	603
Paint													
Plastic Film (PF)													
Total - All Tons	498	344	565	510	526	680	458	492	491	480	484	444	5,972



ANNUAL EVENTS
SPRING RECYCLE EVENT



Totals below reflect yard debris, wood waste, scrap metal, and electronics recycled at the 2011 Spring Recycle Event. Nearly 99% of the inbound volume was recycled or collected for reuse. Benton Furniture Share and Habitat for Humanity were on site during the Spring Recycle Event to collect usable household furnishings and building materials. This event is promoted in customer newsletters, on billing statements, on the Allied Waste web site and in the Gazette Times.

FIGURE 15 – SPRING RECYCLE EVENT CUSTOMER NUMBERS

Locations	2008 Customer Count	2009 Customer Count	2010 Customer Count	% Change	2011 Customer Count	% Change
CDC South Lot	1,118	782	817	4%	864	6%
CDC North Lot	519	348	413	19%	400	-3%
Total	1,637	1,130	1,230	9%	1,264	3%

Material Collected	2008 Tons	2009 Tons	2010 Tons	% Change	2011 Tons	% Change
Metal	32	32	35	11%	35	0%
Yard Debris/ Wood	104	143	102	-29%	139	36%
Electronics	15	8	2	-78%	N/A*	N/A
Total	151	183	139	-24%	174	25%

Implementation of the Oregon e-Cycles program in 2009 has decreased the electronic waste collected at events. Electronic waste is collected seven days a week at the Allied Waste Recycle Depot, making it more convenient for area residents to recycle these materials throughout the year. For this reason we no longer track e-waste at events.

COMPOST WORKSHOPS

Allied Waste of Corvallis held two Compost Workshops in 2011. The first workshop took place in May and the second in October. The spring workshop was held in conjunction with the Master Gardeners annual plant sale. There were approximately 200 people in attendance. Many stopped by to ask compost questions in October at the Compost Workshop. The fall workshop was held at the Saturday Farmers Market and generated much interest. People came to learn about and discuss composting as well as the residential mixed organics program. Both events were staffed by Allied Waste and Linda Brewer, OSU Extension Service Compost Specialist.



LEAF AND CHRISTMAS TREE COLLECTION

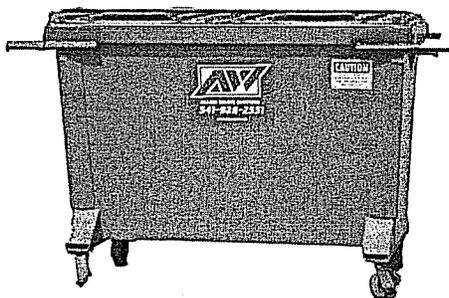
Leaves were collected October 17 through December 23, 2011. 2,695 tons of leaves and were collected and delivered to area residents and farms upon request for composting. Christmas trees were picked up curbside and at a drop off box at the Allied Waste office and were processed at Pacific Region Compost.

Household Hazardous Waste Collection

We held four collection events in 2011. We promote these events in our customer newsletters, on billing statements, on our web site and in the Gazette Times. We've coordinated our quarterly newsletters to reach the customers just prior to these events in an attempt to better publicize them and encourage greater participation.

FIGURE 16 – HHW CUSTOMER COUNT

Yr.	Feb.	May	Aug.	Nov.	TOT.	YOY Change
2007	367	823	967	870	3,027	
2008	897	902	975	874	3,648	20.5%
2009	567	527	862	676	2,632	-27.9%
2010	1116	886	924	701	3,627	37.8%
2011	515	822	1049	1033	3,419	-5.7%



The table to the left shows the number of customers served at our household hazardous waste disposal events this year as compared to the previous three years.



FIGURE 17 – HHW MATERIAL TOTAL

Hazardous Material	2007	2008	2009	2010	2011
Latex Paint	36	43	49	38	33
Paint	23	28	8	21	21
Flammable Liquids	4	5	5	5	8
Toxic Liquids	4	8	2	7	7
Toxic Solids	2	3	2	3	3
Corrosive Liquids	0.7	1	1	1	1
Caustic Liquids	1	2	2	2	2
Oxidizing Liquids	0.48	0.31	0.01	0.12	0.52
Oxidizing Solids	1	0.02	0.11	0.128	0.75
Hypochlorite Solutions	0	0.18	0.43	0.71	0.69
Aerosols, Flammable	0.48	2	2	2	2
Insecticide Gases	1	0.62	0.6	0.8	1
Compressed Gas	0.45	0.72	0.46	0.5	0.52
Batteries, Wet	0.29	0.02	0.15	0	0
Batteries, Dry	5	11	7	157	15
Lithium Batteries	0	0.06	0.06	0.04	0.04
Flammable Solids	0.07	0.01	0.02	0.06	0.02
Water Reactive Solids	0.02	0.08	0.002	0.01	0.002
Self-Heating Solids	0.01	0.09	0.02	0.01	0.02
Mercury	0	0.01	0.02	0.02	0.02
Organic Peroxide	0.01	0.002	0.002	0.01	0.01
Hydrogen Peroxide	0	0.02	0.02	0	0
Light Ballasts	0.01	0.47	2	0.68	0.72
Asbestos	0.05	0.01	0	0	0
Nitric Acid	0.01	0	0.02	0	0
Perchloric Acid	0.02	0	0	0	0
Potassium Cyanide	0.05	0	0.05	0	1
TOTAL TONS	80.58	105.67	81.16	98.88	97.18

SUMMARY OF RESEARCH RELATED TO RESOURCE RECOVERY SYSTEMS



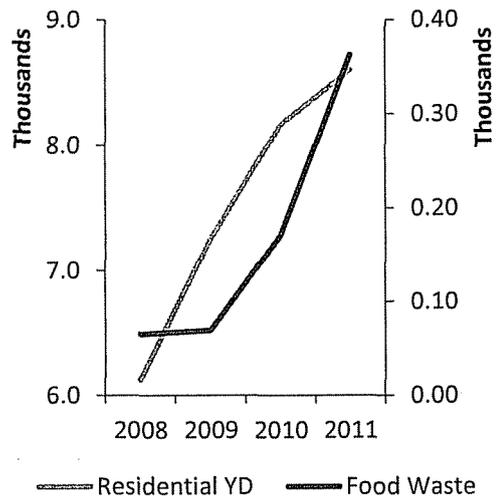
In April 2010, our composting operation, Pacific Region Compost (PRC), received Oregon’s first permit to compost type 3 feed stock including all food waste.

This facility enabled The City of Corvallis to become the first municipality in Oregon to allow commercial and residential customers to add all food wastes to the organic materials formerly collected as “yard waste.” We have been researching and implementing processes to create higher quality compost. We have invested in heavy machinery specifically designed for composting such as a turner and a grinder which give us more consistency and quality in our production. Lately we have tested varying ways to remove contaminants from our product, such as ‘picking stations,’ otherwise known as a ‘mobile sort line,’ which can be used for many different applications including commingle recycle and construction and demolition materials.

We appreciate the support we received from the City of Corvallis that enabled Allied Waste to make this investment. The city’s commitment to be a leader in this new frontier of recycling has put Corvallis “on the map” and given it much deserved recognition as other cities follow suit.

FIGURE 18 – FOOD WASTE & YARD DEBRIS TONS

	2008	2009	2010	2011
Food Waste	65	69	170	362
YOY % Inc./ Dec		6.2%	146.4%	113.2%
Residential YD	6,122	7,251	8,158	8,596
YOY % Inc./ Dec		18.4%	12.5%	5.4%





EDUCATION AND COMMUNITY OUTREACH

ACTIVITIES THROUGHOUT 2011

Allied Waste of Corvallis employs a Recycling Specialist to provide recycling and waste reduction education in area schools and the community.

SCHOOL PRESENTATIONS

24 (14 presentations made by Allied Waste, 10 more by CVHS students trained by AW)

Hands-on presentations of what can and cannot be recycled at school and at home are included in our outreach to Corvallis schools. Students learn how their efforts conserve resources, reduce air and water pollution, and waste prevention contribute to a better place to live for all of us. School presentations also include a discussion of the composting process and its importance in waste reduction efforts. Our overall goal in talking with students is to educate, empower and inspire them to be sustainability minded citizens.

School Outreach & Education
3 High Schools, 3 Middle Schools, 13
Grade Schools, & 3 Pre-Schools

SCHOOL WASTE AUDITS

7 (3 by Allied Waste, 4 by CVHS students trained by AW)

Classes sort through a sample of school trash and sort it into recyclables, reusable materials, food, and garbage. They learn the percent of the trash that could have been recycled and reused as well as, the number of full sheets of paper that were printed on just one side. Students use what they learn to decide what actions the school can be taken to prevent waste and increase recycling. With approval from the principal and custodial staff, these actions then become integrated into the school's waste reduction plan.

School Visits – 11
We frequently visit schools to monitor the quality of recycled materials and address any issues related to collection, sorting, and progress on waste reduction goals.

Students then make presentations to other classes, reporting their findings and teaching how to improve waste reduction and recycling efforts.



OREGON GREEN SCHOOL PROGRAMS (OGS)

Schools receive one of the three different levels of recognition for their waste reduction efforts through the Oregon Green Schools Program. Entry Level schools must recycle at least three materials; provide training to students and staff on how to participate in the recycling and waste reduction program; conduct a school waste audit and establish waste reduction goals; demonstrate a reduction in the purchase or consumption of a product; and demonstrate the reuse of materials at school. Our recycling specialist serves as the Oregon Green School Coordinator for our area as well as a board member for OGS.

There are five schools in Corvallis that have been designated as an Oregon Green School, with five others working on Green School certification. Crescent Valley High School and area Master Recyclers were trained to assist Corvallis schools in their efforts to become Oregon Green Schools.

***Displays**
Recycling, reuse, composting, and safer alternatives to hazardous waste displays were set up at daVinci Days, Waterfront Earth Fair, HP Earth Fair, OSU Earth Day Fair, the Corvallis Sustainability Town Hall and Kids Day for Conservation*

COMMUNITY PRESENTATIONS – 32

Presentations to community groups, on the importance of recycling as well as what and how to recycle in our curbside system were conducted regularly. We also offer waste audits to area businesses. Allied Waste was a sponsor and participant in Kids Day for Conservation, with an attendance of over 3,000 people.

MASTER RECYCLER PROGRAM

Allied Waste is in its sixth year cofacilitating the Master Recycler Program for Benton and Linn Counties. Over 100 participants have completed the eight week class and have volunteered over 1,000 hours in the community to-date.

2011 marked the fifth year of our sponsorship of the Master Recycler program. Together with OSU Recycling, this course is offered free to community participants. The class provides an in-depth education on waste reduction at all levels. Master Recyclers each use the knowledge they gain to “pay forward” 30 hours of volunteer time in a wide variety of waste reduction efforts.

COMMUNITY INVOLVEMENT – CORVALLIS SUSTAINABILITY COALITION

Allied Waste is an active partner of the Corvallis Sustainability Coalition, serving on task and action groups. Our recycling educator is a member of the Waste Prevention Action Group and Food Waste Composting Committee. The goals of the coalition, as adopted by council help to shape our long-range program planning. Allied Waste was also a sponsor of the 2011 Sustainability Town Hall.



Allied Waste and its employees have a strong commitment to supporting the community. Employees are involved with United Way of Benton County, Corvallis Rotary and Corvallis Little League. More than 90 yards of Pacific Region Compost was donated to the Crescent Valley High School Arboretum project. Our company this year, made contributions of cash or service to the following groups:

Corvallis Transit System	Kids Ride for Free	CV/CHS All Night Parties (Graduation)
Crescent Valley HS	City of Corvallis	OSU Dept of Human Development
Crescent Valley HS Baseball	Downtown Corvallis Assoc.	Safe Haven Human Society
Rotary Club of Corvallis	Special Olympics	Kiwanis Club of Corvallis
Old Mill Center	Philomath Classic Car Show	Red, White & Blues Festival
Corvallis Cub Scouts	daVinci Days	Benton Co. Fairgrounds
Fall Festival	United Way	Tangent Harvest Festival
Benton Co. Sheriff's Office	United Way Day of Caring	Wren Mobile Recycling
City of Tangent	City of Philomath	Benton County Fair and Rodeo
Mary's River Park	Triangle Park	Benton County Master Gardeners
City of Monroe	First Alternative Co-op	Alsea Recycling Center
Kids Day for Conservation	Chedlelin Middle School	Winters Eve Corvallis
Peanut Park	OSU Family Garden	OSU Agriculture Program
Philomath Baseball	OSU Horticulture Program	OSU Master Gardens
Touchdown for Toys	Greek Food Festival	Corvallis Sustainability Coalition
Corvallis Assistance League	Corvallis Chamber – Bite of Benton	

FIRST ALTERNATIVE CO-OP COMMUNITY RECYCLE CENTER PARTNERSHIP

Allied Waste partners with the First Alternative Co-op to provide a recycle depot in the South part of town. We assist them with commingle, cardboard, glass, trash, and organics collection and also participate in an earth fair held at the Co-op.

OUTREACH

Allied Waste uses customer newsletters, local newspaper, radio public service announcements and a website to promote our services. The following media was used:

- The Allied Waste website was overhauled in 2010 to include more information and links to other waste reduction businesses and programs for customers.
- Four customer newsletters were direct mailed to every address within the City of Corvallis.
- Information ran in the F.Y.I. section of the Gazette Times prior to each of the quarterly household hazardous waste events.
- Public service announcements ran on KRKT, KEJO, KFLY and KLOO radio stations during the month of December to promote waste reduction and recycling during the holidays.

- A video created by the Waste Prevention Action Team of the Corvallis Sustainability Coalition that demonstrated simple tips for collecting food waste ran on the Corvallis Public Access television station.

Total Impact in the Community – Contributions totaled over \$54,700 this year, including cash donations of \$8,800 and just shy of \$46,000 worth of in kind donations of services, materials, and advertisements made by Allied Waste.





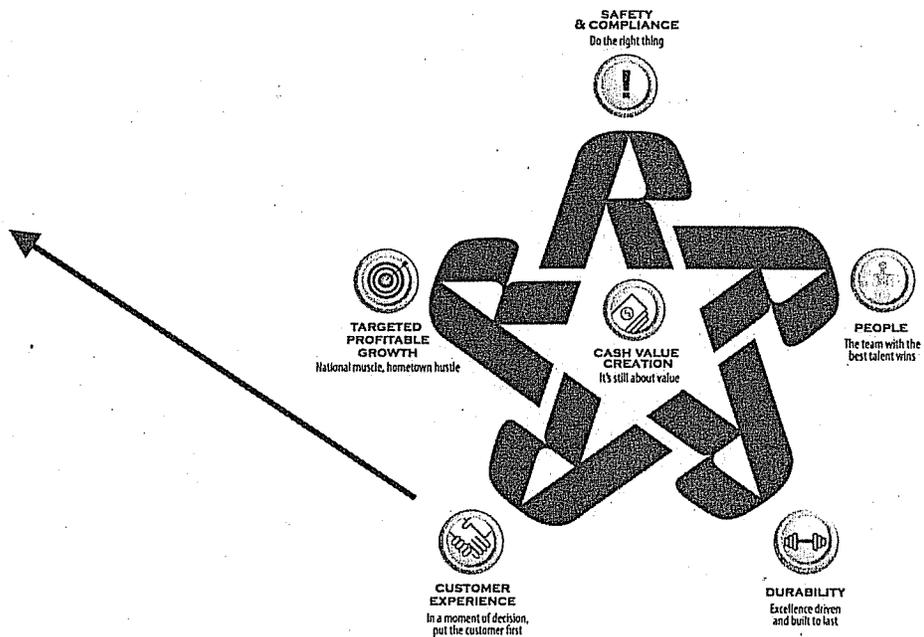
APPENDIX A

FIGURE 19 – CUSTOMER COMPLAINTS & COMPLIMENTS

Type of Complaint	Number of Complaints	Number of Complaints Resolved	Number of Compliments Received
Billing Issues	4	4	-
Container Placement/Replacement	5	5	-
Property Damage	0	0	-
Trash/Recycling on Ground	2	2	-
Recycling Issues	1	1	-
Containers Missed	1	1	-
Customer Service Issues	1	1	-
Partially Emptied	0	0	-
Driver Issue	1	1	-
Customer Service	-	-	5
Driver Extra Effort	-	-	5
Overall Service Levels	-	-	8
Recycling	-	-	0
Total	15	15	18



CUSTOMER EXPERIENCE
In a moment of decision, put the customer first.





APPENDIX B

FIGURE 23 – COMMERCIAL / INDUSTRIAL CUSTOMER COUNT

Commercial	2011	2010
90 Gal Cart weekly	219	211
1 yd x 1	101	98
1 yd x 2	3	3
1 yd x 3	3	2
1 yd x 4	0	0
1 yd x 5	0	0
1.5 yd on call	173	167
1.5 yd x 1	108	109
1.5 yd x 2	19	17
1.5 yd x 3	0	0
1.5 yd x 4	1	1
1.5 yd x 5	0	0
2 yd on call	10	10
2 yd x 1	142	132
2 yd x 2	60	60
2 yd x 3	12	11
2 yd x 4	2	2
2 yd x 5	0	0
3 yd on call	9	8
3 yd x 1	100	90
3 yd x 2	35	32
3 yd x 3	15	17
3 yd x 4	0	0
3 yd x 5	0	1
4 yd on call	4	4
4 yd x 1	84	78
4 yd x 2	27	23
4 yd x 3	5	5
4 yd x 4	0	0
4 yd x 5	1	2
6 yd on call	5	5
6 yd x 1	79	63
6 yd x 2	19	20
6 yd x 3	11	11
6 yd x 4	0	0
6 yd x 5	0	0
Total Commercial	1,247	1,182

Industrial	2011	2010
10 yd on call	0	1
20 yd on call	1	1
20 yd compactor on call	6	6
25 yd compactor on call	2	2
25 yd compactor x 2	1	1
27 yd compactor on call	1	1
30 yd lidded on call	12	12
30 yd on call	45	49
30 yd compactor x 2	1	1
40 yd on call	1	1
40 yd compactor on call	8	8
Total Industrial	78	82



Finance Department
500 SW Madison Avenue
Corvallis, OR 97333
541-766-6990
541-754-1729

MEMORANDUM

April 9, 2012

TO: Adam Steele, Franchise Utility Specialist
CC: Julian Contreras, Financial Services Manager
FROM: Jeanna Yeager, Accountant
SUBJECT: Allied Waste of Corvallis, Annual Financial Review Fiscal Year 2011

This review consists of inquiries and analytical procedures and is very limited in its nature. It does not attest to whether the financial statements or schedules were prepared in accordance with Generally Accepted Accounting Principals. The Allied Waste of Corvallis annual reports are unaudited financial reports that are the representation of the management of Allied Waste of Corvallis.

This review is based on Allied Waste's fiscal year, January 1, 2011 through December 31, 2011. During the year, Allied Waste received total revenues of \$7,501,760, up 6.8% from the prior year. This can be attributed primarily to strong commodity prices, along with modest volume growth.

Total operating expenditures were \$5,644,205, an increase of 13.8%. According to Allied Waste, fuel prices and disposal costs accounted for the majority of the increase. Salaries and general administrative costs increased 5.7%, which is attributed to the addition of an assistant general manager position. This resulted in operating income of \$696,524 and net income of \$417,914, both representing decreases of approximately 28% when compared to the prior fiscal year.

Allied Waste reports franchise fees totaling \$387,831, paid to the City of Corvallis. This includes fees paid for standard waste, medical waste, and recycling receipts and is consistent with City records.

AWS has maintained a reasonably strong financial position with current assets of \$881,662 and current liabilities of \$319,002.

Based on this review, acceptance of Allied Waste's annual report is recommended.



DATE: May 17, 2012
TO: Mary Steckel
CC: Adam Steele, Julie Jackson & Ron Tacchini
FROM: Dan Strandy, Controller - Allied Waste of Corvallis
SUBJECT: City of Corvallis Annual Report – Explanation of SG&A Costs

On May 15th we received your letter to the Administrative Services Committee, dated May 3, 2012. Upon review of this letter we felt it appropriate to further investigate and explain the concerns in your letter as it related to salaries, professional fees and the overall confidence in our reporting.

We value our relationship with the City of Corvallis and take pride in our reporting capabilities. We look forward to continuing our partnership with the city and our mutual efforts to help build sustainable living in the community of Corvallis. While doing so, we desire your confidence in our reporting.

Sales, General & Administrative Expenses:

We want to be clear that expenses for SG&A have decreased, each of the last two years, when compared to our 2009 spend. This savings is a direct result of the organization changes that begin in 2010 and completed in 2011. See table below.

	2009	2010	2011
SG&A Expense	\$ 1,194,590	\$ 1,098,385	\$ 1,161,032
Decrease from 2009		\$ (96,205)	\$ (33,558)
% Change from 2009		-8%	-3%

Our general ledger (accounting system) has 63 different SG&A accounts in which we code our SG&A expenditures to. Our challenge is consolidating (mapping) all 63 accounts into the eight categories we present in our Annual Report. There has not been consistent mapping of these accounts over the past few years which is the reason our Annual Report, as originally filed, shows "Professional Fees" increasing \$96k and the corresponding decrease in "Other Expense" of \$154k. This phenomenon also explains the increase in "Salaries" and offsetting decrease in "Management Services".

	2009	2010	2011
Professional Fees	\$ 16,685	\$ 6,265	\$ 102,334
Other Expense	\$ 156,016	\$ 160,093	\$ 6,024
TOTAL of Both	\$ 172,701	\$ 166,358	\$ 108,358
Decrease from 2009		\$ (6,343)	\$ (64,343)
% Change from 2009		-4%	-37%

The inconsistent "mapping" began when we converted to a new accounting system in August of 2009. This does not excuse our failure to map consistently thereafter, but never-the-less, was the catalyst. This issue comes with an easy solution.

Since reviewing your letter, I have taken the responsibility to review and re-map each of the 63 general ledger accounts within SG&A. The goal being to establish a logical and consistent mapping of these expenses for this years report and all future reports. This effort has resulted in a new page 12 to the Annual Report, with restated SG&A expenses for 2011, 2010 and 2009. I want to be clear, we have not restated the SG&A expense in total, but merely have improved the mapping of the 63 accounts into the eight SG&A categories of the Annual Report. The restatement of 2010 and 2009 allows consistent reporting, understanding and explanation for year over year changes in expense categories.

Attached to this letter is a listing of all 63 accounts, the spend in each account for each of the three years and how I am recommending we map the accounts going forward.

Salaries for Administrative Staff:

Our report, as originally filed, shows salaries increasing from \$414k to \$724k. We understand how this could be confusing and take responsibility for not adequately articulating what is a reasonable explanation.

We work diligently to identify and create efficient organizational structures to minimize our costs. Our recent change, which started in 2010 with management consolidation, and continued into 2011, has lead to a decrease in administrative salaries year over year. Allow me to explain why our report, as originally filed, failed to sufficiently represent this.

The majority of our administrative staff, namely our General Manager, Accounting/Finance and Customer Service departments, support multiple companies within our organization. The structural change that began in 2010 and continued in 2011 has in part included a consolidation of these individuals into the Corvallis facility. Before the consolidation these individual's offices were located in our various facilities in Corvallis, Albany, Dallas or Salem.

To comply with payroll law, the "home" company where the individual works is the company that incurs their salaries expense (each site is a separate taxable entity for payroll purposes). However, because these individuals support multiple companies, their wages are "billed out" to the other companies in an "allocation-out" account, so as to fairly distribute the economic burden of their wages. Wages are always allocated to all companies based on a percentage of company revenue.

With the consolidation into Corvallis, the administrative employee's payroll is run through Corvallis. This explains the apparent increase in salaries expense. However, the offset is a corresponding increase in the "allocation out" credit, which has been mapped into "Management Services" category in our Annual Report, as previously filed. This is why our report as originally filed shows "Salaries" increasing and "Management Services" having a corresponding decrease, from 2009.

Re-stated Sales, General & Administrative Expense:

Below is the re-stated SG&A expense for 2009, 2010 and 2011 using the revised account mapping (attached).

	2009	2010	YOY Change	2011	YOY Change	Explanation
Salaries	\$ 440,723	\$ 361,099	\$ (79,624)	\$ 357,840	\$ (3,259)	
Rent & Office	\$ 224,920	\$ 206,661	\$ (18,259)	\$ 224,730	\$ 18,069	\$12k facility repair in 2011
Travel & Entertainment	\$ 11,431	\$ 17,846	\$ 6,415	\$ 31,248	\$ 13,402	
Professional Fees	\$ 51,940	\$ 32,954	\$ (18,986)	\$ 74,989	\$ 42,035	\$21k legal & \$21k recruiting/relocation
Bad Debt Expense	\$ 28,413	\$ 35,505	\$ 7,092	\$ 29,969	\$ (5,536)	
Management Services	\$ 284,019	\$ 284,942	\$ 923	\$ 272,064	\$ (12,878)	
Other Expense	\$ 153,144	\$ 159,378	\$ 6,234	\$ 170,192	\$ 10,814	
TOTAL of Both	\$ 1,194,590	\$ 1,098,385	\$ (96,205)	\$ 1,161,032	\$ 62,647	
Decrease from 2009			\$ (96,205)		\$ (33,558)	
% Change from 2009			-8%		-3%	

As you can see, once the three years are mapped using the same logic, the year-over-year variances are quite small and reasonable, and show the efficiencies we have realized due to our organizational changes. The most notable change in

expense from 2010 is rent and office, which was largely due to a \$12k facility repair; and professional fees, which included \$21k of legal and \$21k of recruiting and relocation expense incurred with the hiring of three open positions.

Please find the following attachments to this letter.

1. Page 4 – List of 63 SG&A accounts and spend by year for 2009, 2010 and 2011; and the revised mapping to the Annual Report
2. Page 5 – Revised page 12 of the Annual Report depicting SG&A spend using the revised account mapping

I appreciate the opportunity to clarify our results with respect to SG&A spend and apologize for our inability to adequately articulate and/or present these changes before your report was issued. I hope this explanation satisfies any concerns over salaries expense and the overall confidence in our reporting. We take pride in our effective, accurate and timely preparation and publication of financial activity. Our financial reporting is sound and true; and fairly represents our financial results in accordance with generally accepted accounting principals. It is important to us that the City of Corvallis shares this same level of confidence that we do.

Please do not hesitate in reaching out directly to me if you have further questions or concerns.

Cell: 541-760-2469 or Office: 541-757-0011 x204

Email: dstrandy@republicservices.com

Respectfully,

A handwritten signature in black ink, appearing to read 'Dan Strandy', with a stylized flourish extending to the right.

Dan Strandy, Controller

	2011	2010	2009	Mapping
Sales PR & Related	191,788	176,834	67,614	1 Salaries
711006 Travel	3,486	657	526	3 Travel and Entertainment
711009 M & E	74	1,102	-	3 Travel and Entertainment
711010 Office Supplies	14	-	-	2 Rent and Office Expense
711014 Dues & Subs	215	27	-	2 Rent and Office Expense
711028 Adv	5,864	1,431	-	2 Rent and Office Expense
711095 Misc	799	1,318	774	7 Other Expenses
711998 Alloc In	-	13,605	-	1 Salaries
711999 Alloc Out	(61,252)	(9,264)	-	1 Salaries
G&A Payroll & Related Total	533,199	306,232	373,109	1 Salaries
751100 Relocation - G&A	17,524	-	672	4 Professional Fees
751102 Recruiting - G&A	3,693	217	11,334	4 Professional Fees
751104 Employee Activities - G&A	-	313	827	7 Other Expenses
751106 Travel - G&A	12,033	7,757	6,684	3 Travel and Entertainment
751108 Meals & Entert (100%)-G&A	50	709	169	3 Travel and Entertainment
751109 Meals & Entert (50%)-G&A	15,605	7,620	4,053	3 Travel and Entertainment
751110 Office Supplies - G&A	17,206	7,694	5,658	2 Rent and Office Expense
751111 Food/Coffee services-G&A	6,133	2,162	2,613	2 Rent and Office Expense
751112 Postage/Courier Exp G&A	8,175	26,887	29,093	2 Rent and Office Expense
751114 Dues & Subscriptions - G&A	9,255	10,590	8,312	7 Other Expenses
751116 Telephone - G&A	1,451	2,594	9,733	2 Rent and Office Expense
751117 Data Communications - G&A	7,091	3,659	-	2 Rent and Office Expense
751118 Utilities - G&A	-	-	5,890	2 Rent and Office Expense
751120 Facility Maintenance - G&A	12,984	981	1,032	2 Rent and Office Expense
751122 Rent - G&A	150,035	148,166	156,800	2 Rent and Office Expense
751123 Noncancelable lease-G&A	5,771	4,968	5,305	2 Rent and Office Expense
751125 Corp-Corporate Insurance	-	-	4,433	2 Rent and Office Expense
751126 Equip Rental - G&A	57	1,222	573	2 Rent and Office Expense
751128 Advertising - G&A	4,130	1,991	3,596	2 Rent and Office Expense
751130 Printing/Reproduction	20,675	23,183	26,960	4 Professional Fees
751134 Meetings & Events	2,641	840	2,066	7 Other Expenses
751136 Drug Testing	75	122	-	7 Other Expenses
751138 Outside Training - G&A	345	1,592	289	4 Professional Fees
751140 Bank Fees	148,686	137,648	134,856	7 Other Expenses
751144 Legal Fees	11,290	-	-	4 Professional Fees
751145 Legal Settlements	10,130	-	-	4 Professional Fees
751153 Payroll Processing Fees	1,561	877	3,990	4 Professional Fees
751156 Outside Credit & Collections	8,855	5,929	5,210	4 Professional Fees
751158 Other Consulting/Prof Fees	916	1,156	3,485	4 Professional Fees
751162 Property Taxes - G&A	-	175	46	2 Rent and Office Expense
751164 Software Maintenance & Licenses	36	-	-	2 Rent and Office Expense
751168 Computer Equipment Expense	5,568	4,705	147	2 Rent and Office Expense
751170 Contributions Deductible	2,026	6,131	6,283	7 Other Expenses
751195 Miscellaneous	3,976	2,417	26	7 Other Expenses
755000 Bad Debt Exp	29,969	35,505	28,413	5 Bad Debt Expense
755992 Accrued P-Card Clearing	2,734	-	-	7 Other Expenses
755995 Management Fee	272,064	284,942	284,019	6 Management Services
755998 G&A Alloc-In	(16,454)	9,940	(1,396)	1 Salaries
755999 G&A Alloc-Out	(289,442)	(136,249)	1,397	1 Salaries
Total SG&A	1,161,031	1,098,385	1,194,590	



FIGURE 8 – SCHEDULE OF DIRECT EXPENSES

	2011	2010	2009
COST OF OPERATIONS			
<i>Labor</i>	1,717,246	1,501,646	1,502,106
<i>Repairs and Maintenance</i>	568,365	470,668	476,300
<i>Vehicle Operating Costs</i>	536,639	374,655	308,538
<i>Equipment Rent</i>	-	187	211
<i>Facility Operating</i>	195,755	193,196	198,147
<i>Safety, Insurance and Claims</i>	249,082	217,124	152,832
<i>Disposal / Recycling Purchases</i>	1,349,361	1,261,193	1,202,722
<i>Franchise Fees</i>	383,790	366,837	343,030
<i>Other Operating Costs</i>	121,503	67,752	57,214
<i>Depreciation</i>	522,464	505,672	501,359
TOTAL COST OF OPERATIONS	\$ 5,644,205	\$ 4,958,930	\$ 4,742,459
SALARIES, GENERAL & ADMINISTRATIVE			
<i>Salaries</i>	357,840	361,099	440,723
<i>Rent and Office Expense</i>	224,730	206,661	224,920
<i>Travel and Entertainment</i>	31,248	17,846	11,431
<i>Professional Fees</i>	74,989	32,954	51,940
<i>Bad Debt Expense</i>	29,969	35,505	28,413
<i>Management Services</i>	272,064	284,942	284,019
<i>Other Expenses</i>	170,192	159,378	153,144
<i>Depreciation</i>	-	-	-
TOTAL SALARIES, GENERAL & ADMINISTRATIVE	\$ 1,161,032	\$ 1,098,385	\$ 1,194,590

*Franchise Fee shown above is reported on an accrual basis and will differ slightly from what is shown on page 7



MEMORANDUM

TO: Administrative Services Committee

FROM: Mary Steckel, Public Works Director 

DATE: May 22, 2012

SUBJECT: Revision of Draft Ordinance to Ban Single-Use Plastic Carryout Bags

ISSUE

The Administrative Services Committee requested an enforcement clause in the proposed ordinance banning single-use plastic carryout bags.

BACKGROUND

On May 9, staff presented to the ASC an ordinance that would ban single-use plastic carryout bags. The ordinance called for voluntary compliance due to resource constraints faced by the City departments that would be called upon to enforce it.

The Committee directed staff to revise the proposed ordinance to add an enforcement clause that includes fines for violations.

DISCUSSION

Staff has developed enforcement language for the ordinance and a complaint-based process to be led by Public Works as follows:

- Enforcement will begin in six months, on January 1, 2013 to allow retailers to use up their remaining inventory of plastic bags.
- Response to complaints about retailers who continue to distribute plastic bags after that date will include:
 1. A site visit to determine if the retailer is violating the ordinance. Any retailer found to be in violation will be warned and provided with information on how to comply.
 2. A follow-up visit will be made seven days after the first visit. If the retailer is not in compliance, staff will initiate legal steps to cite the violator.
 3. After the citation is settled in court or by the retailer paying the fine, the location will be visited again to ensure compliance.

Between the time the ordinance is passed and its effective date, staff will educate the public and retailers on the ordinance requirements using methods similar to what was used for the public process, including:

- Work with business networks to distribute information. Staff will confer with the Corvallis Chamber of Commerce, Corvallis Independent Business Alliance, Downtown Corvallis Association, Northwest Grocery Association, and Oregon Neighborhood Store Association.
- Conduct outreach to local retailers that are not members of the above networks.
- Publish press releases to reach as wide a general audience as possible.

In addition, staff will initiate a discussion with local environmental and sustainability groups to promote educational efforts with the public on the environmental impacts of single-use plastic bags.

RECOMMENDATION

Staff requests that the Administrative Services Committee recommend to City Council approval of the revised ordinance.

Review and concur:



James A. Patterson, City Manager



James K. Brewer, City Attorney

ATTACHMENTS

A: Revised Ordinance Banning Single-Use Plastic Carryout Bags

B: Public input received on plastic bag ban – May 9 through May 30, 2012

ORDINANCE 2012-_____

AN ORDINANCE CREATING A NEW MUNICIPAL CODE CHAPTER 8.14, "SINGLE-USE PLASTIC CARRYOUT BAGS," AND STATING AN EFFECTIVE DATE.

Section 1. Title 8, Business, of the Corvallis Municipal Code is amended to add a new Chapter 8.14 as follows:

- 8.14.010 Purpose.**
- 8.14.020 Definitions.**
- 8.14.030 Supervision by City Manager.**
- 8.14.040 Single-use plastic carryout bag regulation.**
- 8.14.050 Enforcement and penalties.**
- 8.14.060 Severability.**

Section 8.14.010 Purpose.

1) The purpose of this Chapter is to prohibit retail establishments from distributing single-use plastic carryout bags to their customers and to encourage the distribution and use of reusable options in order to avoid the negative environmental consequences found with the use of single-use plastic carryout bags.

Section 8.14.020 Definitions.

- 1) City - City of Corvallis, Oregon
- 2) City Manager - The City Manager for the City of Corvallis or the City Manager's designee acting under his or her direction.
- 3) Retail Establishment - means any store, shop, sales outlet, or vendor located within the City of Corvallis that sells goods at retail. Retail Establishment does not include any establishment where the primary business is the preparation of food or drink:
 - a) For consumption by the public;
 - b) In a form or quantity that is consumable then and there, whether or not it is consumed within the confines of the place where prepared; or
 - c) In consumable form for consumption outside the place where prepared.
- 4) Reusable Bag - means a bag with handles that is either:
 - a) Made of cloth or other machine washable material, or
 - b) Made of durable plastic that is at least 2.25 mils thick.
- 5) Single-use Plastic Carryout Bag - means a plastic bag made from synthetic or natural organic materials, that is provided by a Retail Establishment to a customer at the point of sale for use to transport or carry away purchases from the Retail Establishment. A Single-use Plastic Carryout Bag does not include:
 - a) A Reusable bag.
 - b) A plastic bag provided by a Retail Establishment to a customer at a time other than the time of checkout; or
 - c) Pharmacy prescription bags.

Section 8.14.030 Supervision by City Manager.

The regulation of Single-use Plastic Carryout Bags in the City under the provisions herein shall be under the supervision of the City Manager.

Section 8.14.040 Single-use Plastic Carryout Bag regulation.

Retail Establishments shall not provide or make available Single-use Plastic Carryout Bags to customers.

Section 8.14.050 Enforcement and penalties.

8.14.050.010

A person is guilty of a violation of this Section, if that person is the one who provides or makes available a Single-use Plastic Carryout bag to customers, and/or is a person who is in charge or in control of a retail establishment that provides or makes available a Single-use Plastic Carryout bag to customers, and/or is a person or business entity (e.g., corporation, firm, partnership, association, limited liability entity, cooperative) who owns a retail establishment that provides or makes available a Single-use Plastic Carryout bag to customers, or is an agent, officer, or manager, director, or employee who exercises authority over the retail establishment that provides or makes available a Single-use Plastic Carryout bag to customers.

8.14.050.020

Each Single-use Plastic Carryout bag provided or made available to customers in violation of this section is a separate offense.

8.14.050.030

A violation of this section is a Class A infraction, with a minimum fine for each separate offense of not less than \$200.

8.14.050.040

Enforcement of this section shall begin January 1, 2013.

Section 8.14.060 Severability.

If any provision, paragraph, word, section, or article of this Chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

Section 2. This ordinance shall become effective on July 1, 2012.

PASSED by the City Council this _____ day of _____, 2012.

APPROVED by the Mayor this _____ day of _____, 2012.

EFFECTIVE this _____ day of _____, 2012.

Mayor

ATTEST:

City Recorder

Attachment B

Single-Use Plastic Bag Reduction

Public Testimony E-Mails to Mayor and Councilors

Received from noon on May 9 through May 30, 2012

The table below is an updated version of the table in the April 19, 2012 Staff Report. It includes all public comments through May 30, 2012. Comments from the correspondence are broken into broad categories.

Support for...	# Responses	% of Total
Ban on plastic	140	49%
No ban on plastic	139	49%
Fee on plastic	7	2%
Fee on paper	7	2%
No fees	116	41%
Increase recycling	119	42%
Increase education	98	34%
No action	5	2%
Refer to ballot	3	1%



[[Date Prev](#)][[Date Next](#)][[Thread Prev](#)][[Thread Next](#)][[Date Index](#)][[Thread Index](#)]

Say no to bag bans and taxes!

- *To:* <mayor@xxxxxxxxxxxxxxxxxxxx>
- *Subject:* Say no to bag bans and taxes!
- *From:* <rarenew@xxxxxxxx>
- *Date:* Wed, 9 May 2012 16:59:39 -0700
- *Cc:* <rarenew@xxxxxxxx>
- *Resent-date:* Wed, 9 May 2012 17:00:13 -0700 (PDT)
- *Resent-from:* <mayor@xxxxxxxxxxxxxxxxxxxx>
- *Resent-message-id:* <20120510000013.6CBB41868E1@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>

Mayor Manning,

As an Oregonian and a resident of Corvallis, I'm disappointed to hear that the city council is considering banning or taxing my grocery bags. Oregon voters have already said no to bag bans and taxes -- why are we debating this issue again?

Did you know that plastic bags are a tiny part of our garbage? It's true -- they're less than half a percent of all the trash we make. And a year after San Francisco banned its bags, they didn't see a reduction in bag litter. Banning and taxing them won't make a difference, but it'll really hurt local businesses and the 30,000 Americans who make and recycle plastic bags.

Corvallis is a town that recycles, not a town that bans. Let's expand our recycling instead of eliminating consumer choice with bag bans and taxes.

Sincerely,

Raymond Newby
[Redacted]
Corvallis, OR 97330

- **Follow-Ups:**
 - **Re: Say no to bag bans and taxes!**
 - *From:* mayor
- Prev by Date: **Beekeeping Basics Workshop THIS Saturday**
- Next by Date: **Say no to bag bans and taxes!**
- Previous by thread: **Re: Say no to bag bans and taxes!**
- Next by thread: **Re: Say no to bag bans and taxes!**
- Index(es):
 - **Date**
 - **Thread**

Select Language
Powered by [Google Translate](#)

[Appropriate Use Policy](#) | [Privacy Policy](#) | [Contact Webmaster](#) | [Electronic Subscription Service](#)

501 SW Madison Ave. PO Box 1083 Corvallis, OR 97339-1083 ph: 541-766-6900 Fax: 541-766-6936

Copyright © 2010 City of Corvallis



[[Date Prev](#)][[Date Next](#)][[Thread Prev](#)][[Thread Next](#)][[Date Index](#)][[Thread Index](#)]

Say no to bag bans and taxes!

- *To:* <mayor@xxxxxxxxxxxxxxxxxxxx>
- *Subject:* Say no to bag bans and taxes!
- *From:* <caravanserai@xxxxxxx>
- *Date:* Wed, 9 May 2012 18:21:57 -0700
- *Cc:* <caravanserai@xxxxxxx>
- *Resent-date:* Wed, 9 May 2012 18:22:31 -0700 (PDT)
- *Resent-from:* <mayor@xxxxxxxxxxxxxxxxxxxx>
- *Resent-message-id:* <20120510012231.0614518679F@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>

Mayor Manning,

As an Oregonian and a resident of Corvallis, I'm disappointed to hear that the city council is considering banning or taxing my grocery bags. Oregon voters have already said no to bag bans and taxes -- why are we debating this issue again?

Did you know that plastic bags are a tiny part of our garbage? It's true -- they're less than half a percent of all the trash we make. And a year after San Francisco banned its bags, they didn't see a reduction in bag litter. Banning and taxing them won't make a difference, but it'll really hurt local businesses and the 30,000 Americans who make and recycle plastic bags.

Corvallis is a town that recycles, not a town that bans. Let's expand our recycling instead of eliminating consumer choice with bag bans and taxes.

Sincerely,

Sam Friedland

Corvallis, OR 97330

- **Follow-Ups:**
 - **Re: Say no to bag bans and taxes!**
 - *From:* mayor
- Prev by Date: **Say no to bag bans and taxes!**
- Next by Date: **Top News: How Green is Your Public Transit?**
- Previous by thread: **Re: Say no to bag bans and taxes!**
- Next by thread: **Re: Say no to bag bans and taxes!**
- Index(es):
 - **Date**
 - **Thread**

Select Language
Powered by [Google Translate](#)

[Appropriate Use Policy](#) | [Privacy Policy](#) | [Contact Webmaster](#) | [Electronic Subscription Service](#)

501 SW Madison Ave. PO Box 1083 Corvallis, OR 97339-1083 ph: 541-766-6900 Fax: 541-766-6936

Copyright © 2010 City of Corvallis



[Date Prev][Date Next][Thread Prev][Thread Next][Date Index][Thread Index]

<web>Traber, O'Brien, and Hirsch are fools

- To: mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
- Subject: <web>Traber, O'Brien, and Hirsch are fools
- From: noreply@xxxxxxxxxxxxxxxxxxxxxx
- Date: Wed, 9 May 2012 20:20:59 -0700
- Reply-to: <noreply@xxxxxxxxxxxxxxxxxxxxxx>

This is an inquiry e-mail via Contact Us form:

none

prefer phone contact: no

Please circulate to all City Staff, the City Manager, and Council members who aren't fools (although that latter group may be null):

Oregon norovirus traced to reusable grocery bag
http://hosted.ap.org/dynamic/stories/U/US_REUSABLE_BAG_VIRUS?
SITE=AP&SECTION=HOME&TEMPLATE=DEFAULT&CTIME=2012-05-09-17-26-27

This must be at the top of any further report the staff submits to the Council.

- Prev by Date: **Top News: How Green is Your Public Transit?**
- Next by Date: **Fwd: [MAYORMCGINN] The Reader - Making downtown Seattle streets more safe, inviting and vibrant**
- Previous by thread: **Top News: How Green is Your Public Transit?**
- Next by thread: **Fwd: [MAYORMCGINN] The Reader - Making downtown Seattle streets more safe, inviting and vibrant**
- Index(es):
 - o Date
 - o Thread

Select Language

Powered by [Google Translate](#)

[Appropriate Use Policy](#) | [Privacy Policy](#) | [Contact Webmaster](#) | [Electronic Subscription Service](#)

501 SW Madison Ave. PO Box 1083 Corvallis, OR 97339-1083 ph: 541-766-6900 Fax: 541-766-6936

Copyright © 2010 City of Corvallis



[\[Date Prev\]](#)[\[Date Next\]](#)[\[Thread Prev\]](#)[\[Thread Next\]](#)[\[Date Index\]](#)[\[Thread Index\]](#)

Say no to bag bans and taxes!

- **To:** <mayor@xxxxxxxxxxxxxxxxxxx>
- **Subject:** Say no to bag bans and taxes!
- **From:** <tami56782000@xxxxxxxxxx>
- **Date:** Wed, 9 May 2012 13:02:59 -0700
- **Cc:** <tami56782000@xxxxxxxxxx>
- **Resent-date:** Wed, 9 May 2012 13:03:33 -0700 (PDT)
- **Resent-from:** <mayor@xxxxxxxxxxxxxxxxxxx>
- **Resent-message-id:** <20120509200333.B009B18576B@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>

Mayor Manning,

As an Oregonian and a resident of Corvallis, I'm disappointed to hear that the city council is considering banning or taxing my grocery bags. Oregon voters have already said no to bag bans and taxes -- why are we debating this issue again?

Did you know that plastic bags are a tiny part of our garbage? It's true -- they're less than half a percent of all the trash we make. And a year after San Francisco banned its bags, they didn't see a reduction in bag litter. Banning and taxing them won't make a difference, but it'll really hurt local businesses and the 30,000 Americans who make and recycle plastic bags.

Corvallis is a town that recycles, not a town that bans. Let's expand our recycling instead of eliminating consumer choice with bag bans and taxes.

Sincerely,

Tambra Johnson

Corvallis, OR 97333

- **Follow-Ups:**
 - **Re: Say no to bag bans and taxes!**
 - *From:* mayor
- Prev by Date: **Plant Sale to Support School Gardens**
- Next by Date: **U.S. Communities New Temporary Staffing Solutions Contract!**
- Previous by thread: **Re: Say no to bag bans and taxes!**
- Next by thread: **Re: Say no to bag bans and taxes!**
- Index(es):
 - **Date**
 - **Thread**

May 10, 2012

Plastic Bag Committee
Mary Steckel, Linda Lovett

Realistic considerations regarding a bag ban

After attending the bag ban meeting yesterday I realized that there are still very important, sound considerations that must be made before we ban or otherwise try to diminish any plastic or other carry out bags. I thought staff's report and recommendations were adequate to give sufficient guidance to prevent a ban. So again, here are well researched and thought out comments with factual supporting information.

I care about plastic litter in our environment, though in Corvallis, I have not seen any evidence that bag litter is a measurable problem. I know nationally the best studies have shown that plastic bags only represent 0.5 to 0.65% of the litter, a miniscule amount.

I know that a bag ban or fee would impact at least 30,000 American families who rely on plastic bag industry jobs. I'm concerned that some reusable "tote" bags contain unsafe levels of toxic metals like lead and that all "tote" bags, unless properly sanitized, harbor harmful bacteria. I believe that, in this economy, it's the wrong time for higher taxes or fees.

Here and elsewhere the plastic ban argument is fatuous.

Consider San Francisco, which outlawed the bags in 2007. "San Francisco did a survey and found that 0.60% of its litter was from plastics," the *Daily News* reports. "After the ban, plastics accounted for 0.64% of their litter. It made no difference."

So not only has the ban failed to reduce litter, it is likely costing jobs. Is there any wonder California is ranked the worst state for businesses? Oregon is ranked 42nd. Why make it any worse? I submit there will be no effect on litter in Corvallis after a ban.

Here is our dilemma: We have a near budget disaster here, while here is an "activist" minority that has created this unnecessary proposal to ban plastic bags that takes up time and money. Does this make sense?

Below is a factual listing and descriptions of the myriad problems associated with bag bans around the nation and the world:

Unintended consequences of banning plastic bags:

Norovirus in reusable bags -- and LA still wants bag ban

May 10, 2012

It's official: Oregon scientists have concluded that an outbreak of the dangerous norovirus was traced back to a reusable bag.

Members of a girls' soccer team -- 13- and 14-year-olds -- became mysteriously sick at a tournament back in 2010. And scientists now know why: people were eating cookies from a reusable bag contaminated with the same virus that annually causes nearly 21 million

illnesses nationwide.

And even in the face of all this, Los Angeles is still considering banning plastic and paper bags -- forcing Californians to carry their groceries in the very same kind of bags that got the girls sick.

Plastic bags aren't just the sanitary alternative, they're the environmentally friendly alternative too. They're 100% recyclable (many reusable bags aren't); they're also used every day in dozens of ways. Plastic bags can be used for trash can liners, for pet waste, for storage around the home -- and then recycled into items like park benches and playground equipment.

Contact Mayor Villaraigosa today. Tell him that there's a clean, recyclable alternative to germ-y reusable bags -- but there won't be for long if he doesn't stop the bag ban. **Where is the logic in banning plastic bags?**

City trashes plastic bag costs

May 8, 2012

The Orillia Packet & Times □ 425 West St North, Suite 15 □ Orillia, Ontario □ L3V 7R2

Orillia's five-cent plastic bag fee has been eliminated.

At Monday's council meeting, Councilor Andrew Hill brought forward a motion to have city council remove the fee, which has been charged at retail outlets since November 2009.

He argued plastic bags are more recyclable and sanitary than their reusable alternatives.

After Hill's lengthy presentation, council approved axing the fee without a word of debate.

For more on this story, see Wednesday's Packet & Times.

opt.newsroom@sunmedia.ca

Orillia, Ontario Pop 30,600.

Doesn't work in Australia either

According to "Clean Up Australia's 2011 Rubbish Report," the percentage of plastic bags in their litter audit of South Australia climbed from 4% in 2010 to 12% in 2011, despite a South Australia ban on plastic bags in 2009. The report found that with a ban on plastic checkout bags, consumers used and discarded "reusable, heavier-gauge bags that are designed to be kept and used again and again."

The Irish Bag Tax: Early Case Study Exposes Misguided Policy

In March 2002, the Republic of Ireland instituted a tax on plastic bags in which retailers charged their customers 15 Euro cents (about 17 U.S. cents) for every shopping bag purchased. Now four years later, the Irish bag tax, which was supposedly passed in an effort to curb litter, has actually proved to be a disaster on several fronts. Unfortunately, it was hailed by environmentalists and others and quickly spawned the consideration of similar legislation by governments in Australia, Bangladesh, South Africa, and the United States. Scotland is currently considering a tax on retail plastic bags, but the Scottish Parliament's environmental committee rejected the idea as unworkable in October 2006. A full parliamentary decision on the policy is anticipated by 2007.

The four-year experience of Ireland's bag tax has shown that the policy is not only worse for the environment, but causes other social problems as well:

- Where customers have been driven to use paper bags, it is now common for double or triple-bagging to take place to overcome the inferior strength of paper compared with plastic. This means, at least twice the numbers of paper bags are being used than plastic bags had been used. This leads to huge increases in the number of shipments and truckloads needed to

- transport paper bags.
- There is also clear evidence in Ireland of a switch to paper bag substitutes which consume eight times the raw material, three times the energy, create twice the levels of air pollution, waste fifty times as much process water, have six times the weight and ten times the volume.
- The Irish bag tax has caused a switch to heavier, bulkier alternatives which will degrade or decompose to produce greenhouse gases.
- There is no evidence offered (unsurprisingly given the fact that plastic carrier bags are less than 1% of litter) that litter has reduced in the Republic of Ireland since the introduction of a plastic bag tax.
- The Irish bag tax actually has invited more shoplifting to occur. Because plastic bags are normally only offered and used during or after payment has been received, it provides the most effective visual evidence of payment for goods. In Ireland, where customers were driven to bring their own shopping bags into stores, this has made the theft of goods from the shelf far easier as well as costing every small grocery shop in Ireland an average of 5,400 Euros per annum in stolen and/or abandoned wire baskets and trolleys (metal containers).
- These metal containers have far greater environmental impacts during production, shipment, eventual disposal, etc. and are a far greater visual problem when abandoned into the local environment than plastic bags.
- Research shows that since the bag tax was introduced in Ireland, there has been little significant reduction (if at all) in the tonnage of plastic bags of all types used in that country.

Experience in the Republic of Ireland indicates that the usage of plastic carrier bags has declined by in excess of 90% - but the residual funds (est. 10 million Euros) generated by the remaining 10% of those prepared to pay for carrier bags is estimated to be far less than the cost borne by the authorities in administering the program and is certainly less than the increased cost of theft to retailers as stated by RGDATA (Irish Grocers' Association) and in other published reports.

Austin bag ban pushed with faulty numbers; author of cited report says it did not address plastic bags, 'a minute portion of the waste stream'

Wednesday, Jan 11, 2012, 05:26PM CST By Mark Lisher

City of Austin officials wildly inflated the volume of plastic bags in Austin's litter stream and the cost to dispose of them, based on a misreading of a key report cited by the officials, one of the authors of the report told Texas Watchdog this afternoon.

It was unclear how the error, an extrapolation more than three-and-a-half times larger than it should have been, will affect a proposed ordinance that would make offering disposable shopping bags of plastic or paper a misdemeanor in Austin beginning in January of 2013.

The city's Solid Waste Advisory Commission is expected to consider the ordinance at 6:30 p.m. tonight in Austin's City Hall. Should an ordinance be approved, the City Council is expected to vote on it sometime in March.

As of 4 p.m. Bob Gedert, director of Austin Resource Recovery, was unable to respond to Texas Watchdog's questions about the calculation he used in the report upon which the disposable bag ban is based. He was, however, expected to address them at the commission meeting, his spokeswoman, Lauren Hammond, said.

The reason Gedert could not make an estimate of plastic bag volume or cost in Austin based on the report he cited was the figure for plastic bag volume in the U.S. was not in the report, Steven Stein, an environmental scientist and co-author of the 2009 study of litter in the U.S., told Texas Watchdog.

The Keep America Beautiful litter study listed the top 10 sources of visible litter on American roadways. Cigarette butts were responsible for 36.3 percent of the litter. Plastic bags, at .6 percent did not make the top 10 list or the study, Stein said.

"We had, like, 60 categories, and we weren't going to include them all," Stein said. "Because plastic bags made up such a minute portion of the waste stream we didn't include it."

In his report to the City Council in January of 2011, Gedert cites Stein's study and uses a 2.2 percent figure, which corresponds to a type of litter Stein called Other Plastic Film. This category

refers to agricultural plastic like the sheeting wrapped around big round bales of hay.

"That's the only place I can think of where he might have gotten the 2.2 percent," Stein said.

On Tuesday, Stein sent an e-mail letter to Gedert pointing out the error.

"You have overstated the amount and cost impact of plastic bags by about 366 percent," Stein wrote. "Additionally, since retail plastic bags only constitute a portion of the study's plastic bag category (dry cleaner bags and trash bags are also in this category), even 0.6 percent for retail plastic bags is an overstatement."

"Specifically, page three of your memo indicates that plastic bags constitute 2.2 percent of litter. The 2009 National Litter Study found that plastic bags of all types comprise only 0.6 percent of litter. Percentages for categories that constituted minute portions of roadside litter, such as plastic bags, were not addressed in the 2009 National Litter Study."

"Thus, the wrong data point was used in this memo's analysis. The mix-up may stem from Figure 3-3 (Top 10 Aggregate Litter Items, All U.S. Roadways) on page 3-3 of the KAB 2009 National Litter Study. That table lists "Other Plastic Film" as 2.2% of all litter. Note that this category specifically excluded plastic bags."

Stein said he has so far not heard from Gedert, before or after his letter.

"Regardless of this position you take on this issue, what is of consequence is that you dig deep enough to make sure you have the correct data to base your assumptions on," Stein said. "I think it was an honest mistake that I would have been happy to point out to him. But I think the public in Austin ought to know about it."

Contact Mark Lisher on at 512-299-2318 or mark@texaswatchdog.org or on Twitter at [@marktxwatchdog](https://twitter.com/marktxwatchdog).

Inconvenience to the people of Austin, Texas

Here's what they have to do in Austin TX after plastic bags were banned there.

These are a few "helpful instructions" on coping, which are added inconveniences for an increasingly busy, multi-tasking world:

- **Load up on reusable bags.** Opt for good sturdy bags made from nylon or organic cotton, and try not to rely too heavily on those 50-cent reusable bags at grocery stores. Tests have shown that those cheaper reusable bags may be contaminated with lead.
- **Wash them regularly.** Toss your reusable bags in the laundry every few times you use them to keep dirt, meat juices, and other gunk and bacteria from contaminating your produce. (Another reason to opt for washable materials like cotton and nylon!)
- **Don't forget your produce!** Interestingly, Austin's bag ban doesn't apply to flimsy plastic produce bags, which can only be reused so many times before they fall apart. Look for reusable produce bags on sites like reuseit.com or make your own from scraps of cloth or an old bedsheet.

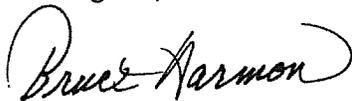
Links:

<http://www.king5.com/home/Oregon-norovirus-traced-to-reusable-grocery-bag-150845815.html>

Failure of Styrofoam container ban:

http://cascadepolicy.org/pdf/env/200712_sustainable_failure.pdf

Best regards,



Bruce Harmon
President



[Date Prev][Date Next][Thread Prev][Thread Next][Date Index][Thread Index]

<web>Bag Ordinance reserch in other cities

- To: ward1@xxxxxxxxxxxxxxxxxxxxxxxxxxxx
- Subject: <web>Bag Ordinance reserch in other cities
- From: wendy@xxxxxxxxxxx
- Date: Thu, 10 May 2012 07:39:57 -0700
- Reply-to: <wendy@xxxxxxxxxxx>

This is an inquiry e-mail via Contact Us form:
 Wendy Peterman
 wendy@xxxxxxxxxxx
 prefer phone contact: no

Hello, Mark:

In light of last night's discussion about how to implement a bag ban, I did some research on bags in existence in California. My own home town has made an ordinance, and now the entire county is drafting an ordinance. One thing California cities are finding is that plastic bag companies sue cities that don't include an environmental impact report in the language of their ordinances. The requirements and fees of several California cities with successful ordinances are below.

Sunny vale, CA & San Jose, CA:
<http://sunnyvale.ca.gov/Departments/EnvironmentalServices/GarbageRecyclingandWasteReduction/WasteReductionandReuseIssues/PlasticBags.aspx>
 Environmental Impact report: \$48,000
 No plastic or compostable plastic bags allowed
 Fines: \$100 first infraction, \$200 second infraction, \$300 3rd infraction
 Fees: before 2014, \$.10 per bag; after 2014 \$.25 per bag (bags must be at least 40% post-consumer paper and recyclable)

San Francisco, CA:
<http://sf311.org/index.aspx?page=552>
 No environmental impact report - under litigation
 Only bans non-compostable plastic bags
 Fines: same policy as Sunnyvale
 Fees: started with \$.10 fee per paper bag, but now realizes \$.25 is required to discourage bag use

Ukiah, CA:
 Environmental Impact Report completed prior to ban
 Bans all plastic bags, except for restaurants who gain >90% of revenue from sale of prepared food
 Large stores and pharmacies (over 10,000) sq ft must comply within 180 days of enactment
 Other stores must comply within 545 days of enactment
 Fees: \$.10 per 40% post-consumer recyclable paper bag
 (Walmart offers no single-use bags and charges \$.15 for a reusable bag)

Mendocino County, CA:
www.co.mendocino.ca.us/bos/.../Plastic_Bag_Ordinance_Draft_EIR
 Environmental Impact Report completed prior to ban
 Same ban as Ukiah, CA

Washington DC: \$.05 tax on non-reusable bags

- Prev by Date: **Fwd: [MAYORMCGINN] The Reader - Making downtown Seattle streets more safe, inviting and vibrant**
- Next by Date: **Re: Staff follow-up from ASC Meeting - Bag Ban**
- Previous by thread: **Fwd: [MAYORMCGINN] The Reader - Making downtown Seattle streets more safe, inviting and vibrant**
- Next by thread: **Re: Staff follow-up from ASC Meeting - Bag Ban**
- Index(es):
 - **Date**
 - **Thread**

Select Language
Powered by [Google Translate](#)

[Appropriate Use Policy](#) | [Privacy Policy](#) | [Contact Webmaster](#) | [Electronic Subscription Service](#)

501 SW Madison Ave. PO Box 1083 Corvallis, OR 97339-1083 ph: 541-766-6900 Fax: 541-766-6936

Copyright © 2010 City of Corvallis

From: Charlie Plybon
To: Lovett, Linda; Steckel, Marv; Dybvad, Scott; Steele, Adam; De Jong, Kris; Ward 1; Ward 6; Ward 8; r.e.hervey@
Cc: Debra Higbee-Sudvka; sarah@ Higginbotham
Subject: Legislative Counsel Review
Date: Thursday, May 10, 2012 5:37:51 PM
Attachments: lc0204_dltmbm.pdf

Thank you all very much for the opportunity to speak on behalf of the plastic bag issue yesterday at the ASC meeting. Discerning the right direction for the City of Corvallis should be done with careful consideration, of which I think the City Staff and ASC have been giving ample attention to through both internal and external analysis and outreach. I understand that this is difficult in the wake of an issue that people feel very passionately about and have dedicated a lot of their volunteer efforts and time to work on. Balancing what's right and administratively possible for the community and what the community wants is the difficult task and eventual decision making that individuals such as yourselves are faced with in public service.

Attached is the legislative counsel review I spoke to at the meeting. I apologize I could not find the City Attorney's email so if someone could forward on to him that would be greatly appreciated. I'd like to make myself available as a resource. The primary areas of concern I heard raised from the report and ASC were largely regarding a) enforcement/compliance, b) legal questions and c) staff and city expenses associated with these two areas. I heard some ancillary discussion as well regarding learning from other cities, paper, other plastic waste, etc. I may not have all the answers, but I have worked with many cities on these issues and would be happy to connect you with resources and contacts to help facilitate best use of staff time.

Thanks again,

Charlie Plybon
Oregon Field Manager
Surfrider Foundation
oregon.surfrider.org
541-867-3982 office
541-961-8143 cell

Protect our oceans, waves and beaches join Surfrider Foundation today!



STATE OF OREGON
LEGISLATIVE COUNSEL COMMITTEE

May 9, 2012

Senator Mark Hass
900 Court Street NE S207
Salem OR 97301

Re: Municipal ordinance requiring businesses to charge customers for issuance of paper, canvas or other types of nonplastic bags

Dear Senator Hass:

You asked whether the City of Corvallis has the authority to adopt an ordinance that requires businesses to charge their customers five cents for the issuance of a paper, canvas or other type of nonplastic bag. The answer to your question is that Corvallis has that authority.

You also asked whether a court would find such an ordinance to be in violation of the Commerce Clause of the United States Constitution. The answer to your question is that a court is not likely to find that the ordinance is in violation of the Commerce Clause.

In the opinion below we briefly explain the power delegated to incorporated cities under Oregon law and analyze Corvallis's proposed ordinance in that context. We also briefly explain the doctrine of the dormant Commerce Clause and why a court is not likely to find that the doctrine prohibits a city from adopting an ordinance that requires businesses to charge their customers five cents for the issuance of a paper, canvas or other type of nonplastic bag.

- I. The proposed ordinance is a valid exercise of power by an incorporated city under Oregon law.

Absent a home rule provision in a state constitution or statute, the default for determining whether a local government has the power to exercise a particular power or adopt a particular regulation is Dillon's Rule.¹ Named after Judge John F. Dillon of the Iowa Supreme Court, Dillon's Rule explains that local governments, as subordinate governments, do not have plenary power. Local governments are subjects of the states and only have the power to act when a state—as sovereign—expressly grants them the power to act or a local government necessarily must act to exercise an express grant of power.

Many states, including Oregon, have rejected Dillon's Rule in favor of home rule. Under home rule, a local government has the power to act unless that power is preempted by state or federal law. In its purest form, home rule grants local governments plenary power over local affairs. If the state has not legislated or otherwise exercised its authority over a local matter, the local government is free to legislate and govern the matter as it sees fit.

¹ For a detailed explanation of Dillon's Rule and home rule, see Richard Briffault and Laurie Reynolds, *State and Local Government Law*, 266-345 (6th ed., 2004).

For home rule to be the standard for determining whether a local government has a particular power, the state—as sovereign—must grant home rule status to local governments either in a constitutional provision or statute. It follows that such constitutional provisions and statutes also determine the outer boundary of a local government's powers. The language of the applicable constitutional provision or statute determines, for each state that grants home rule status to local governments, the development of that state's home rule jurisprudence.

Two provisions of the Oregon Constitution, enacted together by initiative petition in 1906, grant home rule status to cities and towns. The first, Article XI, section 2, provides:

The Legislative Assembly shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town. The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the Constitution and criminal laws of the State of Oregon. . . .

The second provision, Article IV, section 1 (5), adopted in 1906 as section 2a, extends the rights related to initiative and referendum to "the qualified voters of each municipality and district as to all local, special and municipal legislation of every character in or for their municipality or district."

The Oregon Supreme Court interpreted these two constitutional provisions, and established the majority of Oregon's home rule jurisprudence, in the landmark case *La Grande v. Public Employes Retirement Board*.² In that case, Justice Hans Linde, writing for the court, explained that these provisions empower a city or town to select a form of municipal government and to exercise police powers within the municipality. "[T]he validity," wrote Justice Linde, "of local action depends, first, on whether it is authorized by the local charter or by a statute, or if taken by initiative, whether it qualifies as 'local, special [or] municipal legislation' under article IV, section 1(5)[, of the Oregon Constitution]; second, on whether it contravenes state or federal law."³

In other words, a city or town may enact an ordinance that is primarily of local concern, provided that the ordinance is properly authorized and does not conflict with state law or federal law.

Our analysis of Oregon's home rule jurisprudence does not end here. It is important to note that the Supreme Court in *La Grande* did not assume that cities and towns have plenary power. Rather, Justice Linde described cities and towns as having the power to define, for themselves, the outer boundaries of local power in a charter. If a charter authorizes an act, and that act does not contravene state or federal law, then the act is a proper exercise of power. Although Justice Linde did not specifically point toward the language of Article XI, section 2, when drafting this portion of *La Grande*, it is safe to assume that his reasoning is based on the provision that "[t]he legal voters of every city and town are hereby granted power to enact and amend their municipal charter." But in *La Grande*, the court was describing the relationship

² 281 Or. 137 (1978).

³ *Id.* at 142. It should be noted that *La Grande* primarily grappled with the language that prohibits the Legislative Assembly from enacting, amending or repealing "any charter or act of incorporation." The court interpreted these two provisions to mean that state law cannot preempt local law on matters related to the organization of local government. However, because there is no contravening statute at issue in this case, we do not discuss that portion of *La Grande* in this opinion.

between Oregon and *all* of the cities and towns located within Oregon's jurisdictional boundary. In 1941, the Legislative Assembly clearly granted incorporated cities plenary power over local affairs.⁴ Under ORS 221.410 (1):

Except as limited by express provision or necessary implication of general law, a city may take all action necessary or convenient for the government of its local affairs.⁵

The Oregon Supreme Court has long recognized this statute as granting incorporated cities broad powers of governance. So long as an incorporated city complies with all applicable procedures, the city may take any action that is not preempted by state or federal law for the purpose of regulating local affairs.⁶ In short, under ORS 221.410, incorporated cities are not bound to act only as extensions of the state and are not limited to the powers enumerated in a city charter. They have the power to act unless that power directly conflicts with the city charter or contravenes state or federal law.

With these principles in mind, we now turn to the issue at hand. As an incorporated city, Corvallis has, under Oregon law, plenary power over local affairs. Assuming that Corvallis follows all procedures required for the passage of an ordinance, the ordinance would be valid unless it is in direct conflict with the Corvallis city charter or it contravenes state or federal law. We are unaware of any provision in the Corvallis city charter that expressly or impliedly prohibits the city from passing an ordinance that requires businesses to charge a customer five cents for the issuance of a paper, canvas or other type of nonplastic bag. We also are unaware of any state statute or constitutional provision that contravenes the proposed ordinance. Finally, we are unaware of any federal statute or constitutional provision that contravenes the proposed ordinance. In short, it is our opinion that adoption of the proposed ordinance is a proper exercise of local power under Oregon law.

II. A court most likely would find that the dormant Commerce Clause does not prohibit a city from passing the type of ordinance at issue here.

In conjunction with your question about Corvallis's authority to act under Oregon law, you also asked, more specifically, whether a court would find that the proposed ordinance is in violation of the Commerce Clause of the United States Constitution.

Under the Commerce Clause of the United States Constitution, Congress has the power to regulate commerce among the states.⁷ In interpreting the scope of this congressional power, the United States Supreme Court reasoned that the Commerce Clause enables Congress to prevent the states from balkanizing the national economy and impeding the free flow of commerce.⁸ The Court further reasoned that the Commerce Clause impliedly invalidates any state law that unjustifiably burdens interstate commerce, even if Congress has not explicitly regulated that area of commerce.⁹ On the basis of that reasoning, the Court found that the Commerce Clause grants Congress a "dormant" regulatory power.

⁴ Chapter 453, Oregon Laws 1941.

⁵ For purposes of ORS 221.410, a city is "a city incorporated under ORS 221.020 to 221.100 or proposed to be incorporated." See ORS 221.410 (3), 221.010 (2).

⁶ See *Davidson Baking Company v. Jenkins*, 216 Or. 51, 55-56 (1959).

⁷ Article I, section 8, clause 3.

⁸ *Hughes v. Oklahoma*, 441 U.S. 322, 325 (1979).

⁹ *Philadelphia v. New Jersey*, 437 U.S. 617, 623 (1978).

Courts generally test whether a state or local law runs afoul of the dormant Commerce Clause power by determining whether the law unjustifiably burdens interstate commerce. In making that determination, courts first determine whether the law only incidentally burdens interstate commerce or whether the law actively discriminates against interstate transactions.¹⁰ A law that incidentally burdens interstate commerce is a law that indirectly affects the free flow of commerce but is otherwise legitimately within the ordinary purview of state or local regulation, such as a law that protects the health or safety of state, county or city residents or a law that is classified as an historic police power. In contrast, a law that actively discriminates against interstate transactions is a law that directly prejudices out-of-state economic interests, such as a law that favors in-state producers and sellers of a commodity over out-of-state producers and sellers of the same commodity.¹¹

If a court determines that a state or local law only incidentally burdens interstate commerce, the court will balance the burden the law imposes on interstate commerce against the law's putative local benefit.¹² Unless the burdens imposed are "clearly excessive," the court will uphold the state law.¹³ On the other hand, courts strictly scrutinize state laws that actively discriminate against interstate transactions. Courts presume that this type of law is invalid and will only uphold it if the state can prove that the law serves a legitimate purpose that cannot be achieved by other, nondiscriminatory means.¹⁴

Given these principles, we now turn to your question. An ordinance that requires businesses to charge a customer five cents for the issuance of a paper, canvas or other type of nonplastic bag does not actively discriminate against interstate transactions. The proposed ordinance does not distinguish between bags made by in-state suppliers and bags made by out-of-state suppliers. The proposed ordinance does not distinguish between businesses that sell in-state goods and businesses that sell out-of-state goods. The five-cent fee applies equally, insofar as interstate commerce is concerned, to all bags and businesses. Thus, if the ordinance were challenged, a court would likely find that the ordinance incidentally burdens interstate commerce and would balance the burden the law imposes on interstate commerce against the law's putative local benefit.

In this case, it is highly unlikely that a court would rule that the proposed ordinance is in violation of the Commerce Clause. First, the ordinance imposes a minimal burden on interstate commerce. It requires Corvallis businesses to impose a small charge for the issuance of a product that, heretofore, they could give away for free. Second, the ordinance, as a measure designed to reduce waste, clearly concerns a matter historically classified as the subject of municipal police power.¹⁵ Oregon appellate courts consider such matters to be "weighty" and are likely to defer to a local government that is exercising such police power.¹⁶

¹⁰ *Maine v. Taylor*, 477 U.S. 131, 138 (1986).

¹¹ *Oregon Waste Systems, Inc. v. Department of Environmental Quality of the State of Oregon*, 511 U.S. 93, 99 (1994).

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ See *Ray Spencer et al. v. City of Medford et al.*, 129 Or. 333, 339 (1929) (recognizing that "garbage is widely regarded as an actual and potential source of disease or detriment to the public health, and that therefore it is within the well-recognized limits of the police power, for [a] municipality").

¹⁶ See *State v. Maybee*, 235 Or. App. 292, 305 (2010) (finding that public health, a matter historically classified as the subject of state police power, is "weighty" and deferring to a state law that would reduce the amount of cigarettes shipped into Oregon).

The circumstances at issue here are analogous to those recently considered by the Oregon Court of Appeals in *State v. Maybee*.¹⁷ In that case, the court evaluated the constitutionality of a statute that requires certain manufacturers of cigarettes and other tobacco products for sale in Oregon to be listed, along with the products they sell, in a public directory. The court found that the law is not "protectionist," that no Oregon seller or manufacturer receives "an economic benefit" under the law, that the "state interest at stake, public health, is weighty" and that the burden on interstate commerce is "minimal."¹⁸ As a result, the court found that the law is not unconstitutional under the Commerce Clause. A court evaluating the proposed Corvallis ordinance is likely to reach the same conclusion.

If you have any other questions or concerns regarding Corvallis's proposed ordinance, feel free to contact us.

The opinions written by the Legislative Counsel and the staff of the Legislative Counsel's office are prepared solely for the purpose of assisting members of the Legislative Assembly in the development and consideration of legislative matters. In performing their duties, the Legislative Counsel and the members of the staff of the Legislative Counsel's office have no authority to provide legal advice to any other person, group or entity. For this reason, this opinion should not be considered or used as legal advice by any person other than legislators in the conduct of legislative business. Public bodies and their officers and employees should seek and rely upon the advice and opinion of the Attorney General, district attorney, county counsel, city attorney or other retained counsel. Constituents and other private persons and entities should seek and rely upon the advice and opinion of private counsel.

Very truly yours,

DEXTER A. JOHNSON
Legislative Counsel



By
Mark B. Mayer
Staff Attorney

¹⁷ *Id.* at 294-296.

¹⁸ *Id.* at 305.



[Date Prev][Date Next][Thread Prev][Thread Next][Date Index][Thread Index]

Support recycling, not taxes & bans!

- **To:** <mayor@xxxxxxxxxxxxxxxxxxxx>
- **Subject:** Support recycling, not taxes & bans!
- **From:** <comeasyouare1925@xxxxxxxx>
- **Date:** Thu, 10 May 2012 00:05:27 -0700
- **Cc:** <comeasyouare1925@xxxxxxxx>
- **Resent-date:** Thu, 10 May 2012 00:06:00 -0700 (PDT)
- **Resent-from:** <mayor@xxxxxxxxxxxxxxxxxxxx>
- **Resent-message-id:** <20120510070600.0C566186BEB@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>

Mayor Manning,

I sure hope you opened this email, because my opinion on the matter is the exact opposite of the subject. I came across this website to try to stop the ban.

I think that a tax on bags or a ban is completely fair. These people argue that customer choice and convenience is being affected. Do they think it will be convenient when we have piles of plastic harming landscapes? The idea of a single use bag is ridiculous. It is a piece of plastic that's lifespan is approximately 15 minutes. It gets filled up in the store and emptied at home and thrown away. We have been lucky to have this privilege as long as we have and it needs to stop to properly allocate the use of the slimming amount of resources we have left to use. When plastic is made, it is taken out of the resource supply or chain, and removed for hundreds of years until it decays again. We can be using plastic for much more important things. People can learn to remember to bring a reusable bag, just like they get used to remembering to bring their lunch to work.

Sincerely,

keely ingham
corvallis, OR 97330

- **Follow-Ups:**
 - **Re: Support recycling, not taxes & bans!**
 - *From:* mayor
- Prev by Date: **Aviso de tu invitación de Noah Manger**
- Next by Date: **Spam Digest for Wednesday, May 9, 2012**
- Previous by thread: **Re: Support recycling, not taxes & bans!**
- Next by thread: **Re: Support recycling, not taxes & bans!**
- Index(es):
 - **Date**
 - **Thread**



[[Date Prev](#)][[Date Next](#)][[Thread Prev](#)][[Thread Next](#)][[Date Index](#)][[Thread Index](#)]

Support recycling, not taxes & bans!

- **To:** <mayor@xxxxxxxxxxxxxxxxxxxx>
- **Subject:** Support recycling, not taxes & bans!
- **From:** <terriat123@xxxxxxxx>
- **Date:** Fri, 11 May 2012 10:22:45 -0700
- **Cc:** <terriat123@xxxxxxxx>
- **Resent-date:** Fri, 11 May 2012 10:23:20 -0700 (PDT)
- **Resent-from:** <mayor@xxxxxxxxxxxxxxxxxxxx>
- **Resent-message-id:** <20120511172320.1ADDD1894A6@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>

Mayor Manning,

I recently heard that Corvallis is considering three ways to decrease litter and increase recycling in our town: banning bags, taxing bags, or creating a public education program about recycling.

Only one of these options wouldn't threaten Oregon jobs or put new tax burdens on Corvallis families. And only one of these options could encourage Corvallis to recycle all our paper and plastic goods, not just bags. That's why I support the public education program and why I oppose taxes and bans on my bags.

Bag taxes and bans don't help clean the environment or reduce litter. They just hurt people who can least afford an additional cost burden in these tough economic times. What's worse, taxing or banning bags could directly threaten Oregon's manufacturing and recycling jobs.

I hope you'll oppose bans and taxes, and instead support the real solution to litter: recycling. By creating a public education program, you could make Corvallis a statewide leader in recycling.

Sincerely,

Terri Thetford

Corvallis, OR 97330

- **Follow-Ups:**
 - **Re: Support recycling, not taxes & bans!**
 - *From:* mayor
- Prev by Date: **Birding Classes offered in Corvallis**
- Next by Date: **This is it...**
- Previous by thread: **Re: Support recycling, not taxes & bans!**
- Next by thread: **Re: Support recycling, not taxes & bans!**
- Index(es):
 - **Date**
 - **Thread**

Select Language
Powered by [Google Translate](#)

[Appropriate Use Policy](#) | [Privacy Policy](#) | [Contact Webmaster](#) | [Electronic Subscription Service](#)

501 SW Madison Ave. PO Box 1083 Corvallis, OR 97339-1083 ph: 541-766-6900 Fax: 541-766-6936

Copyright © 2010 City of Corvallis



[[Date Prev](#)][[Date Next](#)][[Thread Prev](#)][[Thread Next](#)][[Date Index](#)][[Thread Index](#)]

<web>bag ban

- *To:* mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject:* <web>bag ban
- *From:* kh.1942@xxxxxxxxxxx
- *Date:* Fri, 11 May 2012 09:02:01 -0700
- *Reply-to:* <kh.1942@xxxxxxxxxxx>

This is an inquiry e-mail via Contact Us form:

Kent Hansen
kh.1942@xxxxxxxxxxx
prefer phone contact: no

Many on the city council are so hung up on the plastic bag ban, as in Thursday's (5-19-12) front page article in the GT, I wonder if they noticed the second page article about the six girls that got sick from a norovirus that was traced to a reusable bag. This possibility has been mentioned several times over the last few weeks in "Letters to the Editor." Now we know that it is very real.

Several decades ago paper was the big culprit filling up the land fills, and recycling became the way to solve this problem, which has been very successful. We didn't over react and just ban paper. That said, why wouldn't recycling work just as well with plastic bags? Wouldn't this make both sides happy?

- **Follow-Ups:**
 - **Re: <web>bag ban**
 - *From:* mayor
- Prev by Date: **Vice President Joe Biden Will Address the Nation's Mayors in Orlando, June 15**
- Next by Date: **Birding Classes offered in Corvallis**
- Previous by thread: **Vice President Joe Biden Will Address the Nation's Mayors in Orlando, June 15**
- Next by thread: **Re: <web>bag ban**
- Index(es):
 - **Date**
 - **Thread**

Select Language

Powered by [Google Translate](#)

[Appropriate Use Policy](#) | [Privacy Policy](#) | [Contact Webmaster](#) | [Electronic Subscription Service](#)

501 SW Madison Ave. PO Box 1083 Corvallis, OR 97339-1083 ph: 541-766-6900 Fax: 541-766-6936

Copyright © 2010 City of Corvallis



[[Date Prev](#)][[Date Next](#)][[Thread Prev](#)][[Thread Next](#)][[Date Index](#)][[Thread Index](#)]

Support recycling, not taxes & bans!

- **To:** <mayor@xxxxxxxxxxxxxxxxxxxx>
- **Subject:** Support recycling, not taxes & bans!
- **From:** <wow1pink@xxxxxxxx>
- **Date:** Fri, 11 May 2012 05:31:53 -0700
- **Cc:** <wow1pink@xxxxxxxx>
- **Resent-date:** Fri, 11 May 2012 05:32:19 -0700 (PDT)
- **Resent-from:** <mayor@xxxxxxxxxxxxxxxxxxxx>
- **Resent-message-id:** <20120511123219.EE8821889BF@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>

Mayor Manning,

I recently heard that Corvallis is considering three ways to decrease litter and increase recycling in our town: banning bags, taxing bags, or creating a public education program about recycling.

Only one of these options wouldn't threaten Oregon jobs or put new tax burdens on Corvallis families. And only one of these options could encourage Corvallis to recycle all our paper and plastic goods, not just bags. That's why I support the public education program and why I oppose taxes and bans on my bags.

Bag taxes and bans don't help clean the environment or reduce litter. They just hurt people who can least afford an additional cost burden in these tough economic times. What's worse, taxing or banning bags could directly threaten Oregon's manufacturing and recycling jobs.

I hope you'll oppose bans and taxes, and instead support the real solution to litter: recycling. By creating a public education program, you could make Corvallis a statewide leader in recycling.

Sincerely,

Jennifer Troisi

Corvallis, OR 97333

- **Follow-Ups:**
 - **Re: Support recycling, not taxes & bans!**
 - *From:* mayor
- **Prev by Date:** [Spam Digest for Thursday, May 10, 2012](#)
- **Next by Date:** [ONDCP E-Newsletter, May 11, 2012](#)
- **Previous by thread:** [Re: Support recycling, not taxes & bans!](#)
- **Next by thread:** [Re: Support recycling, not taxes & bans!](#)
- **Index(es):**
 - **Date**
 - **Thread**

Select Language
Powered by [Google Translate](#)

[Appropriate Use Policy](#) | [Privacy Policy](#) | [Contact Webmaster](#) | [Electronic Subscription Service](#)

501 SW Madison Ave. PO Box 1083 Corvallis, OR 97339-1083 ph: 541-766-6900 Fax: 541-766-6936

Copyright © 2010 City of Corvallis



[[Date Prev](#)][[Date Next](#)][[Thread Prev](#)][[Thread Next](#)][[Date Index](#)][[Thread Index](#)]

Plastic bags

- **To:** "Ward 6 Joel Hirsch" <ward6@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- **Subject:** Plastic bags
- **From:** "Bibi Momsen" <be.momsen@xxxxxxxx>
- **Date:** Sat, 12 May 2012 07:13:41 -0700

One of the problems with banning plastic bags is the fact - which has been authenticated - that all those reusable bags given for free or cheaply - are not washable, and collect enormous amounts of bacteria on them. I personally use ones which are put through the washing machine fairly often. This is not the case for most people with reusable bags.

It's something to ponder, please.

Thanks.

Bibi Momsen

be.momsen@xxxxxxxx

- **Prev by Date:** [ADV: Fast PC Tips: Novice to Pro](#)
- **Next by Date:** [Re: Realistic considerations regarding a bag ban](#)
- **Previous by thread:** [ADV: Fast PC Tips: Novice to Pro](#)
- **Next by thread:** [Re: Plastic Ban](#)
- **Index(es):**
 - [Date](#)
 - [Thread](#)



[[Date Prev](#)][[Date Next](#)][[Thread Prev](#)][[Thread Next](#)][[Date Index](#)][[Thread Index](#)]

Plastic bag ban

- **To:** ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxxx
- **Subject:** Plastic bag ban
- **From:** meyersst@xxxxxxxxxxxxxxxxxxxxxxxxxxxxx
- **Date:** Mon, 14 May 2012 15:01:49 -0700

Dear Mr. Hervey,

As a citizen of 3rd Ward of the City of Corvallis, I would like to take this opportunity to express my views concerning the proposed ban/regulation/tax of plastic shopping bags within the city limits of Corvallis.

I am opposed to any ban and/or tax for two reasons:

1. I feel a ban/tax on plastic bags would be a regressive imposition of a lifestyle choice, by what I suspect is a minority of the population, upon the majority of citizens (and perhaps especially so within Ward 3).
2. I would prefer the city counsel of Corvallis to address, and work to remedy, more pragmatic and pressing issues that affect the daily lives of our fellow citizens (I will not bother to list those issues for fear of insulting your intelligence. I am certain you know what they are.)

As such, I encourage you to vote no on any proposed ban or tax of plastic bags. I, personally, use reusable shopping bags regularly. I would like others to do so as well. I prefer, however, to promote change by example, and not through force.

I have long been fond of a quote by Mark Twain: "Mark Twain:

?The government is merely a servant -- merely a temporary servant; it cannot be its prerogative to determine what is right and what is wrong. Its function is to obey orders, not originate them.?

I thank you for your time and consideration.

Regards,

-Stephen

ps. Instead of worrying about plastic bags, there's a huge pothole at the corner of 3rd and Western that I suspect has caused caused a great deal of damage to cars that fall into it regularly. Fix it, and I'll be more impressed.

Stephen C. Meyers, Ph.D.
Oregon State University
Department of Botany and Plant Pathology
2082 Cordley Hall
Corvallis, OR 97331
[REDACTED]

- **Prev by Date:** [UPDATE: A Future Without Key Statistical and Economic Statistics for the Country](#)
- **Next by Date:** [Research on Plastic Bag Ordinances](#)
- **Previous by thread:** [UPDATE: A Future Without Key Statistical and Economic Statistics for the Country](#)
- **Next by thread:** [Research on Plastic Bag Ordinances](#)
- **Index(es):**
 - [Date](#)
 - [Thread](#)

Select Language

Powered by [Google Translate](#)

[Appropriate Use Policy](#) | [Privacy Policy](#) | [Contact Webmaster](#) | [Electronic Subscription Service](#)

501 SW Madison Ave. PO Box 1083 Corvallis, OR 97339-1083 ph: 541-766-6900 Fax: 541-766-6936

Copyright © 2010 City of Corvallis



[Date Prev][Date Next][Thread Prev][Thread Next][Date Index][Thread Index]

Research on Plastic Bag Ordinances

- To: <mary.steckel@xxxxxxxxxxxxxxxxxxxx>, "Mark O'Brien" <ward1@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>, <ward6@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>, <ward8@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- Subject: Research on Plastic Bag Ordinances
- From: "Debra Higbee-Sudyka" <dwhigbe@xxxxxxx>
- Date: Mon, 14 May 2012 15:18:21 -0700
- Cc: "Lovett, Linda" <Linda.Lovett@xxxxxxxxxxxxxxxxxxxx>, "Bruce Encke" <Bruce.Encke@xxxxxxx>, <ward3@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>, <ward7@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>

Mary Steckel and Administrative Services Committee,

To help you in the process of reviewing the policies, ordinances, and issues of other cities regarding plastic bag legislation, below are websites, studies, journal articles and reports that I have found useful.

In addition, I spoke with Councilor Jeanne Raymond, and she mentioned her email to City Manager Jim Patterson, which expressed the wish for information on how the city would come up with education, and positive incentives. I believe that Lisa Libby, Portland's Planning and Sustainability Director (503) 823-4045) would be helpful in this regard. In my conversation with her she explained some of the ideas that Portland came up with to accomplish the issues that Councilor Raymond referred to. Libby is also a good resource to understand the successes and issues that Portland is experiencing since banning plastic checkout bags.

If I can be of further help, let me know.

Thank you,

Debra Higbee-Sudyka
Executive Committee Vice Chair
Marys Peak Group - Sierra Club

###

Websites on Plastic Bag Legislation:

Plastic Bag Laws <http://plasticbaglaws.org/> In an effort to facilitate research for cities and states interested in adopting plastic bag laws, they have compiled the text of laws, related CEQA litigation, and relevant studies. This is a valuable website where you can get quick access to ordinances.

For more comprehensive information on a national scale, try Florida Department of the Environment's Retail Bag Report http://www.dep.state.fl.us/waste/retailbags/pages/map_USA.htm and Hilex Poly's website <http://www.bagtheban.com/in-your-state/>

Studies on Plastic Bag Legislation:

Plastic Bag Laws website has a comprehensive compilation of the most relevant studies, journal articles, and reports:
<http://plasticbaglaws.org/studies-journal-articles/>

Alternatives to Disposable Shopping Bag Study. <http://www.seattlebagtax.org/herrera1.pdf> Herrera et al. (2008) was undertaken for the City of Seattle to examine a range of policy options to reduce disposable grocery bag use, may be the most relevant to California. This study examined the 30-year impact of multiple policy options for reducing disposable shopping bag use, including enhanced education, a combination of education and ban on disposable plastic shopping bags, education and a mandatory advanced recovery fee of approximately 10-25 cents on disposable plastic shopping bags, and education and an advanced recovery fee of approximately 10-25 cents on all disposable shopping bags.

Master Environmental Assessment put out by California is a good resource.
<http://greencitiescalifornia.org/sites/all/files/MEA.Single%20Use%20Bags.pdf> "It "brings together a comprehensive collection of information about single-use grocery bags including existing regulations, life-cycle analysis, potential impacts on the environment, reusable bags, and the use of fees to encourage consumers to reuse bags." The information is to help cities and counties determine the significance of actions that they may take to cut back on the use of single-use grocery bags."

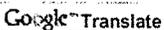
Single-Use Bag Ban Feasibility Study by Recyclemore in Richmond, CA:
<http://richmondconfidential.org/wp-content/uploads/2011/06/bagreport.pdf>

53 Year Old Mom Looks 33

The Stunning Results of Her Wrinkle Trick Has Botox Doctors Worried
consumerproducts.com

- Prev by Date: **RE: <web>"being lectured"**
- Next by Date: **Corvallis wins Sister Cities Award**
- Previous by thread: **UPDATE: A Future Without Key Statistical and Economic Statistics for the Country**
- Next by thread: **Corvallis wins Sister Cities Award**
- Index(es):
 - **Date**
 - **Thread**

Select Language

Powered by  Google Translate

[Appropriate Use Policy](#) | [Privacy Policy](#) | [Contact Webmaster](#) | [Electronic Subscription Service](#)

501 SW Madison Ave. PO Box 1083 Corvallis, OR 97339-1083 ph: 541-766-6900 Fax: 541-766-6936

Copyright © 2010 City of Corvallis



[[Date Prev](#)][[Date Next](#)][[Thread Prev](#)][[Thread Next](#)][[Date Index](#)][[Thread Index](#)]

Say no to bag bans and taxes!

- *To:* <mayor@xxxxxxxxxxxxxxxxxxxx>
- *Subject:* Say no to bag bans and taxes!
- *From:* <Onewolfe44@xxxxxxx>
- *Date:* Mon, 14 May 2012 20:14:43 -0700
- *Cc:* <Onewolfe44@xxxxxxx>
- *Resent-date:* Mon, 14 May 2012 20:15:18 -0700 (PDT)
- *Resent-from:* <mayor@xxxxxxxxxxxxxxxxxxxx>
- *Resent-message-id:* <20120515031518.3B71B18D360@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>

Mayor Manning,

Sincerely,

MY HUE Jones
Corvallis, OR 97333

- [Prev by Date](#): **Jurisdictional Transfer**
- [Next by Date](#): **Say no to bag bans and taxes!**
- [Previous by thread](#): **Re: Say no to bag bans and taxes!**
- [Next by thread](#): **Say no to bag bans and taxes!**
- [Index\(es\)](#):
 - [Date](#)
 - [Thread](#)



[[Date Prev](#)][[Date Next](#)][[Thread Prev](#)][[Thread Next](#)][[Date Index](#)][[Thread Index](#)]

Support recycling, not taxes & bans!

- **To:** <mayor@xxxxxxxxxxxxxxxxxxxx>
- **Subject:** Support recycling, not taxes & bans!
- **From:** <pspriest@xxxxxxxx>
- **Date:** Mon, 14 May 2012 06:53:12 -0700
- **Cc:** <pspriest@xxxxxxxx>
- **Resent-date:** Mon, 14 May 2012 06:54:08 -0700 (PDT)
- **Resent-from:** <mayor@xxxxxxxxxxxxxxxxxxxx>
- **Resent-message-id:** <20120514135408.DDFB1524E69@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>

Mayor Manning,

I recently heard that Corvallis is considering three ways to decrease litter and increase recycling in our town: banning bags, taxing bags, or creating a public education program about recycling.

Only one of these options wouldn't threaten Oregon jobs or put new tax burdens on Corvallis families. And only one of these options could encourage Corvallis to recycle all our paper and plastic goods, not just bags. That's why I support the public education program and why I oppose taxes and bans on my bags.

Bag taxes and bans don't help clean the environment or reduce litter. They just hurt people who can least afford an additional cost burden in these tough economic times. What's worse, taxing or banning bags could directly threaten Oregon's manufacturing and recycling jobs.

I hope you'll oppose bans and taxes, and instead support the real solution to litter: recycling. By creating a public education program, you could make Corvallis a statewide leader in recycling.

Sincerely,

patricia priest
[Redacted]
Corvallis, OR 97330

- **Follow-Ups:**
 - **Re: Support recycling, not taxes & bans!**
 - *From:* mayor
- **Prev by Date:** [Re: <web>Plastic Bag Ban](#)
- **Next by Date:** [The May 14, 2012 edition of U.S.Mayor](#)
- **Previous by thread:** [Re: Support recycling, not taxes & bans!](#)
- **Next by thread:** [Re: Support recycling, not taxes & bans!](#)
- **Index(es):**
 - **Date**
 - **Thread**

Select Language
Powered by [Google™ Translate](#)

[Appropriate Use Policy](#) | [Privacy Policy](#) | [Contact Webmaster](#) | [Electronic Subscription Service](#)
501 SW Madison Ave. PO Box 1083 Corvallis, OR 97339-1083 ph: 541-766-6900 Fax: 541-766-6936
Copyright © 2010 City of Corvallis



[[Date Prev](#)][[Date Next](#)][[Thread Prev](#)][[Thread Next](#)][[Date Index](#)][[Thread Index](#)]

<web>plastic bag ban

- **To:** ward6@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
- **Subject:** <web>plastic bag ban
- **From:** jedomb@xxxxxxxxxx
- **Date:** Tue, 15 May 2012 10:31:10 -0700
- **Reply-to:** <jedomb@xxxxxxxxxx>

This is an inquiry e-mail via Contact Us form:
 Jim dombrowski
 jedomb@xxxxxxxxxx
 prefer phone contact: no

I'm against any ban on plastic bags and I know many others who are not too happy about it as well. If the city is considering such a draconian measure they should put it up to the vote of the people in the fall election. I use cloth bags when I have them, but I also use the plastic bags for may other purposes as a dog owner I'm sure you are aware of there utility. There are a lot of more important issue confronting the city and that is where you all should be focusing your time and energy.

- **Prev by Date:** [ADV: Forum Luncheon TOMORROW! - Secretary of State Kate Brown](#)
- **Next by Date:** [Responsible Banking Resolutions](#)
- **Previous by thread:** [Re: <web>Plastic Bag Ban](#)
- **Next by thread:** [Fwd: Elimination of Sustainability Supervisor position in proposed budget](#)
- **Index(es):**
 - [Date](#)
 - [Thread](#)



[[Date Prev](#)][[Date Next](#)][[Thread Prev](#)][[Thread Next](#)][[Date Index](#)][[Thread Index](#)]

Support recycling, not taxes & bans!

- **To:** <mayor@xxxxxxxxxxxxxxxxxxxx>
- **Subject:** Support recycling, not taxes & bans!
- **From:** <secresdj@xxxxxxxx>
- **Date:** Wed, 16 May 2012 11:52:21 -0700
- **Cc:** <secresdj@xxxxxxxx>
- **Resent-date:** Wed, 16 May 2012 11:52:56 -0700 (PDT)
- **Resent-from:** <mayor@xxxxxxxxxxxxxxxxxxxx>
- **Resent-message-id:** <20120516185256.B14CD19052A@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>

Mayor Manning,

I recently heard that Corvallis is considering three ways to decrease litter and increase recycling in our town: banning bags, taxing bags, or creating a public education program about recycling.

Only one of these options wouldn't threaten Oregon jobs or put new tax burdens on Corvallis families. And only one of these options could encourage Corvallis to recycle all our paper and plastic goods, not just bags. That's why I support the public education program and why I oppose taxes and bans on my bags.

Bag taxes and bans don't help clean the environment or reduce litter. They just hurt people who can least afford an additional cost burden in these tough economic times. What's worse, taxing or banning bags could directly threaten Oregon's manufacturing and recycling jobs.

I hope you'll oppose bans and taxes, and instead support the real solution to litter: recycling. By creating a public education program, you could make Corvallis a statewide leader in recycling.

Sincerely,

Joanne Secrest
[Redacted]
Albany, OR 97321

- **Follow-Ups:**
 - **Re: Support recycling, not taxes & bans!**
 - *From:* mayor
- Prev by Date: **More Plastic**
- Next by Date: **Re: Support recycling, not taxes & bans!**
- Previous by thread: **Re: Support recycling, not taxes & bans!**
- Next by thread: **Re: Support recycling, not taxes & bans!**
- Index(es):
 - **Date**
 - **Thread**

Select Language
Powered by [Google Translate](#)

[Appropriate Use Policy](#) | [Privacy Policy](#) | [Contact Webmaster](#) | [Electronic Subscription Service](#)

501 SW Madison Ave. PO Box 1083 Corvallis, OR 97339-1083 ph: 541-766-6900 Fax: 541-766-6936

Copyright © 2010 City of Corvallis



[\[Date Prev\]](#)[\[Date Next\]](#)[\[Thread Prev\]](#)[\[Thread Next\]](#)[\[Date Index\]](#)[\[Thread Index\]](#)

Support recycling, not taxes & bans!

- **To:** <mayor@xxxxxxxxxxxxxxxx>
- **Subject:** Support recycling, not taxes & bans!
- **From:** <kimrphillips@xxxxxxxx>
- **Date:** Fri, 18 May 2012 12:16:07 -0700
- **Cc:** <kimrphillips@xxxxxxxx>
- **Resent-date:** Fri, 18 May 2012 12:16:40 -0700 (PDT)
- **Resent-from:** <mayor@xxxxxxxxxxxxxxxx>
- **Resent-message-id:** <20120518191640.90CC3194992@xxxxxxxxxxxxxxxxxxxxxxxx>

Mayor Manning,

I recently heard that Corvallis is considering three ways to decrease litter and increase recycling in our town: banning bags, taxing bags, or creating a public education program about recycling.

Only one of these options wouldn't threaten Oregon jobs or put new tax burdens on Corvallis families. And only one of these options could encourage Corvallis to recycle all our paper and plastic goods, not just bags. That's why I support the public education program and why I oppose taxes and bans on my bags.

Bag taxes and bans don't help clean the environment or reduce litter. They just hurt people who can least afford an additional cost burden in these tough economic times. What's worse, taxing or banning bags could directly threaten Oregon's manufacturing and recycling jobs.

I hope you'll oppose bans and taxes, and instead support the real solution to litter: recycling. By creating a public education program, you could make Corvallis a statewide leader in recycling.

Sincerely,

Kim/Vera Phillips

Corvallis, OR 97330

- **Follow-Ups:**
 - **Re: Support recycling, not taxes & bans!**
 - From: mayor
- Prev by Date: **OOPS! August & November**
- Next by Date: **Webinar: Recycling Water for Supply Reliability**
- Previous by thread: **Re: Support recycling, not taxes & bans!**
- Next by thread: **Re: Support recycling, not taxes & bans!**
- Index(es):
 - **Date**
 - **Thread**



[[Date Prev](#)][[Date Next](#)][[Thread Prev](#)][[Thread Next](#)][[Date.Index](#)][[Thread Index](#)]

Support recycling, not taxes & bans!

- **To:** <mayor@xxxxxxxxxxxxxxxxxxxx>
- **Subject:** Support recycling, not taxes & bans!
- **From:** <ROBMR8@xxxxxxxxxxxx>
- **Date:** Fri, 18 May 2012 14:47:17 -0700
- **Cc:** <ROBMR8@xxxxxxxxxxxx>
- **Resent-date:** Fri, 18 May 2012 14:47:48 -0700 (PDT)
- **Resent-from:** <mayor@xxxxxxxxxxxxxxxxxxxx>
- **Resent-message-id:** <20120518214748.76E331952B0@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>

Mayor Manning,

I recently heard that Corvallis is considering three ways to decrease litter and increase recycling in our town: banning bags, taxing bags, or creating a public education program about recycling.

Only one of these options wouldn't threaten Oregon jobs or put new tax burdens on Corvallis families. And only one of these options could encourage Corvallis to recycle all our paper and plastic goods, not just bags. That's why I support the public education program and why I oppose taxes and bans on my bags.

Bag taxes and bans don't help clean the environment or reduce litter. They just hurt people who can least afford an additional cost burden in these tough economic times. What's worse, taxing or banning bags could directly threaten Oregon's manufacturing and recycling jobs.

I hope you'll oppose bans and taxes, and instead support the real solution to litter: recycling. By creating a public education program, you could make Corvallis a statewide leader in recycling.

Sincerely,

BOB DERRY
CORVALLIS, OR 97333

- **Follow-Ups:**
 - **Re: Support recycling, not taxes & bans!**
 - *From:* mayor
- **Prev by Date:** **Re: Support recycling, not taxes & bans!**
- **Next by Date:** **Re: Support recycling, not taxes & bans!**
- **Previous by thread:** **Re: Support recycling, not taxes & bans!**
- **Next by thread:** **Re: Support recycling, not taxes & bans!**
- **Index(es):**
 - **Date**
 - **Thread**

Select Language

Powered by [Google Translate](#)

[Appropriate Use Policy](#) | [Privacy Policy](#) | [Contact Webmaster](#) | [Electronic Subscription Service](#)

501 SW Madison Ave. PO Box 1083 Corvallis, OR 97339-1083 ph: 541-766-6900 Fax: 541-766-6936

Copyright © 2010 City of Corvallis



[[Date Prev](#)][[Date Next](#)][[Thread Prev](#)][[Thread Next](#)][[Date Index](#)][[Thread Index](#)]

Support recycling, not taxes & bans!

- **To:** <mayor@xxxxxxxxxxxxxxxxxxx>
- **Subject:** Support recycling, not taxes & bans!
- **From:** <jessica.hathaway.dupont@xxxxxxxxxxx>
- **Date:** Fri, 18 May 2012 09:14:27 -0700
- **Cc:** <jessica.hathaway.dupont@xxxxxxxxxxx>
- **Resent-date:** Fri, 18 May 2012 09:15:05 -0700 (PDT)
- **Resent-from:** <mayor@xxxxxxxxxxxxxxxxxxx>
- **Resent-message-id:** <20120518161505.31C3B52820F@xxxxxxxxxxxxxxxxxxxxxxxxxxxxxx>

Mayor Manning,

I recently heard that Corvallis is considering three ways to decrease litter and increase recycling in our town: banning bags, taxing bags, or creating a public education program about recycling.

Only one of these options wouldn't threaten Oregon jobs or put new tax burdens on Corvallis families. And only one of these options could encourage Corvallis to recycle all our paper and plastic goods, not just bags. That's why I support the public education program and why I oppose taxes and bans on my bags.

Bag taxes and bans don't help clean the environment or reduce litter. They just hurt people who can least afford an additional cost burden in these tough economic times. What's worse, taxing or banning bags could directly threaten Oregon's manufacturing and recycling jobs.

I hope you'll oppose bans and taxes, and instead support the real solution to litter: recycling. By creating a public education program, you could make Corvallis a statewide leader in recycling.

Sincerely,

Jessica DuPont

Corvallis , OR 97330

- **Follow-Ups:**
 - **Re: Support recycling, not taxes & bans!**
 - **From:** mayor
- **Prev by Date:** [\[ED_REVIEW\] ED Review \(05/18/12\)](#)
- **Next by Date:** [<web>New Local Startup](#)
- **Previous by thread:** **Re: Support recycling, not taxes & bans!**
- **Next by thread:** **Re: Support recycling, not taxes & bans!**
- **Index(es):**
 - **Date**
 - **Thread**



[\[Date Prev\]](#)[\[Date Next\]](#)[\[Thread Prev\]](#)[\[Thread Next\]](#)[\[Date Index\]](#)[\[Thread Index\]](#)

Say no to bag bans and taxes!

- **To:** <mayor@xxxxxxxxxxxxxxxxxxxx>
- **Subject:** Say no to bag bans and taxes!
- **From:** <jonjanske@xxxxxxxxxxxx>
- **Date:** Sat, 19 May 2012 15:04:11 -0700
- **Cc:** <jonjanske@xxxxxxxxxxxx>
- **Resent-date:** Sat, 19 May 2012 15:04:55 -0700 (PDT)
- **Resent-from:** <mayor@xxxxxxxxxxxxxxxxxxxx>
- **Resent-message-id:** <20120519220455.2B00C527F2A@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>

Mayor Manning,

As an Oregonian and a resident of Corvallis, I'm disappointed to hear that the city council is considering banning or taxing my grocery bags. Oregon voters have already said no to bag bans and taxes -- why are we debating this issue again?

Did you know that plastic bags are a tiny part of our garbage? It's true -- they're less than half a percent of all the trash we make. And a year after San Francisco banned its bags, they didn't see a reduction in bag litter. Banning and taxing them won't make a difference, but it'll really hurt local businesses and the 30,000 Americans who make and recycle plastic bags.

Corvallis is a town that recycles, not a town that bans. Let's expand our recycling instead of eliminating consumer choice with bag bans and taxes.

Sincerely,

Jon Janske
[Redacted]
Corvallis, OR 97333

- **Follow-Ups:**
 - **Re: Say no to bag bans and taxes!**
 - *From:* mayor
- Prev by Date: **Spam Digest for Friday, May 18, 2012**
- Next by Date: **Support recycling, not taxes & bans!**
- Previous by thread: **Say no to bag bans and taxes!**
- Next by thread: **Re: Say no to bag bans and taxes!**
- Index(es):
 - **Date**
 - **Thread**

Select Language

Powered by Google Translate

[Appropriate Use Policy](#) | [Privacy Policy](#) | [Contact Webmaster](#) | [Electronic Subscription Service](#)

501 SW Madison Ave. PO Box 1083 Corvallis, OR 97339-1083 ph: 541-766-6900 Fax: 541-766-6936

Copyright © 2010 City of Corvallis



[[Date Prev](#)][[Date Next](#)][[Thread Prev](#)][[Thread Next](#)][[Date Index](#)][[Thread Index](#)]

Support recycling, not taxes & bans!

- **To:** <mayor@xxxxxxxxxxxxxxxxxxx>
- **Subject:** Support recycling, not taxes & bans!
- **From:** <david.williams10@xxxxxxxxxxx>
- **Date:** Sat, 19 May 2012 15:43:53 -0700
- **Cc:** <david.williams10@xxxxxxxxxxx>
- **Resent-date:** Sat, 19 May 2012 15:44:26 -0700 (PDT)
- **Resent-from:** <mayor@xxxxxxxxxxxxxxxxxxx>
- **Resent-message-id:** <20120519224426.E4B5E195687@xxxxxxxxxxxxxxxxxxxxxxxxxxx>

Mayor Manning,

Take away plastic bags. Take away twinkies. Take away cars. Take all my freedoms and stick em in your reusable canvas bags.

David E. Williams President, PETP (People for the Ethical Treatment of Plastic)

Sincerely,

David Williams
[Redacted]
Corvallis, OR 97330

- **Follow-Ups:**
 - **Re: Support recycling, not taxes & bans!**
 - *From:* mayor
- **Prev by Date: Say no to bag bans and taxes!**
- **Next by Date: Spam Digest for Saturday, May 19, 2012**
- **Previous by thread: Re: Support recycling, not taxes & bans!**
- **Next by thread: Re: Support recycling, not taxes & bans!**
- **Index(es):**
 - **Date**
 - **Thread**

Select Language

Powered by [Google Translate](#)

[Appropriate Use Policy](#) | [Privacy Policy](#) | [Contact Webmaster](#) | [Electronic Subscription Service](#)

501 SW Madison Ave. PO Box 1083 Corvallis, OR 97339-1083 ph: 541-766-6900 Fax: 541-766-6936

Copyright © 2010 City of Corvallis

5/21/12 - Rec'd from Councilor
Raymond - see

portlandonline • subscribe • sign in

Select Language

Powered by Google™ Translate

front page | priorities | progress reports | news | contact us | media room

Search



DOCUMENTS:

FAQ

Ordinance

Exhibit

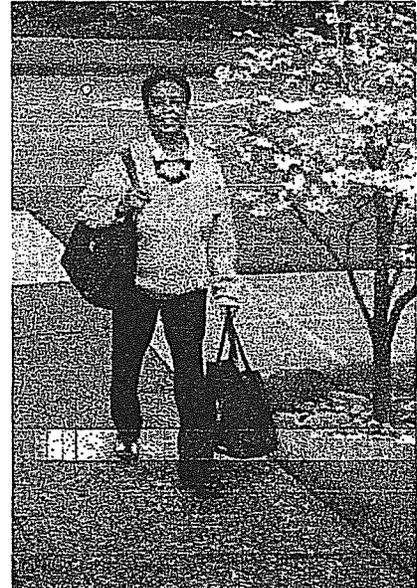
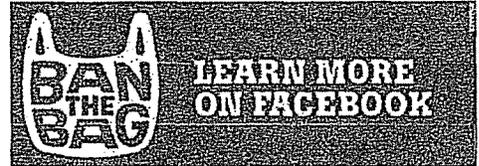
Have questions or comments?

Contact us here

Dear Portlander,

Oregonians use an estimated 1.7 billion single-use plastic bags each year—the equivalent of 444 bags for every man, woman, and child in Oregon, every year. That's a bad habit worth kicking.

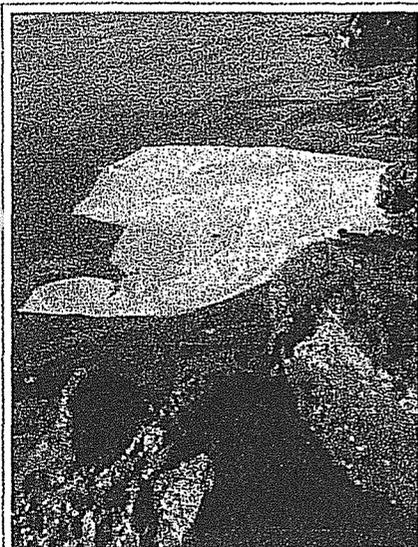
Growing up on the Oregon coast, I saw firsthand the devastating effects that discarded plastic has on our waterways and wildlife. In Portland, and in all of Oregon, single-use plastic checkout bags are an eyesore, getting into our waterways and our storm drains. Plastic bags are a nuisance, jamming up recycling facility machines and costing those facilities tens of thousands of dollars a month in maintenance and labor to fix the mess.





Plastic bags clog a machines in a recycling facilities.

And globally, plastic bags are part of an environmental crisis—from the oil needed to manufacture and transport bags around the planet, to the massive plastic islands of trash destroying our oceans and intoxicating our marine food web.



Plastic bags often end up in our waters.

That's why I'm introducing an ordinance at City Council on July 21 at 3:45 pm that would prohibit the largest generators of single-use plastic checkout bags—large grocery stores and large retailers that have pharmacies—from distributing these bags to their customers at point of sale.

This policy is a pragmatic approach to a real and seemingly insurmountable problem, and was shaped by a coalition of businesses, environmental groups and city staff, and informed by lessons from cities and nations that have already taken action on single-use plastic checkout bags—from San Francisco to China. Portlanders are prepared to lead the way in Oregon.

If approved, the ban would take effect on October 15, 2011. The policy also promotes the use of reusable checkout bags, and provides reusable bags free-of-charge to qualifying low-income residents and seniors. This initiative does not mandate retailers to charge a bag fee, and does not prevent retailers from offering a reusable checkout bag discount. Full

details of the proposal, including answers to frequently asked questions and a copy of the ordinance, can be found in the sidebar of this page.

Portland and Oregon have always led the nation on smart environmental policy. Portland's economic prosperity is being built on our creativity, our innovation, our expertise in sustainability, and our heritage of great manufacturing. By taking action now, we're continuing our city's leadership in sustainable urban living and making an investment in our city's future.

Sincerely,

Sam Adams
Mayor

Previous Coverage

UPDATE -- JULY 28, 2010: Today, Portland City Council resolved to ban plastic bags. This resolution makes two important statements: 1) it urges passage of a statewide ban in the 2011 Legislative session; and, 2) it commits the city to pursuing an ordinance in 2011 if the state bill fails.

I want to thank Senator Mark Hass and Senator Jason Atkinson who are leading this effort at the state.

I would like to thank Sen. Hass, Sen. Jackie Dingfelder, and Rep. Ben Cannon for their supportive testimony today.

And I especially want to thank the Surfrider Foundation, Environment Oregon, and Willamette Riverkeeper for all of their support and grassroots advocacy on this issue over the years.

I'm confident that this resolution supporting a statewide approach and laying out action for Portland if the state fails to act will ensure the best policy for Portland.

The resolution is a procedural difference that brings on board even more members of the State Legislature and lays out a more aggressive timeline for Portland if the state fails to act.

If, for any reason, this legislation is not enacted, we are prepared to act locally.

We are taking action to make sure Portland is part of the global solution, and not part of the global problem - of wasteful, permanent, toxic single-use plastic bags.

UPDATE: This week, I met with State Legislators regarding the City's and the State's effort to ban single-use plastic bags and require a minimum five cent charge on paper. Although we align on our policy goals, Legislative leaders were concerned about the timing of the proposed ordinance and asked that I wait until after the 2011 Legislative session to file an ordinance. After a productive conversation, we now have an agreement in place to ensure a single-use bag policy no later than January 2012. Today, I filed a resolution with the proposed State and City policies as well as the Letter of Agreement with Senator Mark Hass, Senator Jackie Dingfelder, Senator Diane Rosenbaum, and Representative Ben Cannon. The resolution states that if the State fails to pass a substantially similar policy in the 2011 session, I will bring forward an ordinance to ban plastic bags and require a minimum 5 cent charge on paper bags by October 1, 2011. This new commitment and alignment will only strengthen our push statewide and will ensure a policy for Portland regardless.

PORTLAND IS READY TO BAN SINGLE-USE PLASTIC BAGS

Nearly two-thirds of Portlanders support a ban

July 16, 2010

"When the city of Portland banned polystyrene foam (Styrofoam) in January 1990, it drew immediate attention from the environmental community and the business world. In response, businesses and customers had to learn a new behavior and they did, adapting to the new policy as cities around the nation took notice.

"According to a poll conducted last week, two-thirds of Portlanders surveyed support banning single-use, carry-out plastic bags and a 5-cent charge on paper bags.

"Today, I'm introducing for public comment a draft ordinance to ban single-use plastic bags in the City of Portland. The ordinance spells out all the important details: which industries are included, when it will go into effect, and what we're doing to make sure the transition is smooth and successful.

"The four key pillars of the ordinance are:

1. Banning plastic bags, prohibiting large grocery stores and retail pharmacies from distributing single-use plastic carryout bags to their customers at point of sale;
2. Setting a mandatory 5-cent charge on paper/compostable plastic bags, regulating the distribution of paper bags and compostable plastic bags to encourage consumers to use reusable bags, and helping defray the cost to stores;
3. Requiring stores to make reusable bags available, either for purchase or at no cost;
4. Calling for an outreach campaign that includes a public-private partnership to provide reusable carryout bags to interested Portland residents; and working with service providers to distribute information and reusable carryout bags to interested senior and low-income households.

"The policy is a smart, pragmatic approach to a real and seemingly insurmountable problem. It's an approach shaped by a coalition of businesses, environmental groups and city staff and informed by lessons from cities and nations that have already taken action. Efforts are underway to ban plastic bags statewide in the next legislative session. I support those efforts. Portlanders are prepared to lead the way to a statewide solution.

"In Portland, and in all of Oregon, single-use plastic bags are an eyesore, getting into our waterways and our storm drains. Plastic bags are a nuisance, jamming up recycling facility machines and costing those facilities tens of thousands of dollars a month in maintenance and labor to fix the mess. And plastic bags are an indicator of an old way of thinking where an item is designed to be used once and live on in a landfill forever.

"But globally, plastic bags are far more than a nuisance or an eyesore. They are part of an environmental crisis — from the oil needed to manufacture and transport bags around the planet — to the massive plastic islands of trash destroying our oceans and intoxicating our marine food web.

"Banning the bag in Portland will not solve all these problems. But failing to ban the bag will only perpetuate the status quo, where Portland is not part of the pollution solution, but part

A Discovery Company

Home / Culture / People / Government / Political Issues

How Many Cities Have a Ban on Plastic Bags?

by Rachel Camansky

MORE
STUFF LIKE
THIS:

Stuff to Blow Your
Kid's Mind



The Greatest Inventor
of All Time: Who came
out on top?



Quiz: What do we owe
to TV?



10 Ways Television
Has Changed the Way
We Talk

24 Like 43 Tweet 16 0



AP Photo/Paul Sakuma
DCL

MORE ABOUT FRACKING:

- Debate Over Fracking Rages Across the U.S.: Gas Drilling Deal Cancelled in Upstate New York, Drinking Water Undrinkable in Wyoming
- Split Estate: How Fracking Takes Land Away From Its Owners
- Fracking Is Finally Getting Some Attention and Regulation
- Natural Gas Drilling Harms Eyes, Causes Tumors, Destroys Air: The Ugly Truth Behind the 'Natural' Energy Source

We all know how terrible plastic bags are for the environment—they choke wildlife, they don't break down in landfills (<http://animal.discovery.com/birds/ocean-gyre-birds/albatross-ocean-gyre-birds-pictures.html>) or in oceans), they add to our demand for oil, and they aren't easy to recycle, which is the biggest reason why 90 percent of plastic bags in the U.S. are not recycled.

Yet an estimated 500 billion to 1 trillion plastic bags are used worldwide every year—380 billion of those in the U.S.—and governments have been slow-moving at best to do anything about them.

According to Salon, a study a few years ago "found that the inks and colorants used on some bags contain lead, a toxin. Every year, Americans throw away some 100 billion plastic bags after they've been used to transport a prescription home from the drugstore or a quart of milk from the grocery store. It's equivalent to dumping nearly 12 million barrels of oil."

But things are finally starting to pick up. Here's a quick look at a few spots around the world that have banned plastic bags, or at least placed a tax on their use.

U.S.

In California, the ban started in San Francisco in select stores; if pending legislation goes through, it could soon expand to all stores not only in the city, but in the entire state.

A similar ban exists in coastal North Carolina and was recently passed in Portland.

England

In 2007, Modbury became the first town to ban the plastic bag in Britain, where 13 billion plastic bags are given away every year. If customers forget to bring their own, reports the Times Online, "a range of bags made of

recycled cotton with organic and fairtrade certification will be available from

Other cities have followed suit, some just a few months ago, and there are efforts to make London plastic bag-free by the time the Olympics come around in 2010. According to the Daily Mail, "Londoners use 1.6 billion plastic bags a year - for an average of just 20 minutes per bag."

Mexico

Mexico City adopted a ban last summer—the second major city in the western hemisphere to do so.

India

India seems to be taking the lead in bans on plastic bags, although enforcement is sometimes questionable. Cities including Delhi, Mumbai, Karwar, Tirumala, Vasco, Rajasthan all have a ban on the bag.

Burma

A ban went into effect (with little notice) in Rangoon late last year. In neighboring China, the use of plastic bags is restricted.

Bangladesh

Plastic bags have been banned in Bangladesh since 2002, after being found to be responsible for the 1988 and 1998 floods that submerged most of the country.

Rwanda

The country, which has had a ban on plastic bags for years, has a reputation for being one of the cleanest nations not only on the continent, but in the world.

Australia

Sydney's Oyster Bay was the first Australian suburb to ban plastic bags. Twelve towns in Australia are now said to be plastic bag-free—an effort to cut down on the estimated 6.7 billion plastic bags used in Australia every year.

Taxed, not banned

Plenty of other places have chosen not to ban plastic bags, but to discourage them through financial means. There have been taxes on plastic bags since before 2008 in Italy, Belgium, and Ireland, where plastic bag use dropped by 94 percent within weeks of the 2002 ban. In Switzerland, Germany, and Holland, the bags come with a fee.

And, in one lonely case (that I could find) of a reversal on a ban after it was implemented, Taiwan had a ban on plastic bags for three years before it lifted it in 2006.

MORE ON PLASTIC BAG BANS:

Print | Cite | Feedback



24

Like 43

StumbleUpon

Tweet 15

0

MORE TO EXPLORE



Future Weapons: MP7A1



Lost Tapes: Death Worm



Say Yes to the Dress: Unexpected Baby Bump



Science April Fools: Calculator Prank



Planet 100: Planet 100's Top 10 Most Outrageous Stories



Kate Plus Eight: Kate's Big Surprise



My Naked Secret: Man with Boobs



How Hit and Miss Engines Work



Deadly Women: Best Friends Forever



Future Car: The ULTra

Powered by Vertical Acuity

MORE GREAT LINKS

Top 5 Ways to Get Smarter

The Ultimate Kissing Quiz

The Ultimate Stuff Mom Never Told You Fan Quiz

The Ultimate Mafia Quiz

10 Largest Diamond Hoists

[Watch videos about serial killers >>](#)

YOU MIGHT ALSO LIKE

How Passports Work

Are you up to date with your passport? Do you have a new e-passport yet? When you're traveling out of the country it's a must-have accessory. Read up on new laws and watch videos on new passport technology.

Popular Articles

How Water Towers Work

Bernie Sanders' Latest Green Move - End Tax Exemptions for Oil & Gas Industry

Seattle plastic bag ban takes effect July 1, 2012.

- [Printable bag ban flyer](#) (pdf)
- [Point of purchase card](#) – For retailers who carry paper bags (pdf)
- [Point of purchase card](#) – For retailers who only have acceptable plastic bags (pdf)
- [Read ordinance 123775](#)

Here's what the law does:

- Prohibits all Seattle retail stores from providing customers with single-use plastic carryout (shopping) bags, including those advertised as compostable, biodegradable, photodegradable or similar.
- Allows retail stores to provide customers with any size recyclable paper or reusable carryout bags
- Requires retail stores to charge a minimum of 5 cents for paper carryout bags of 1/8 barrel (882 cubic inches) or larger. These are typical grocery bags with a flat bottom greater than 60 square inches.
- Requires retail stores to show all bag-charges on customer receipts; stores keep all revenue. The charge is a taxable retail sale.
- Allows retail stores, at their discretion, to charge for smaller bags or provide them free.
- Allows retail stores to provide carryout bags made of plastic 2.25 mil or thicker, with or without charge at their discretion.
- Requires that bags to which the 5-cent charge applies contain at least 40 percent post-consumer recycled fiber and display the minimum recycled content on the outside of the bag. Use of recycled fiber and labeling is encouraged for all sizes of paper bags.
- Imposes a \$250 fine for violations.



At a Glance

Plastic



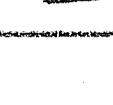
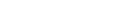
Large Paper



Small Paper



Still Allowed

	Produce / Meat
	Bulk Foods
	Newspaper
	Dry Cleaning
	Door Hanger
	Take-out Food
	Paper Bags

- Promotes reusable carryout bags as the best alternative to single-use plastic bags.

Exemptions from the law

- Customers using vouchers or electronic benefit cards from state or federal food assistance programs for grocery purchases are exempt from the 5-cent paper bag charge.
- Plastic bags used in stores for bulk items or to protect vegetables, meat, fish and poultry, frozen foods, flowers, deli foods and similar where moisture would be a problem are exempt.
- Plastic bags for take-out orders from restaurants are allowed, though use of recyclable paper bags is encouraged.
- Dry-cleaner, newspaper, and door-hanger bags and plastic bags sold in packages containing multiple bags intended for use as garbage bags or to contain pet waste, or approved compostable food and yard waste bags are exempt.
- Note: Merchants with supplies of plastic carryout bags purchased before Ordinance 123775 became law January 19, 2012, may use them until their supplies run out.

Alternatives to plastic bags

- The law calls on Seattle Public Utilities to promote reusable bags as the best alternative to single-use plastic carryout bags. SPU plans to work with retail stores to get this message out to shoppers.
- There are a variety of cloth carryout bags on the market and many retail stores sell inexpensive bags made of polypropylene that can be used over and over.
- *There is no entirely objective measure for when a carryout bag may be deemed reusable; however, it would be hard to say that a bag that fails within 10 uses is truly reusable within the intent of Seattle's ordinance, and 20 repeat uses would seem a reasonable minimum.*

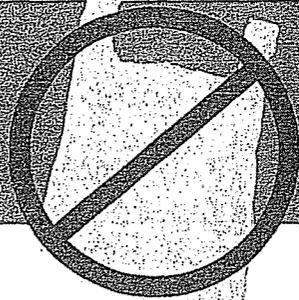
Tips for shoppers

- Let the nickel you pay for a paper shopping bag be a reminder to shop with reusable bags.
- Keep several reusable bags in the car for trips to the grocery store.
- A small bag, the kind that goes into a little stuff bag, can be carried in your backpack, shoulder bag or purse.
- Reuse or recycle paper bags when you get them or donate clean ones to your neighborhood food bank. Using paper bags to store and carry food scraps to your food and yard waste cart is an easy way to manage your food waste.
- When you get plastic bags from a store (Thicker ones are still ok; clothing stores

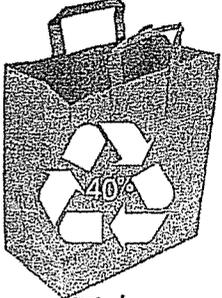
and others may decide to use them), save them and put newspaper and dry cleaning bags and plastic film packaging in them for recycling. Bundled into one bag that's tied closed, other kinds of plastic bags can still go in Seattle residential recycling bins.



Plastic Bag Ban



Seattle's Single-Use Plastic Carryout Bag Ban Information for Retail Stores and Packaging Suppliers

Plastic Shopping Bags	Large Paper Shopping Bags	Smaller Paper Bags	Plastic Produce/Bulk Food Bags
	 5¢ <small>(Charge required.)</small>	 FREE <small>(Charge optional.)</small>	 ALLOWED

What the City of Seattle Law Requires: Beginning July 1, 2012:

- All Seattle retail stores are prohibited from providing customers with single-use plastic carryout (shopping) bags, including those advertised as compostable, biodegradable, photodegradable or similar.
- Retail stores in Seattle may provide customers with any size recyclable paper or reusable carryout bags; however, stores must charge a minimum of 5 cents for paper carryout bags of 1/8 barrel (882 cubic inches) or larger. As a rule of thumb, these are typical grocery bags with a flat bottom greater than 60 square inches.
- Paper bag charge revenue is retained by stores, which at their discretion may charge for smaller sizes or provide them free. All paper bag charges must be shown on customer receipts.
- Bags to which the 5-cent charge applies must contain at least 40 percent post-consumer recycled fiber and display the minimum recycled content on the outside of the bag. Use of recycled fiber and labeling is encouraged for all sizes of bags.
- Bags of plastic 2.25 mil or thicker are deemed reusable and may be provided free or charged for at the store's discretion.

Seattle
Public
Utilities



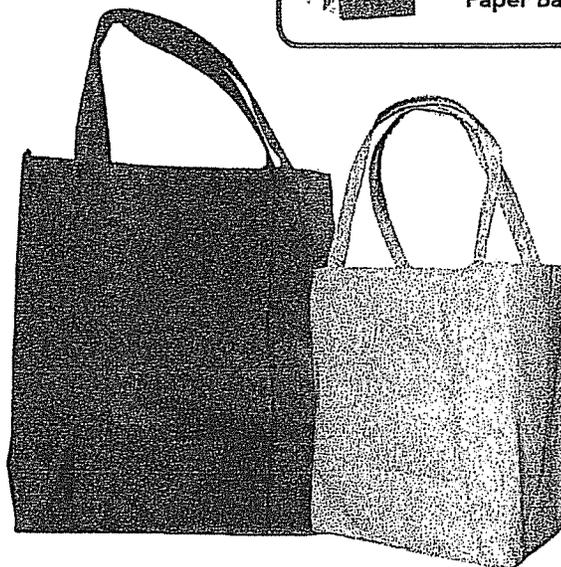
Exemptions & Information

Exemptions from Seattle's Single-Use Plastic Carryout Bag Ban:

- Customers using vouchers or electronic benefit cards from state or federal food assistance programs for grocery purchases are exempt from the 5-cent paper bag charge.
- Plastic bags used in stores for bulk items or to protect vegetables, meat, fish and poultry, frozen foods, flowers, deli foods and similar where moisture would be a problem are exempt.
- Plastic bags for take-out orders from restaurants are allowed, though use of recyclable paper bags is encouraged.
- Dry-cleaner, newspaper, and door-hanger bags and plastic bags sold in packages containing multiple bags intended for use as garbage bags or to contain pet waste, or approved compostable food and yard waste bags are exempt.

Encouraged: Reusable Carryout Bags

- There is no entirely objective measure for when a carryout bag may be deemed reusable; however, it would be hard to say that a bag that fails within 10 uses is truly reusable within the intent of Seattle's ordinance, and 20 repeat uses would seem a reasonable bench mark.



Bags Still Allowed



Produce/Meat



Bulk Foods

Newspaper



Dry Cleaning

Door Hanger

Take-out Food

Paper Bags

Seattle
 Public
Utilities

For interpretation services please call 206-684-3000.

如需要口譯服務，請撥電話號碼206-684-3000。

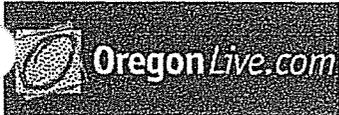
통역 서비스를 원하시면 206-684-3000으로 전화하세요.

Wixii turjubaan afka ah ku saabsan, Fadlan la soo xariir taleefoonka: 206-684-3000.

Para servicios de interpretación por favor llame al 206-684-3000.

Para sa serbisyo ng tagapagpaliwanag, tumawag sa 206-684-3000.

Về dịch vụ phiên dịch xin gọi 206-684-3000.



Sign in | Register for free

Site Search Search Local Business Listings



Search for keywords, people, locations, obituaries, Web ID and more..

- Home
- News
- Opinion
- Sports
- Entertainment
- Living
- Interact
- Jobs
- Autos
- Real Estate
- Rentals
- Classifieds
- Find n Save

- News
- Business
- Education
- Environment
- Local
- Obits
- Photos
- Politics
- Special Coverage
- US & World
- Weather
- more News

Top Stories



United States Football League aims to succeed



Follow The Oregonian on Facebook



Fencing: U.S. men's epee team gets gold, not glory

Home > Portland News

Portland adopts ban on plastic bags that takes effect Oct. 15

Published: Thursday, July 21, 2011, 8:27 PM Updated: Friday, July 22, 2011, 6:03 AM



By Beth Slovic, The Oregonian

Follow

Recommend

2923 recommendations. Sign Up to see what your friends recommend.

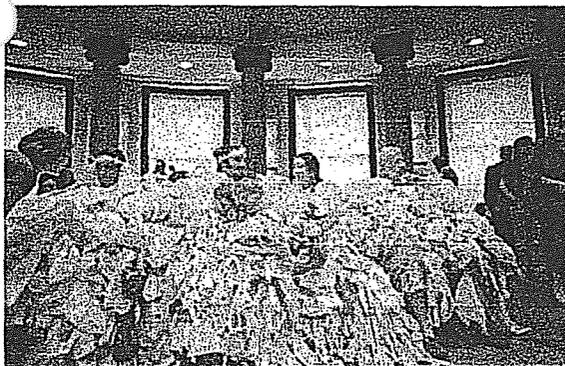
221

Share

Tweet 266

Email

Print



View full size

Tyler Tjomsland/The Oregonian

Ryan Cruse, (from left) Gregg Hayward, Jacque Rodriguez and Mark Gamba take their seats in Portland City Council chambers Thursday before the council approved a ban on plastic bags used by large retailers.

The decision

The Portland City Council unanimously approved an ordinance Thursday that prohibits plastic shopping bags at checkstands of major grocers and certain big-box stores. The new rules, designed to curb pollution, take effect Oct. 15. Fulfilling a pledge from last year, Mayor Sam Adams introduced the ban this month after the 2011 Legislature declined to enact Oregon-wide restrictions.

The result

The ban targets supermarkets with \$2 million or more in gross annual sales plus stores with pharmacies and at least 10,000 square feet of space, such as Target and Walmart. Adams considers those types of retailers the biggest source of disposable plastic bags in the city. Several chains that fall under the new rules, such as Fred Meyer and New

Seasons, already don't use plastic checkout bags in Portland.

More Portland News

Most Comments

Most Recent

Portland News stories with the most comments in the last 7 days.

- 172 Bicyclist Kathryn Rickson, struck by truck in downtown Portland, dies
- 122 Woman's death throws spotlight on 'right hook' bicycle accidents
- 111 TriMet receives \$85 million federal grant for Portland-Milwaukie MAX line
- 91 Portland proposes raising garbage rates by as much as 9.5 percent; Portland City Hall roundup
- 87 Charlie Hales, Jefferson Smith to runoff for Portland mayor; Eileen Brady out (2012 primary election)

Most Active Users

What's this?

Users with the most OregonLive.com comments in the last 7 days

- 73 Carl Rye
- 62 Gatone
- 56 Clackamas Captive
- 54 WillametteDr...
- 53 dream1958

The catch

There still will be plenty of discarded plastic bags floating around Portland. The ban exempts plastic bags used for produce, meat and bulk food at grocery stores. Pharmacists dispensing medicine may use plastic bags to protect a customer's privacy. Also untouched by the new rules is the Portland Farmers Market, which prohibits the sale of plastic water bottles but will continue allowing vendors to use plastic bags.

The fallout

Unlike the failed statewide measure, Portland's ban won't impose a mandatory fee on paper checkout bags, though retailers have that option. That means there's less incentive for customers to switch to reusable bags, one of the goals of the ordinance.

Portland City Council adopts plastic bag ban

A small group rallied against the use of plastic bags outside City Hall prior to the Council's decision to ban plastic bags in the city of Portland.

[Watch video](#)

"Without the fee, there is a risk people simply substitute paper for plastic, and the environmental benefits of that are negligible," said state Rep. Ben Cannon, D-Portland, one of the sponsors of the state bill.

-- Beth Slovic

Related topics: [plastic bags](#), [sam adams](#)

Sponsored Links

Share this story

Story tools

Email

Print

More stories in Portland News

Previous story

Police identify 76-year-old man killed while riding moped in S.W. Portland

Next story

Portland police arrest four for food stamp fraud

Users We Love



Oregon high school football fan, 'chadicus01'
OregonLive.com contributor is part of our vibrant and diverse high school sports community.

[More Users We Love](#)

Connect with OregonLive.com

What's this?

[All Facebook & Twitter accounts »](#)

Recommendations

Sign Up

Create an account or log in to see what your friends are recommending.



Northeast Portland boyfriend and girlfriend who played public bondage game on Valentine's Day get th
25 people recommend this.



Bicyclist's death throws spotlight on "right hook" accidents
36 people recommend this.



Daniel Suelo renounced money and lives off the charity of others
60 people recommend this.

Facebook social plugin

Popular Tags

What's this?

city hall watch dan saltzman kyron horman multnomah county nick fish north portland northeast portland northwest portland obituaries today occupy portland pearl district portland portland fire & rescue portland news portland police portland police bureau portland public schools pps randy leonard sam adams shooting southeast portland terri moulton horman the oregonian news network trimet

221 Comments

Feed

View: [Oldest first](#) | [Newest first](#)

1 | 2 | 3 | 4 | 5 | 6 | 7

[Next comments »](#)



WackadoodleDandy · July 22, 2011 at 8:21AM

[Follow](#)

Thank you. We're all wackadoodles here; we don't do green.

[Reply](#)

[Post new](#)

[Inappropriate? Alert us.](#)



KeepITcivil · July 21, 2011 at 8:44PM

[Follow](#)

Stop advertising.....I won't buy a project green bag.....just because of you being here doing this.

[Reply](#)

[Post new](#)

[Inappropriate? Alert us.](#)



Save the Tax Payers · July 21, 2011 at 10:31PM

[Follow](#)

You are correct in that no real scientific study was done to compare the pro's and con's of



[\[Date Prev\]](#)[\[Date Next\]](#)[\[Thread Prev\]](#)[\[Thread Next\]](#)[\[Date Index\]](#)[\[Thread Index\]](#)

<web>plastic bag ban

- **To:** ward7@xxxxxxxxxxxxxxxxxxxxxxxxxxxx
- **Subject:** <web>plastic bag ban
- **From:** landau.jan@xxxxxxxx
- **Date:** Tue, 22 May 2012 16:20:18 -0700
- **Reply-to:** <landau.jan@xxxxxxxx>

This is an inquiry e-mail via Contact Us form:
 Jan Landau
 landau.jan@xxxxxxxx
 prefer phone contact: no

Dear Councilor Raymond,

I am writing to ask you to support the ban on single use plastic bags when it reaches the council table. It is my understanding you have taken a position already in support of such a ban, and I want to encourage you to stick with that position.

Unfortunately, there is no current way to recycle plastic bags. There are too many different chemical compounds used in their various incarnations, so unlike paper bags or some plastic products, once used, they are with us long after our life times.

In the meantime, although we do not see this in most of the US, around the world these bags are ubiquitous and found as trash and litter everywhere. Many otherwise beautiful spots have trees filled with plastic bags, and streams littered to the point where the land next to the water cannot even be seen.

The oceans are filling with trash, and emptying of fish, and plastic bags are a major part of that trash.

Corvallis has taken controversial positions in favor of cleaning up the environment, ahead of most other cities, in the past. How wonderful if this council would do it again! Remember the banning of indoor smoking? We were one of the first, and that was a huge impact on so many people. Yet today, it seems normal to go in any building and not have smoking.

Please continue your support for this ban and thank you for taking a position in favor of it.

Respectfully,

Jan Landau, no longer your constituent
Member, Audubon Society of Corvallis

- **Prev by Date:** [City Council Notice of Disposition - Seavey Meadows Open Space](#)
- **Next by Date:** [FW: mayor's visit](#)
- **Previous by thread:** [Re: <web>Plastic Bag Ban](#)
- **Next by thread:** [Research on Plastic Bag Ordinances](#)
- **Index(es):**
 - [Date](#)
 - [Thread](#)



[[Date Prev](#)][[Date Next](#)][[Thread Prev](#)][[Thread Next](#)][[Date Index](#)][[Thread Index](#)]

Support recycling, not taxes & bans!

- **To:** <mayor@xxxxxxxxxxxxxxxxxxx>
- **Subject:** Support recycling, not taxes & bans!
- **From:** <greg.allensworth@xxxxxxxx>
- **Date:** Tue, 22 May 2012 12:06:06 -0700
- **Cc:** <greg.allensworth@xxxxxxxx>
- **Resent-date:** Tue, 22 May 2012 12:06:44 -0700 (PDT)
- **Resent-from:** <mayor@xxxxxxxxxxxxxxxxxxx>
- **Resent-message-id:** <20120522190644.A522F198C79@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>

Mayor Manning,

I recently heard that Corvallis is considering three ways to decrease litter and increase recycling in our town: banning bags, taxing bags, or creating a public education program about recycling.

Only one of these options wouldn't threaten Oregon jobs or put new tax burdens on Corvallis families. And only one of these options could encourage Corvallis to recycle all our paper and plastic goods, not just bags. That's why I support the public education program and why I oppose taxes and bans on my bags.

Bag taxes and bans don't help clean the environment or reduce litter. They just hurt people who can least afford an additional cost burden in these tough economic times. What's worse, taxing or banning bags could directly threaten Oregon's manufacturing and recycling jobs.

I hope you'll oppose bans and taxes, and instead support the real solution to litter: recycling. By creating a public education program, you could make Corvallis a statewide leader in recycling.

Sincerely,

Gregory Allensworth
[Redacted]
Corvallis, OR 97330

- **Follow-Ups:**
 - **Re: Support recycling, not taxes & bans!**
 - *From:* mayor
- **Prev by Date:** Barco's "near death" experience, SpaceX, new Adobe media server
- **Next by Date:** 2012 Race to the Top
- **Previous by thread:** **Re: Support recycling, not taxes & bans!**
- **Next by thread:** **Re: Support recycling, not taxes & bans!**
- **Index(es):**
 - **Date**
 - **Thread**

Select Language
Powered by Google Translate

[Appropriate Use Policy](#) | [Privacy Policy](#) | [Contact Webmaster](#) | [Electronic Subscription Service](#)
501 SW Madison Ave. PO Box 1083 Corvallis, OR 97339-1083 ph: 541-766-6900 Fax: 541-766-6936
Copyright © 2010 City of Corvallis



[Date Prev][Date Next][Thread Prev][Thread Next][Date Index][Thread Index]

<web>Web Request

- To: ward8@xxxxxxxxxxxxxxxxxxxxxxxxxxxx
- Subject: <web>Web Request
- From: landau.jan@xxxxxxxx
- Date: Tue, 22 May 2012 16:13:19 -0700
- Reply-to: <landau.jan@xxxxxxxx>

This is an inquiry e-mail via Contact Us form:
 Jan Landau
 landau.jan@xxxxxxxx
 prefer phone contact: no

Dear Councilor Traber,

I am writing to ask that you support a bill to ban single use plastic bags in groceries in Corvallis.

As I understand the current situation, the staff report was a mix of mostly negatives for this bag ban, but the ASC came out in favor of asking staff to revisit it's position and find a way to send forward a recommendation to support a bag ban.

I do not know the particulars but would ask that in some form, you vote at council table to support the banning of everyday usage of plastic single use bags in groceries within Corvallis.

For years, we shopped and used either paper bags - which unlike single-use plastic bags, can be recycled - or shoppers brought their own bags, which many of us now do. We have groceries in town, like the Co-op stores and Market of Choice, which already do not offer single-use plastic bags at check out. It is safe to say they are not suffering for doing this.

We are fortunate to live in a very clean society, but if you've traveled abroad, you realize just how awful the plastic bag situation is in terms of garbage. They fly around everywhere, including into the oceans, and unfortunately, for birds and other wildlife, they look like natural objects and thus end up causing lots of unnecessary deaths.

Corvallis has been in a leadership position in the past with regard to environmentally sound but highly contentious topics, such as smoking in doors, and our leadership and willingness to step up has proven to be the right thing to do.

Please, help the city do it again.

I am a constituent of yours and a member of the Audubon Society of Corvallis. Thank you.

Jan Landau

- Prev by Date: **City Council Notice of Disposition - Seavey Meadows Open Space**
- Next by Date: **AC meeting Canceled**
- Previous by thread: **City Council Notice of Disposition - Seavey Meadows Open Space**
- Next by thread: **AC meeting Canceled**
- Index(es):



[[Date Prev](#)][[Date Next](#)][[Thread Prev](#)][[Thread Next](#)][[Date Index](#)][[Thread Index](#)]

<web>Bag ban

- *To:* ward4@xxxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject:* <web>Bag ban
- *From:* johnwolcott@xxxxxxx
- *Date:* Fri, 25 May 2012 20:38:15 -0700
- *Reply-to:* <johnwolcott@xxxxxxx>

This is an inquiry e-mail via Contact Us form:

John Wolcott
johnwolcott@xxxxxxx
prefer phone contact: no

Hi, Dan. I support the plastic bag ban and hope you will too. I don't think enforcement is a problem. I can't imagine that any of the places I shop will refuse to follow the ordinance if it is passed. I think Corvallis should be a leader in environments causes. On a similar line, I would like to see a bin for syrofoam at the recycling center.
Thanks for all you do.
John Wolcott

- [Prev by Date: LOC Bulletin - May 25 edition](#)
- [Next by Date: Spam Digest for Friday, May 25, 2012](#)
- [Previous by thread: LOC Bulletin - May 25 edition](#)
- [Next by thread: Spam Digest for Friday, May 25, 2012](#)
- [Index\(es\):](#)
 - [Date](#)
 - [Thread](#)

Select Language
Powered by [Google Translate](#)

[Appropriate Use Policy](#) | [Privacy Policy](#) | [Contact Webmaster](#) | [Electronic Subscription Service](#)

501 SW Madison Ave. PO Box 1083 Corvallis, OR 97339-1083 ph: 541-766-6900 Fax: 541-766-6936

Copyright © 2010 City of Corvallis



[[Date Prev](#)][[Date Next](#)][[Thread Prev](#)][[Thread Next](#)][[Date Index](#)][[Thread Index](#)]

Support recycling, not taxes & bans!

- **To:** <mayor@xxxxxxxxxxxxxxxxxx>
- **Subject:** Support recycling, not taxes & bans!
- **From:** <ully1960@xxxxxxxx>
- **Date:** Fri, 25 May 2012 11:17:19 -0700
- **Cc:** <ully1960@xxxxxxxx>
- **Resent-date:** Fri, 25 May 2012 11:17:56 -0700 (PDT)
- **Resent-from:** <mayor@xxxxxxxxxxxxxxxxxx>
- **Resent-message-id:** <20120525181756.5D53319F02A@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>

Mayor Manning,

I recently heard that Corvallis is considering three ways to decrease litter and increase recycling in our town: banning bags, taxing bags, or creating a public education program about recycling.

Only one of these options wouldn't threaten Oregon jobs or put new tax burdens on Corvallis families. And only one of these options could encourage Corvallis to recycle all our paper and plastic goods, not just bags. That's why I support the public education program and why I oppose taxes and bans on my bags.

Bag taxes and bans don't help clean the environment or reduce litter. They just hurt people who can least afford an additional cost burden in these tough economic times. What's worse, taxing or banning bags could directly threaten Oregon's manufacturing and recycling jobs.

I hope you'll oppose bans and taxes, and instead support the real solution to litter: recycling. By creating a public education program, you could make Corvallis a statewide leader in recycling.

Sincerely,

ulrike fleck
[REDACTED]
philomath, OR 97370

- **Follow-Ups:**
 - **Re: Support recycling, not taxes & bans!**
 - *From:* mayor
- Prev by Date: **Spam Digest for Thursday, May 24, 2012**
- Next by Date: **LOC Bulletin - May 25 edition**
- Previous by thread: **Re: Support recycling, not taxes & bans!**
- Next by thread: **Re: Support recycling, not taxes & bans!**
- Index(es):
 - **Date**
 - **Thread**

From: Steckel, Mary
To: Dybvad, Scott; Lovett, Linda; Steele, Adam; De Jong, Kris
Subject: FW: Info on Pass Through Fee
Date: Tuesday, May 29, 2012 1:33:57 PM
Attachments: [Bag Policy Effectiveness Chart - Palo Alto.pdf](#)
[NWGA CorvallisBagMemo.pdf](#)
[San Fran Checkout Bag Charge EIR.doc](#)
[Los Angeles Ordinance.docx](#)

Fyi...

From: Biff Traber [mailto:biff.traber@[REDACTED]]
Sent: Tuesday, May 29, 2012 11:31 AM
To: Steckel, Mary
Subject: FW: Info on Pass Through Fee

Mary
Forgot to cc you.
Biff

----- Forwarded Message

From: Biff Traber <biff.traber@[REDACTED]>
Date: Tue, 29 May 2012 10:28:57 -0700
To: "Louie, Kathy" <Kathy.Louie@[REDACTED]> Mark O'Brien
<elect.obrien@[REDACTED]> Joel hirsch <joelhirsch@[REDACTED]>
Conversation: Info on Pass Through Fee
Subject: FW: Info on Pass Through Fee

FYI and for the record.
Biff

----- Forwarded Message

From: Debra Higbee-Sudyka <dwhigbe@[REDACTED]>
Date: Sun, 27 May 2012 15:08:01 -0700
To: Biff Traber <biff.traber@[REDACTED]>
Cc: Charlie Plybon <cplybon@[REDACTED]>
Subject: Info on Pass Through Fee

Councilor Traber,

Per our conversation last Wednesday, I just sent you an email regarding split fees. This email is research I've done on Pass-Through Fees:

If you go to Californians Against Waste's "Elements of a Successful Single-Use Bag Ordinance." on their web page http://www.cawrecycles.org/files/LocalBagOrdinances1Pager_May2012_0.pdf, you will see that most of the California ordinances have a pass-through fee of 10- to 25-cents, which is kept by the retailers. California is quickly becoming the state with the most ordinances, and given that it's the largest consumer of plastic bags in the U.S (per California Secretary of State, lobbying activity reports)., the plastic bag industry has a good reason to work against bans in California.

In our conversation you mentioned questions that you received at the library last Saturday.

Californians Against Waste also has an well-researched FAQ that answers questions such as myths like "plastic bags have a lower environmental impact than paper," or the myth that "reusable bags aren't safe."

http://www.cawrecycles.org/files/CAWBagFacts_Dec2011.pdf This may be helpful in answering common questions.

San Francisco, which just had a ban with no pass-through cost on paper, just revised their ordinance to include a 10-cent paper checkout bag charge (it will go to 25-cents in 2014).

Their 2007 ordinance was similar to Portland's, which they realized did not appreciably cut down on plastic bags or single-use paper bags. They put together an EIS explaining the positive effects of a fee on paper, which I have attached. I have also attached the pass-through fee section of the Los Angeles County's ordinance, which shows you how this huge county deals with paper bag fees.

Charlie Plybon reports that there's more information to come from the grocers reports from Portland, but in the meantime in its simplest concept, see the attached strategy chart from Palo Alto. Also, see the attached letter from the grocers dated 04/02.

I have listed some of the Negative Outcomes of not including a Pass-Through Fee on Single-Use Paper Bags, which you might consider:

1. **Costs will Rise.** Paper bags are more expensive than plastic. Without a pass-through fee on paper, the grocer's paper bag costs will go up, which will be passed onto the customer in higher merchandise costs.
2. **Single-use Habit Not Changed.** Studies have shown that people go from single-use plastic to single-use paper. This does not change the single-use issue.
3. **Less incentive for Reusable Bags.** Without a pass-through cost, people have less incentive to go to reusable bags.
4. **Disposable Ethic Still Reinforced.** "Free" single-use items reinforce our wasteful, disposable ethic. Without a cost for paper, it does little to change the culture around the use of disposable shopping bags.* Making the cost apparent will start to turn this around.
5. **Environmental Impact Still an Issue.** Makes non-plastic more acceptable, despite potentially higher environmental and GHG impacts even when recycled.* <mhtml:{619987E8-DA5F-44EF-8145-208C0F7CE60E}mid://00001336/#_ftn1>
6. **Increased Bureaucracy.** If universally applied, may increase bureaucracy required to introduce across all retailers *
7. **Uneven Paying Field.** If applied to subset of retailers, creates perception of "uneven playing field." *

I hope this helps,

Debra

* <mhtml:{619987E8-DA5F-44EF-8145-208C0F7CE60E}mid://00001336/#_ftnref1> See page 86 in "Alternatives to Disposable Shopping Bags and Food Service Items" prepared for Seattle Public Utilities, January 2008 by Herrera Environmental Consultants, Inc. See: <http://www.seattlebagtax.org/herrera1.pdf>

NetZero now offers 4G mobile broadband. Sign up now. <<http://www.netzero.net/?refcd=NZINTISP0512T4GOUT1>>

----- End of Forwarded Message

----- End of Forwarded Message

PLASTIC BAG REDUCTION/REUSABLES ENHANCEMENT
OBJECTIVES ANALYSIS BY STAFF

		PRIME OBJECTIVES		CONSEQUENCES		
		Reduce Plastic Bag Distribution	Maximize Conversion to Reusable Bags	Minimize Conversion to Paper	Avoid Increased Costs to Stores	Avoid Increased Costs to Consumers
I.	PROMOTE REUSABLES ONLY					
II.	TRY MORE PROMOTION FIRST					
III.	FEEES FOR ALL BAGS NOW					
IV.	BAN PLASTIC NOW					
V.	BAN PLASTIC, PAPER FEES NOW					
VI.	BAN PLASTIC & PAPER NOW					

Key: Best → to → Worst

PLASTIC BAG REDUCTION/REUSABLES ENHANCEMENT FOR LARGE GROCERS

PROGRAM ALTERNATIVE	GROCER'S REACTION	CITY STAFF ANALYSIS
I. PROMOTE REUSABLES ONLY	Best Approach. Stores can help with resources.	Not enough impetus for change, key programs have been attempted for years.
II. TRY MORE PROMOTION FIRST	Not as desirable as I. Bans and fees are not favored by stores.	Not enough action soon. May as well wait for State fees to kick in.
III. FEES FOR ALL BAGS NOW	Fees are not desired. But at least all bags are treated equally and a switch to paper is avoided.	Theoretically sound. But no other U.S. Cities have done this to date & current State statute prevents (Seattle in progress.)
IV. BAN PLASTIC NOW	Failure to act on both plastic and paper simultaneous will cause switch to paper and increase costs to stores.	Certain reduction in plastic. Meets a key objective.
V. BAN PLASTIC, PAPER FEES NOW	While action on paper & plastic is simultaneous, shift to paper can increase food costs above neighboring cities (Avg = 0.04 %)	Best approach as best meets all objectives. (Increased costs can be avoided by consumers switching to reusables.)
VI. BAN PLASTIC & PAPER NOW	While bans are not favored, at least takes simultaneous action on paper and plastic.	Staff do not believe this alternative is feasible. City lacks rationale for banning paper bags.



8565 SW Salish Lane, Suite 100 • Wilsonville, OR 97070
503-685-6293 • 800-824-1602 • Fax 503-685-6295
E-mail info@nwgrocery.org or Visit Web site www.nwgrocery.org

To: Corvallis City Council
From: Joe Gilliam, NWGA President
Date: April 2, 2012
RE: Plastic Bag Ban

The Northwest Grocery Association represents eight retail grocery stores in the city of Corvallis. For the past five years we have worked on legislation at the city and state levels in Oregon and Washington to find a policy that will best serve the environment as well as our customers that rely upon us every day for value and service.

Our experience has shown us that there is no "silver bullet" when it comes to choosing the perfect bag. Each bag has its pros and cons, but in the end an ordinance that bans plastic and charges a nickel for paper bags is in our opinion the best model to bring environmental and commercial interests together. I would like to recognize the efforts of the Oregon Surfrider Foundation and Environment Oregon and their support of this model ordinance.

The principles of the ordinance that would bring support from NWGA members:

- Addresses the reduction of single use plastic bags and the related litter issues
- Rewards those who bring their own bags and creates an affordable "pay as you go" for those who choose not to bring their own bags or forget them on a particular trip
- Provides a modest incentive to use reusable bags versus using a new disposable bag
- Mitigates the cost shift on businesses that comes with banning plastic bags and increasing the use of paper bags
- Provides a level playing field for all retailers large and small

We urge you support for this model ordinance.

San Francisco, Checkout Bag Charge: Economic Impact Report

Office of Economic Analysis
November 30, 2011

Main Conclusions:

- The proposed legislation extends the City's 2007 plastic checkout bag ban to all retailers in San Francisco, including food service establishments. It also requires retailers to charge customers for each paper, compostable plastic, or reusable bag they require. The charge is set to 0.10 in 2012, and will rise to 0.25 in 2014.

The Office of Economic Analysis (OEA) has issued this report because, when the legislation was introduced, the OEA believed the legislation might have a material economic impact on San Francisco.

- After conducting an economic impact analysis, the OEA estimates that the legislation will have a very slight positive impact on the economy, with job creation of less than 25 jobs per year on average, under a wide range of assumptions.
- The OEA expects the legislation to substantially reduce the use of checkout bags in San Francisco. Similar charges or fees in other cities and countries have had powerful impacts on consumer behavior. Nevertheless, some consumers will continue to request single-use bags. The OEA estimates that these San Francisco consumers will be spending \$20 million annually in checkout bag charges by 2014, although retail prices will also fall, benefitting consumers. In addition, consumers will be spending more on reusable bags, and on home garbage can liners.
- The legislation will have the environmental benefits of reducing litter, and reducing waste and recycling costs. The benefits from the plastics ban cannot be fully quantified, because the economic value of future environmental benefits cannot be estimated with certainty. Most of the benefits from the bag charge are easier to quantify. It is likely that the costs to consumers of the bag charge will exceed the City's savings in litter and waste disposal costs.
- Retailers will be the prime financial beneficiary of the legislation. They will retain the bag charge as higher profits. In addition, the reduction in plastic and paper bag use will reduce retailers' overhead costs, also directly increasing their profits. However, the OEA's modeling suggests that competition will force down retail prices, and roughly half of this higher profit will be returned to consumers in the form of lower prices. When this reduction in prices is taken into effect, the net cost to consumers is projected to lie in the \$10-12 million range annually by 2014.
- The City may wish to defer the increase from \$0.10 to \$0.25. Annual charge revenue at a \$0.10 charge is estimated to total \$11 million about half of that would be returned to consumers through lower prices and thus the net million. Again prices, cost to consumers would total \$5-6 million annually, with a \$0.10 charge.

An ordinance amending Title 12 - Environmental Protection of the Los Angeles County Code, relating to regulating the use of plastic carryout bags and recyclable paper carryout bags and promoting the use of reusable bags within the County unincorporated area.

The Board of Supervisors of the County of Los Angeles ordains as follows:
12.85.040 Regulation of recyclable paper carryout bags.

A. Any store that provides a recyclable paper carryout bag to a customer must charge the customer 10 cents (\$0.10) for each bag provided, except as otherwise provided in this Chapter.

B. No store shall rebate or otherwise reimburse a customer any portion of the 10-cent (\$0.10) charge required in Subsection A, except as otherwise provided in this Chapter.

C. All stores must indicate on the customer receipt the number of recyclable paper carryout bags provided and the total amount charged for the bags. HOA.741373.1 5

D. All monies collected by a store under this Chapter will be retained by the store and may be used only for any of the following purposes: (1) costs associated with complying with the requirements of this Chapter, (2) actual costs of providing recyclable paper carryout bags, or (3) costs associated with a store's educational materials or education campaign encouraging the use of reusable bags, if any.

E. All stores must report to the Director of Public Works, on a quarterly basis, the total number of recyclable paper carryout bags provided, the total amount of monies collected for providing recyclable paper carryout bags, and a summary of any efforts a store has undertaken to promote the use of reusable bags by customers in the prior quarter. Such reporting must be done on a form prescribed by the Director of Public Works, and must be signed by a responsible agent or officer of the store confirming that the information provided on the form is accurate and complete. For the periods from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31, all quarterly reporting must be submitted no later than 30 days after the end of each quarter.

F. If the reporting required in Subsection E is not timely submitted by a store, such store shall be subject to the fines set forth in Section

For full ordinance see: http://ladpw.org/epd/aboutthebag/pdf/BagOrdinance_final.pdf

From: Stachel, Mary
To: Stachel, Adam; Dybvad, Scott; Lovett, Linda; De Jong, Ed
Subject: FW: Information on Split Fee Ordinances
Date: Tuesday, May 29, 2012 1:37:16 PM
Attachments: [Plastic Bag Model Eugene FOR CITY ATTORNEY.doc](#)
[enforcement_penalties_seattle.doc](#)

Fyl..

From: Biff Traber (mailto:biff.traber@seattle.gov)
Sent: Tuesday, May 29, 2012 11:31 AM
To: Stachel, Mary
Subject: FW: Information on Split Fee Ordinances

Same comment.
Biff

----- Forwarded Message

From: Biff Traber <biff.traber@seattle.gov>
Date: Tue, 29 May 2012 10:28:34 -0700
To: "Louie, Kathy" <Kathy.Louie@seattle.gov>; Mark O'Brien <elect.obrien@seattle.gov>; Joel Hirsch <joelhirsch@seattle.gov>
Conversation: Information on Split Fee Ordinances
Subject: FW: Information on Split Fee Ordinances

FYI and the record.
Biff

----- Forwarded Message

From: Debra Higbee-Sudyka <dwhigbee@seattle.gov>
Date: Sun, 27 May 2012 13:28:55 -0700
To: Biff Traber <biff.traber@seattle.gov>
Subject: Information on Split Fee Ordinances

Councilor Traber,

To follow up from our meeting, below is information regarding Split-fee Ordinances. I'm also attaching examples of enforcement penalties that Charlie Plybon sent to Scott Dybvad.

In my research I found that Davis, California looked into a Washington D.C. type of split-fee ordinance, where they found that there were "legal and political barriers." They concluded: "It's not clear that ...voters would be ready to enact a 'bag tax', especially given the likelihood of a well financed opposition, and the limited revenue potential of such a measure. It's also not clear that local retailers would be willing to support a proposal that put them in the position of being 'tax collectors'." <http://www.cawrecycles.org/files/Memo%20re%20DC%20model.pdf>

Charlie Plybon says that "from a city council perspective, this may sound inviting, but I can guarantee this will not be popular with the grocers, will cause significant staff and administrative burden and specification/distribution of funds will become political. In general, I think we're not going to get much better than the model ordinance we provided for Eugene (this was the updated version of the original Corvallis ordinance that we worked over a bit on definitions, fees, low income language, etc.--see attached). The low income language we provided is suitable and has been used before."

I haven't come up with many examples of split-fee ordinances, except for Washington D.C. and Ireland. California has legal requirements against it. Seattle's study on "Alternatives to Disposable Shopping Bags and Food Service Items, did reference the feasibility of a split fee of 50/50 on a 10-cent fee on paper to be split between retailers and the City of Seattle. (see: <http://www.seattlebagtax.org/herera1.pdf>) However, it's interesting to note that Seattle passed an ordinance banning plastic with a 5-cent fee on paper that is "retained by retailers to offset the cost of bags and other costs related to the pass-through charge" (see: <http://clerk.seattle.gov/scripts/nph-brs.exe?st1=117345&Sect4=AND&I=MAX&Sect1=IMAGE&Sect2=THESON&Sect3=PLURON&Sect5=LEGI2&Sect6=HITOFF&d=LEGA&p=1&u=http%3A//clerk.seattle.gov/~public/legisearch.htm&r=1&f=G>)

I hope this helps. Let me know if you have questions or need further information.

Debra

NetZero now offers 4G mobile broadband. Sign up now. <<http://www.netzero.net/?refcd=NZINTISP051ZT4GOUT1>>

----- End of Forwarded Message

----- End of Forwarded Message

Section 2. Short Title.

This Ordinance shall be entitled "Encourage Reusable Bags and Ban Single-Use Plastic Carryout Bags."

Section 3. Definitions.

For purposes of this chapter, the following terms shall have the following meanings:

(a) "ASTM Standard" means the current American Society for Testing and Materials (ASTM)'s International current D-6400.

(b) "Carryout Bag" means any bag that is provided by a Retail Establishment at the point of sale to a Customer for use to transport or carry away purchases, such as merchandise, goods or food, from the Retail Establishment. "Carryout Bag" does not include:

(1) Bags used by consumers inside ~~store~~retail establishments to:

- (A) package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items;
- (B) contain or wrap frozen foods, meat, fish, whether packaged or not;
- (C) contain or wrap flowers, potted plants, or other items where dampness may be a problem;
- (D) contain unwrapped prepared foods or bakery goods; or
- (E) Pharmacy prescription bags;

(2) Newspaper bags, door-hanger bags, laundry-dry cleaning bags, or bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags.

(3) Product Bags.

(c) "City Sponsored Event" means any event organized or sponsored by the City or any Department of the City.

(d) "Customer" means any person obtaining goods from a Retail Establishment or a Vendor.

(e) "Food Provider" means any person in the City that provides prepared food for public consumption on or off its premises and includes, without limitation, any ~~store~~retail establishment, shop, sales outlet, restaurant, Grocery Store, delicatessen, or catering truck or vehicle.

(f) "Grocery Store" means any Retail Establishment that sells groceries, fresh, packaged, canned, dry, prepared or frozen food or beverage products and similar items and includes supermarkets, convenience stores, and gasoline stations.

(g) "Pharmacy" means a retail use where the profession of pharmacy by a pharmacist licensed by the State of Oregon in accordance with the Business and Professions Code is practiced and where prescription medications are offered for sale.

(h) "Product Bag" means any bag provided to a Customer for use within a Retail Establishment to assist in the collection or transport of products to the point of sale within the Retail Establishment. A Product Bag is not a Carryout Bag.

(i) "Recyclable Paper Bag" means a paper bag that meets all of the following requirements:

- (1) is 100% recyclable and contains a minimum of 40% postconsumer recycled content;
- (2) is capable of composting consistent with the timeline and specifications of the ASTM Standard as defined in this section.

- (j) "Retail Establishment" means any store or Vendor located within or doing business within the geographical limits of the City that sells or offers for sale goods at retail.
- (k) "Reusable Bag" means a bag made of cloth or other fabric material with handles that is specifically designed and manufactured for long term multiple reuse and meets all of the following requirements:
- (1) ~~is machine washable; and if cloth, is machine washable; or~~
 - (2) if plastic, has a minimum plastic thickness of 2.25 mils.
- (l) "Vendor" means any ~~store~~ retail establishment, shop, restaurant, sales outlet or other commercial establishment located within or doing business within the geographical limits of the City, which provides perishable or nonperishable goods for sale to the public. A Vendor is a Retail Establishment.
- (m) "Single-Use Plastic Carryout Bag" means any plastic Carryout Bag made available by a Retail Establishment to a Customer at the point of sale. It does not include Reusable Bags, Recycled Paper Bags, or Product Bags.

Section 4. Regulations.

Except as exempted in Section 6,

- (a) No Retail Establishment shall provide or make available to a Customer a Single-Use Plastic Carryout Bag;
- (~~b~~e) No person shall distribute a Single-Use Plastic Carryout Bag at any City Facility, City managed concession, City sponsored event, or City permitted event.

Section 5. Cost Pass-Through.

When a Retail Establishment makes a Recycled Paper Bag available to a Customer at the point of sale pursuant to Section 4(b), the Retail Establishment shall:

- (a) Charge the Customer a reasonable pass-through cost of not less than 5 cents per Recycled Paper Bag provided to the Customer; and
- (b) Indicate on the Customer's transaction receipts the total amount of the Paper Bag Pass-Through charge.

Section 6. Exemptions.

Notwithstanding the regulations contained in Sections 4 & 5:

- (a) Single-Use Plastic Carryout Bags may be distributed to Customers by Food Providers for the purpose of safeguarding public health and safety during the transportation of hot prepared take-out foods and prepared liquids intended for consumption away from the Food Provider's premises.
- (b) Retail Establishments may distribute Product Bags and may make Reusable Bags available to Customers whether through sale or otherwise.
- (c) Notwithstanding the requirements contained in Section 4: A store-retail establishment may shall provide a Customer participating in any one of the following programs with a Reusable Bag or a Recycled Paper ~~bag~~ Bag at no cost upon request of the Customer at the point of sale:
- (1) Customers who use a voucher issued under the Women, Infants and Children Program established in the Oregon Health Authority under ORS 409.600;

Comment [SJH1]: Must have an exception for WIC; federal law dictates that we cannot charge a fee of those on WIC. This is different for folks on "food stamps" through SNAP. Due to discrimination laws federally, SNAP recipients can certainly ask for a bag, but stores cannot require that they identify that they are on SNAP. To ensure that vulnerable citizens are not hurt by a ban, Portland teamed up with non-profits to ensure anyone could contact the City for a free bag.

(d) Vendors at farmers' markets are not subject to indicating on the Customer's transaction receipt the total amount of the Paper Bag Pass-Through charge -the required ~~ement~~-in section 5(b) of this ordinancee.

Section 7 Remedies.

- (a) The ~~Mayor~~ City Manager is authorized to establish regulations and to take any and all actions reasonable and necessary to obtain compliance with this Chapter.
- (b) Any person violating this Chapter shall be punishable by a fine equal to the cost of enforcement. For the purposes of this section, "cost of enforcement" shall mean the number of hours expended by City personnel in investigating and prosecuting the violation, rounded up to the nearest tenth of an hour, multiplied by \$75 per hour.
- (c) The City Attorney may also seek legal, injunctive, or other equitable relief to enforce this Chapter.
- (d) Administrative enforcement of this ordinance shall proceed pursuant to City 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 Ordinance, commencing on the date the Ordinance becomes effective, this Ordinance may be enforced through any remedy as provided for in this Section. This Ordinance shall be enforced one year from the date of its enactment.
- (h) All fines collected pursuant to this Section shall be deposited into the City's general fund; provided, however that the City may designate up to one-half of the fines collected to be spent by the City on community outreach and educational programs which focus on sustainable practices and/or policies.

Comment [CP2]: Much of this section needs the attention of the City Attorney and catering to City of Eugene process

Comment [SJH3]: Check with City Attorney on this. Need to define the fines and graduated scale within the actual ordinance. Also, check with compliance officer to identify what a realistic amount of follow up and work would have to be done to enforce (comparable to sign code ordinance or smoking ordinance).

Comment [CP4]: A reasonable time frame is recommended that works for retail establishments to receive education on the ordinance and clear any current stock.

Comment [SJH5]: For major grocery retailers, just need 180 days; for smaller businesses, might need six months to a year. It would be prudent to check with Eugene Chamber on this.

Comment [SJH6]: Would be a webpage on the city's existing website. (Goal is just to have a public portal for information.)

Section 8. The City shall establish a website containing information on this Ordinance. The website must include the following information:

- (a) Who is affected by the Ordinance;
- (b) What the Ordinance requires;
- (c) How the Ordinance is implemented and enforced;
- (d) When the Ordinance becomes effective and enforceable;
- (e) Why the Ordinance is being implemented by the City.

Section 9. Any provision of the City Municipal Code or appendices that is inconsistent with the provisions of this Ordinance is hereby repealed or modified, but only to the extent necessary to effect the provisions of this Ordinance.

Section 10. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or

unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 11. Any provision of this Ordinance that is inconsistent with any applicable requirements of the Oregon Revised Statutes or the Oregon Administrative Rules is hereby repealed or modified, but only to the extent necessary to make this Ordinance consistent with that other state law or regulation. If any provision of this Ordinance is more strict than any applicable requirement of the Oregon Revised Statutes or the Oregon Administrative Rules, then the provisions of this Ordinance shall apply.

Section 12. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days of adoption.

Section 13. EFFECTIVE DATE. ~~This ordinance shall become effective immediately after enactment.~~

Comment [CP7]: See comment above about reasonable time for business turnover and education

Fort Bragg - Violations/Penalties

§ 6.26.040 VIOLATIONS AND PENALTIES.

A. Any action to enforce this Ordinance shall be preceded by delivery of a written warning to the Store where a violation has occurred.

B. The owner(s) of any Store which violates this Ordinance shall be guilty of an infraction. If charged as an infraction, upon conviction thereof, said owner(s) shall be punished by (1) a fine not exceeding \$100.00 for a first violation, (2) a fine not exceeding \$200.00 for a second violation within the same year, and (3) a fine not exceeding \$500.00 for each additional violation within the same year.

C. Any violation of this Chapter 6.26 may be enforced through the administrative enforcement procedures in Chapter 6.12 of this Municipal Code. The City Manager, or his or her designee is authorized to take any and all other actions reasonable and necessary to enforce this Chapter, including, but not limited to, investigating violations, imposing administrative fines in amounts as may be established from time to time by resolution of the City Council.

D. In addition to the administrative enforcement procedures described above, the City Council may authorize the City Attorney to pursue judicial enforcement of this Chapter through a civil action.

E. A violation of any provision of this Ordinance by any person, firm or corporation shall be subject to a civil action in any court of competent jurisdiction, including the small claims court, by the

City to recover any damages caused by the violation and a civil penalty of \$1,000 or 10% of actual damages, whichever is higher, for every such violation. For any willful violation, the City may recover treble damages. Nothing in this subsection shall prohibit the filing of an action as authorized herein as a class action. The prevailing party in any action filed pursuant to this subsection shall be entitled to recover its reasonable attorneys' fees to be determined by the court.

Santa Cruz – Violations/Penalties (this one spells out what a violation is a little better by the “event” and number of persons served)

5.48.035 Enforcement.

Enforcement of this ordinance shall be as follows:

A. The Director of Public Works, or designee, shall have primary responsibility for enforcement of this ordinance and shall have authority to issue citations for violation

of this chapter. The Director, or designee, is authorized to establish regulations or administrative procedures to ensure compliance with this chapter.

B. A person or entity violating or failing to comply with any of the requirements of this

chapter shall be guilty of an infraction.

C. The County of Santa Cruz may seek legal, injunctive, or any other relief to enforce the

provisions of this chapter and any regulation or administrative procedure authorized by it.

D. The remedies and penalties provided in this chapter are cumulative and not exclusive of

one another.

E. The Director of Public Works, or designee may inspect any retail establishment's premises

to verify compliance with this ordinance.

5.48.040 Violations.

Violations of this ordinance shall be enforced as follows:

A. Violation of this chapter is hereby declared to be a public nuisance. Any violation described in the preceding paragraph shall be subject to abatement by the County of Santa Cruz, as well as any other remedies that may be permitted by law for public nuisances, and may be enforced by injunction, upon a showing of violation.

B. Upon a first violation by a retail establishment, the Director of Public Works, or designee, shall mail a written warning to the retail establishment. The warning shall recite the violation, and advise that future violations may result in fines.

C. Upon a second or subsequent violation by a retail establishment, the following penalties

will apply:

1. A fine not exceeding one hundred dollars (\$100) for the first violation that occurs 30 days or more after the first warning.

2. A fine not exceeding two hundred dollars (\$200) for the second violation that occurs 60 days or more after the first warning.

3. A fine not exceeding five hundred dollars (\$500) for the third violation that occurs 90 days or more after the first warning.

4. A fine not exceeding five hundred dollars (\$500) for every 30 day period not in compliance, that occurs 90 days or more after the first warning.

D. Special events promoters and their vendors who violate this ordinance in connection

with commercial or non-commercial special events shall be assessed fines as follows:

1. A fine not exceeding two hundred dollars (\$200) for an event of 1 to 200 persons.

2. A fine not exceeding four hundred dollars (\$400) for an event of 201 to 400 persons.

3. A fine not exceeding six hundred dollars (\$600) for an event of 401 to 600 persons.

4. A fine not exceeding one thousand dollars (\$1,000) for an event of 601 or more persons.

E. Remedies and fines under this section are cumulative.

Monterey – Recordkeeping/Enforcement/Penalties

SECTION 14-22. Recordkeeping and Inspection

All retail establishments shall keep complete and accurate records or documents of the purchase and sale of any recycled paper bag by the retail establishment, for a minimum period of one year 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 Section. 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 14-23. Enforcement and Notice of Violation.

(a) The remedies provided by this Ordinance are cumulative and in addition to any other remedies available at law or in equity.

SECTION 14-24. Penalties and Fines for Violations.

(a) For the first violation, a written warning shall be issued to the provider specifying that a violation of this Ordinance has occurred, and which further notifies the provider of the appropriate penalties to be assessed in the event of future violations. The provider will have 14 days to comply.

(b) Upon failure of the provider to comply within the 14 day period set forth in subsection (a) above, the City may pursue enforcement of this Ordinance utilizing any of the remedies set forth in the City's Administrative Fine Resolution.

(c) Providers who violate this Ordinance in connection with special events, as defined in this Article, shall be assessed a graduated administrative fine which shall increase in amount

depending upon the number of persons attending said special event. The amount of the

graduated administrative fine shall be established and set forth in the City's Administrative Fine Resolution.

All ordinances and parts of ordinances in conflict herewith are hereby repealed.



[Date Prev][Date Next][Thread Prev][Thread Next][Date Index][Thread Index]

Re: Plastic Bag Ban

- To: "Mark O'Brien" <ward1@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>
- Subject: Re: Plastic Bag Ban
- From: Jay Gile <jaygile@xxxxxxxx>
- Date: Mon, 28 May 2012 19:37:55 -0700

Thanks. I like the initial voluntary approach. I would hope that the savings that a merchant could experience by not having to provide bags would be sufficient to ensure compliance. Time will tell. It might be useful to have the GT update readers on the progress of the ban. I suppose that you could even publish a list of merchants who do not comply unless that creates some legal issues.

On Mon, May 28, 2012 at 5:03 PM, Mark O'Brien <ward1@xxxxxxxxxxxxxxxxxxxxxxxxxxxx> wrote:
Hi Jay,

I think we'll have our bag ban here soon. I was hopeful that we could develop a better solution such as consumer education coupled with positive reinforcement for shops that voluntarily reduced the us plastic check out bags. Unfortunately, the Council seems inclined to force compliance with a ban using very punitive measures. I'm attaching a proposed ordinance which I believe would be a good compromise. It could be adopted and given a year or two to see what happens. In the meantime, some positive incentive programs could be developed along with better recycling opportunities for plastic film of all types. If there wasn't a good reduction in plastic bags, after a period of time, a future Council could do something more drastic, different, etc.

Cheers,
Mark

- > I know that this is not the most important issue that the city council
- > faces but have we looked at the bans in San Francisco, Santa Monica or the
- > one that is being implemented by LA. If large cities such as these can
- > pull it off, it shouldn't be that big of a problem for Corvallis. There
- > has to be some models that we can use and/or adapt for Corvallis.

>
> --
>
>
> Jay Gile
>

--

Jay Gile

From: [Steckel, Mary](#)
To: [Dybvad, Scott](#); [Lovett, Linda](#); [De Jong, Kris](#); [Steele, Adam](#)
Subject: FW: Info on Litigation
Date: Wednesday, May 30, 2012 7:44:57 AM
Attachments: [Legislative Council's Review.pdf](#)
[Corvallis Bag Fee Issue.doc](#)

From: Biff Traber [mailto:biff.traber@corvallis.gov]
Sent: Tuesday, May 29, 2012 5:03 PM
To: Steckel, Mary; Louie, Kathy; Mark O'Brien; Joel Hirsch
Subject: FW: Info on Litigation

FYI and for the record.
Biff

----- Forwarded Message

From: Debra Higbee-Sudyka <dwhigbe@corvallis.gov>
Date: Tue, 29 May 2012 15:46:49 -0700
To: Biff Traber <biff.traber@corvallis.gov>
Cc: Charlie Plybon <cplybon@corvallis.gov> Daniel C Snyder <mr.daniel.snyder@corvallis.gov>
Subject: Info on Litigation

Biff,

This is the final email to answer a third question regarding litigation that came up in our discussion last week.

Attorney Snyder and Charlie Plybon have some ideas you might consider. (FYI, I have attached the Surfrider Foundation's legal aid brief, and the Legislative Council's Review.)

1) Attorney Dan Snyder: "There is always going to be the scepter of litigation on this issue, as there is no case law on the constitutionality of something this specific. The general legal principles, however, are on the City's side (as expressed in Legislative Counsel's letter)."

2) Charlie Plybon from the Surfrider Foundation believes the issue is overblown and confused by litigation in CA, which does not pertain to Oregon. He also noted that none of the litigation in CA has been successful (Supreme court has ruled on EIRs and Prop. 26 cases in support of bans and fees). There are plenty of things in the world and in Corvallis where case law doesn't exist and the City could be pursued by litigation. If we thought about all this and applied it to everything around us we'd live in a very different and fearful world. We could agree to, at a minimum, have all supporting groups file amicus curiae on any suit of the matter against the city if that makes the City feel more secure, but an Oregon legislative counsel review is about the best thing I think we can offer them.

If you would like to speak to Charlie or Dan, I have cc'd them in this email. I believe that they could help answer any questions you might have.

I would like to add that the Ordinance we submitted included a list of reasons and rationales (similar to those in Resolution 2011-06, which the City adopted). I checked with Attorney Snyder, and he agrees that if a legal challenge were to occur, a court would look to the Ordinance itself to determine its purpose. Expressly laying out the reasons and rationales for enacting the Ordinance would make the Ordinance stronger and make the court's job a lot easier.

For a list of places in the world that have passed or are working on legislation banning plastic bags go to: <http://www.chicobag.com/track-movement> <<http://www.chicobag.com/track-movement>> . In the Seattle study ("Alternatives to Disposable Shopping Bags and Food Service" Volume II <http://www.seattlebagtax.org/herrera2.pdf> <<http://www.seattlebagtax.org/herrera2.pdf>> in Appendix A), the table "Policy Options Adopted By Other Jurisdictions to Address Plastic Bag Use." gives strategies, methods, and effectiveness of various policy options adopted throughout the world regarding plastic bags.

"Elements of a Successful Single-Use Bag Ordinance." by Californians Against Waste's http://www.cawrecycles.org/files/LocalBagOrdinances1Pager_May2012_0.pdf <http://www.cawrecycles.org/files/LocalBagOrdinances1Pager_May2012_0.pdf> may also be helpful. As Charlie pointed out, California's laws are different than Oregon's, but it's instructive to see what they consider important in an ordinance.

I will also send a copy of this to Linda Lovette. Let me know if you have any questions.

Debra

57-Year-Old Woman Look 27

Local woman discovers wrinkle secret that has doctors angry.

<<http://thirdpartyoffers.juno.com/TGL3142/4fc551e0cc8c7210a966st06duc>>

TheSmartStyleLiving.com

<<http://thirdpartyoffers.juno.com/TGL3142/4fc551e0cc8c7210a966st06duc>>

----- End of Forwarded Message



STATE OF OREGON
LEGISLATIVE COUNSEL COMMITTEE

May 9, 2012

Senator Mark Hass
900 Court Street NE S207
Salem OR 97301

Re: Municipal ordinance requiring businesses to charge customers for issuance of paper, canvas or other types of nonplastic bags

Dear Senator Hass:

You asked whether the City of Corvallis has the authority to adopt an ordinance that requires businesses to charge their customers five cents for the issuance of a paper, canvas or other type of nonplastic bag. The answer to your question is that Corvallis has that authority.

You also asked whether a court would find such an ordinance to be in violation of the Commerce Clause of the United States Constitution. The answer to your question is that a court is not likely to find that the ordinance is in violation of the Commerce Clause.

In the opinion below we briefly explain the power delegated to incorporated cities under Oregon law and analyze Corvallis's proposed ordinance in that context. We also briefly explain the doctrine of the dormant Commerce Clause and why a court is not likely to find that the doctrine prohibits a city from adopting an ordinance that requires businesses to charge their customers five cents for the issuance of a paper, canvas or other type of nonplastic bag.

- I. The proposed ordinance is a valid exercise of power by an incorporated city under Oregon law.

Absent a home rule provision in a state constitution or statute, the default for determining whether a local government has the power to exercise a particular power or adopt a particular regulation is Dillon's Rule.¹ Named after Judge John F. Dillon of the Iowa Supreme Court, Dillon's Rule explains that local governments, as subordinate governments, do not have plenary power. Local governments are subjects of the states and only have the power to act when a state—as sovereign—expressly grants them the power to act or a local government necessarily must act to exercise an express grant of power.

Many states, including Oregon, have rejected Dillon's Rule in favor of home rule. Under home rule, a local government has the power to act unless that power is preempted by state or federal law. In its purest form, home rule grants local governments plenary power over local affairs. If the state has not legislated or otherwise exercised its authority over a local matter, the local government is free to legislate and govern the matter as it sees fit.

¹ For a detailed explanation of Dillon's Rule and home rule, see Richard Briffault and Laurie Reynolds, *State and Local Government Law*, 266-345 (6th ed., 2004).

For home rule to be the standard for determining whether a local government has a particular power, the state—as sovereign—must grant home rule status to local governments either in a constitutional provision or statute. It follows that such constitutional provisions and statutes also determine the outer boundary of a local government’s powers. The language of the applicable constitutional provision or statute determines, for each state that grants home rule status to local governments, the development of that state’s home rule jurisprudence.

Two provisions of the Oregon Constitution, enacted together by initiative petition in 1906, grant home rule status to cities and towns. The first, Article XI, section 2, provides:

The Legislative Assembly shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town. The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the Constitution and criminal laws of the State of Oregon. . . .

The second provision, Article IV, section 1 (5), adopted in 1906 as section 2a, extends the rights related to initiative and referendum to “the qualified voters of each municipality and district as to all local, special and municipal legislation of every character in or for their municipality or district.”

The Oregon Supreme Court interpreted these two constitutional provisions, and established the majority of Oregon’s home rule jurisprudence, in the landmark case *La Grande v. Public Employes Retirement Board*.² In that case, Justice Hans Linde, writing for the court, explained that these provisions empower a city or town to select a form of municipal government and to exercise police powers within the municipality. “[T]he validity,” wrote Justice Linde, “of local action depends, first, on whether it is authorized by the local charter or by a statute, or if taken by initiative, whether it qualifies as ‘local, special [or] municipal legislation’ under article IV, section 1(5)[, of the Oregon Constitution]; second, on whether it contravenes state or federal law.”³

In other words, a city or town may enact an ordinance that is primarily of local concern, provided that the ordinance is properly authorized and does not conflict with state law or federal law.

Our analysis of Oregon’s home rule jurisprudence does not end here. It is important to note that the Supreme Court in *La Grande* did not assume that cities and towns have plenary power. Rather, Justice Linde described cities and towns as having the power to define, for themselves, the outer boundaries of local power in a charter. If a charter authorizes an act, and that act does not contravene state or federal law, then the act is a proper exercise of power. Although Justice Linde did not specifically point toward the language of Article XI, section 2, when drafting this portion of *La Grande*, it is safe to assume that his reasoning is based on the provision that “[t]he legal voters of every city and town are hereby granted power to enact and amend their municipal charter.” But in *La Grande*, the court was describing the relationship

² 281 Or. 137 (1978).

³ *Id.* at 142. It should be noted that *La Grande* primarily grappled with the language that prohibits the Legislative Assembly from enacting, amending or repealing “any charter or act of incorporation.” The court interpreted these two provisions to mean that state law cannot preempt local law on matters related to the organization of local government. However, because there is no contravening statute at issue in this case, we do not discuss that portion of *La Grande* in this opinion.

between Oregon and *all* of the cities and towns located within Oregon's jurisdictional boundary. In 1941, the Legislative Assembly clearly granted incorporated cities plenary power over local affairs.⁴ Under ORS 221.410 (1):

Except as limited by express provision or necessary implication of general law, a city may take all action necessary or convenient for the government of its local affairs.⁵

The Oregon Supreme Court has long recognized this statute as granting incorporated cities broad powers of governance. So long as an incorporated city complies with all applicable procedures, the city may take any action that is not preempted by state or federal law for the purpose of regulating local affairs.⁶ In short, under ORS 221.410, incorporated cities are not bound to act only as extensions of the state and are not limited to the powers enumerated in a city charter. They have the power to act unless that power directly conflicts with the city charter or contravenes state or federal law.

With these principles in mind, we now turn to the issue at hand. As an incorporated city, Corvallis has, under Oregon law, plenary power over local affairs. Assuming that Corvallis follows all procedures required for the passage of an ordinance, the ordinance would be valid unless it is in direct conflict with the Corvallis city charter or it contravenes state or federal law. We are unaware of any provision in the Corvallis city charter that expressly or impliedly prohibits the city from passing an ordinance that requires businesses to charge a customer five cents for the issuance of a paper, canvas or other type of nonplastic bag. We also are unaware of any state statute or constitutional provision that contravenes the proposed ordinance. Finally, we are unaware of any federal statute or constitutional provision that contravenes the proposed ordinance. In short, it is our opinion that adoption of the proposed ordinance is a proper exercise of local power under Oregon law.

II. A court most likely would find that the dormant Commerce Clause does not prohibit a city from passing the type of ordinance at issue here.

In conjunction with your question about Corvallis's authority to act under Oregon law, you also asked, more specifically, whether a court would find that the proposed ordinance is in violation of the Commerce Clause of the United States Constitution.

Under the Commerce Clause of the United States Constitution, Congress has the power to regulate commerce among the states.⁷ In interpreting the scope of this congressional power, the United States Supreme Court reasoned that the Commerce Clause enables Congress to prevent the states from balkanizing the national economy and impeding the free flow of commerce.⁸ The Court further reasoned that the Commerce Clause impliedly invalidates any state law that unjustifiably burdens interstate commerce, even if Congress has not explicitly regulated that area of commerce.⁹ On the basis of that reasoning, the Court found that the Commerce Clause grants Congress a "dormant" regulatory power.

⁴ Chapter 453, Oregon Laws 1941.

⁵ For purposes of ORS 221.410, a city is "a city incorporated under ORS 221.020 to 221.100 or proposed to be incorporated." See ORS 221.410 (3), 221.010 (2).

⁶ See *Davidson Baking Company v. Jenkins*, 216 Or. 51, 55-56 (1959).

⁷ Article I, section 8, clause 3.

⁸ *Hughes v. Oklahoma*, 441 U.S. 322, 325 (1979).

⁹ *Philadelphia v. New Jersey*, 437 U.S. 617, 623 (1978).

Courts generally test whether a state or local law runs afoul of the dormant Commerce Clause power by determining whether the law unjustifiably burdens interstate commerce. In making that determination, courts first determine whether the law only incidentally burdens interstate commerce or whether the law actively discriminates against interstate transactions.¹⁰ A law that incidentally burdens interstate commerce is a law that indirectly affects the free flow of commerce but is otherwise legitimately within the ordinary purview of state or local regulation, such as a law that protects the health or safety of state, county or city residents or a law that is classified as an historic police power. In contrast, a law that actively discriminates against interstate transactions is a law that directly prejudices out-of-state economic interests, such as a law that favors in-state producers and sellers of a commodity over out-of-state producers and sellers of the same commodity.¹¹

If a court determines that a state or local law only incidentally burdens interstate commerce, the court will balance the burden the law imposes on interstate commerce against the law's putative local benefit.¹² Unless the burdens imposed are "clearly excessive," the court will uphold the state law.¹³ On the other hand, courts strictly scrutinize state laws that actively discriminate against interstate transactions. Courts presume that this type of law is invalid and will only uphold it if the state can prove that the law serves a legitimate purpose that cannot be achieved by other, nondiscriminatory means.¹⁴

Given these principles, we now turn to your question. An ordinance that requires businesses to charge a customer five cents for the issuance of a paper, canvas or other type of nonplastic bag does not actively discriminate against interstate transactions. The proposed ordinance does not distinguish between bags made by in-state suppliers and bags made by out-of-state suppliers. The proposed ordinance does not distinguish between businesses that sell in-state goods and businesses that sell out-of-state goods. The five-cent fee applies equally, insofar as interstate commerce is concerned, to all bags and businesses. Thus, if the ordinance were challenged, a court would likely find that the ordinance incidentally burdens interstate commerce and would balance the burden the law imposes on interstate commerce against the law's putative local benefit.

In this case, it is highly unlikely that a court would rule that the proposed ordinance is in violation of the Commerce Clause. First, the ordinance imposes a minimal burden on interstate commerce. It requires Corvallis businesses to impose a small charge for the issuance of a product that, heretofore, they could give away for free. Second, the ordinance, as a measure designed to reduce waste, clearly concerns a matter historically classified as the subject of municipal police power.¹⁵ Oregon appellate courts consider such matters to be "weighty" and are likely to defer to a local government that is exercising such police power.¹⁶

¹⁰ *Maine v. Taylor*, 477 U.S. 131, 138 (1986).

¹¹ *Oregon Waste Systems, Inc. v. Department of Environmental Quality of the State of Oregon*, 511 U.S. 93, 99 (1994).

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ See *Ray Spencer et al. v. City of Medford et al.*, 129 Or. 333, 339 (1929) (recognizing that "garbage is widely regarded as an actual and potential source of disease or detriment to the public health, and that therefore it is within the well-recognized limits of the police power, for [a] municipality").

¹⁶ See *State v. Maybee*, 235 Or. App. 292, 305 (2010) (finding that public health, a matter historically classified as the subject of state police power, is "weighty" and deferring to a state law that would reduce the amount of cigarettes shipped into Oregon).

The circumstances at issue here are analogous to those recently considered by the Oregon Court of Appeals in *State v. Maybee*.¹⁷ In that case, the court evaluated the constitutionality of a statute that requires certain manufacturers of cigarettes and other tobacco products for sale in Oregon to be listed, along with the products they sell, in a public directory. The court found that the law is not "protectionist," that no Oregon seller or manufacturer receives "an economic benefit" under the law, that the "state interest at stake, public health, is weighty" and that the burden on interstate commerce is "minimal."¹⁸ As a result, the court found that the law is not unconstitutional under the Commerce Clause. A court evaluating the proposed Corvallis ordinance is likely to reach the same conclusion.

If you have any other questions or concerns regarding Corvallis's proposed ordinance, feel free to contact us.

The opinions written by the Legislative Counsel and the staff of the Legislative Counsel's office are prepared solely for the purpose of assisting members of the Legislative Assembly in the development and consideration of legislative matters. In performing their duties, the Legislative Counsel and the members of the staff of the Legislative Counsel's office have no authority to provide legal advice to any other person, group or entity. For this reason, this opinion should not be considered or used as legal advice by any person other than legislators in the conduct of legislative business. Public bodies and their officers and employees should seek and rely upon the advice and opinion of the Attorney General, district attorney, county counsel, city attorney or other retained counsel. Constituents and other private persons and entities should seek and rely upon the advice and opinion of private counsel.

Very truly yours,

DEXTER A. JOHNSON
Legislative Counsel



By
Mark B. Mayer
Staff Attorney

¹⁷ *Id.* at 294-296.

¹⁸ *Id.* at 305.

MEMORANDUM

TO: Gus Gates, Charlie Plybon, & Jim Brewer
FROM: Emily Johnson
DATE: April 15, 2012
RE: City Authority to Impose 5¢ Fee on Paper Bags

QUESTION PRESENTED

Does the City of Corvallis have the authority to set a mandatory, retailer retained, five-cent fee on paper bags in conjunction with a bag on single-use plastic bags?

BRIEF ANSWER

The City of Corvallis likely has an implied authority under ORS § 221.410(1) to set a mandatory, retailer retained, five-cent fee on paper bags as a part of a city ordinance banning single-use plastic bags in order to fulfill the City's duty to protect its watercourses and waterbodies as stated in Corvallis Municipal Code 4.04.010.020.

DISCUSSION

1. Implied Authority.

The Oregon State Legislature has neither granted the express authority to establish a mandatory, nontax fee for paper bags to the City of Corvallis (the City), nor has the Legislature expressly prohibited the City from doing so either.

As such, the City may have an implied authority to establish such a fee, because "[e]xcept as limited by express provision or necessary implication of general law, a city

may take all action necessary or convenient for the government of its local affairs.” ORS § 221.410(1). One of the City’s local affairs is “to protect the health, safety, and general welfare of [its] citizens, and [to] protect the water quality of [its] watercourses and waterbodies...” Corvallis Municipal Code § 4.04.010.020. Because plastic bags are a common major pollutant to watercourses and waterbodies, as well as city infrastructure, the City can argue that adoption of a ban on single-use plastic bags is necessary to fulfill the City’s duty under Municipal Code § 4.04.010.020.

Furthermore, because the most common alternative to single-use plastic bags is paper bags, which the production and transportation of are similarly detrimental to the environment, watercourses and waterways included, a mandatory nontax fee for paper bags is necessary for the ban to be effective in achieving its goals. Because there is no law expressly prohibiting such a fee and assuming that “necessary implication of general law” does not limit establishment of such a fee, there is no reason why a city ordinance establishing a fee on paper bags in order to give the ban itself legs should qualify under ORS § 221.410(1)’s standard of an action “necessary or convenient for the government of [the City’s] local affairs.

Thus, because the State of Oregon has granted its cities the authority to “take all action necessary or convenient for the government of its local affairs” and reducing the amount of plastic pollution and general waste is both a goal of the State and an affair of the City, the City has the implied authority to establish a mandatory, retailer retained, fee on paper bags as part of a larger ban on plastic bags to help clean up the municipality and surrounding areas’ watercourses and waterways and reduce waste.¹

¹ Any City affair affected by plastic or paper bags could be added to this argument.

2. Neighboring Precedent.

Many cities up and down the West Coast have passed bans on single-use plastic bags that include fees on paper bags as well (Seattle, Los Angeles, and Bellingham to name a few).² While most have encountered some form of political push back from the plastic bag industry, few have encountered actual legal challenge. Those that encountered legal suit, faced claims alleging violations of state law unique to California.

Hilex Poly, a major plastic bag manufacturer, filed suit against the City of Los Angeles in October 2011 claiming the city violated Proposition 26 when requiring a retailer retained 10-cent charge on paper bags as a part of an ordinance banning single-use plastic bags. Proposition 26 requires local governments to place all tax increases before the voters for a 2/3 vote for passage. The lawsuit by Hilex Poly essentially claims the retailer retained paper bag charge is technically a “tax” under Prop. 26. But on March 23, 2012, Los Angeles Superior Court Judge James Chalfant disagreed with the plastics manufacturer, pointing out that because the government gets none of the money, the fee can’t be a tax.³

The City of Seattle passed a ban⁴ on single-use plastic bags that included a 5-cent fee for paper bags, labeled a “pass-through charge.”⁵ The City of Seattle claimed authority to

² See Generally: Sarah Coppola, *As Austin Weighs Paper vs. Plastic, A Look Across U.S. for Examples*, The Statesman, Oct 22, 2011, available at <http://www.statesman.com/news/local/as-austin-weighs-paper-vs-plastic-a-look-1928874.html?printArticle=y>

³ The other case challenging a ban including a fee on paper bags alleged the City was required to conduct an Environmental Impact Report under the California Environmental Policy Act. Again, the court disagreed. *Save the Plastic Bag Coalition v. City of Manhattan Beach*, 52 Cal. 4th 155, July 14, 2011.

⁴ See City of Seattle Public Utilities: <http://www.seattle.gov/util/Services/Recycling/ReduceReuseExchange/PlasticBagBan/index.htm>

⁵ “Pass-through charge’ means a charge to be collected by retailers from their customers when providing recyclable paper bags, and retained by retailers to offset the cost of bags

pass a ban against single-use plastic bags and impose a five-cent fee on paper bags by way of its responsibility to control waste, an area of management expressly granted to the cities of Washington by the Washington State Legislature. The Seattle ban begins...

Whereas, the Washington State Legislature in RCW § 70.95.010(8)(a) established waste reduction as the first priority for the collection, handling, and management of solid waste; and

Whereas, the Washington State Legislature in RCW § 70.95.010(4) found that it is "necessary to change manufacturing and purchasing practices and waste generation behaviors to reduce the amount of waste that becomes a governmental responsibility"; and

Whereas, the Washington State Legislature in RCW § 70.95.010(6)(c) found that it is the responsibility of city and county governments "to assume primary responsibility for solid waste management and to develop and implement aggressive and effective waste reduction and source separation strategies"; and

Whereas, SPU has completed some of those studies, finding that the production, use and disposal of plastic carryout bags have significant adverse impacts on the environment; and

Whereas, it is the City's desire to conserve resources, reduce greenhouse gas emissions, waste, litter and marine litter and pollution and to protect the public health and welfare; and

Whereas, there is a need to conserve energy and natural resources and control litter, and less reliance on single-use carryout bags provided by retail establishments works toward those goals; and

Whereas, plastic carryout bags are made of nonrenewable resources and plastic never biodegrades and only breaks down into smaller and smaller particles which seep into soils or are carried into rivers and lakes, Puget Sound and the world's oceans posing a threat to animal life and the natural food chain; and

Whereas, even though single-use paper carryout bags are made from renewable resources and are less of a litter and particularly marine litter problem than single-use plastic carryout bags, they nevertheless require significant resources to manufacture, transport and recycle or dispose of; and

and other costs related to the pass-through charge." City of Seattle Ordinance 123775 Section (D)(2).

Whereas, costs associated with the use, recycling and disposal of single-use paper and plastic carryout bags in Seattle creates burdens on the City's solid waste disposal system, including in the case of plastic carryout bags machine down time and contamination of recycled paper at the City's materials recovery facility; and

Whereas, to prevent waste generation it is in the City's interest to discourage the use of single-use, throw-away items of all types which can be accomplished through price signals; and

Whereas, to reduce the use of plastic and paper carryout bags in the City, it is necessary to regulate such use; and

Whereas, it is in the best interest of the health, safety and welfare of the people of the City that regulation require a pass-through charge on the use of recyclable paper carryout bags in order to encourage greater use of reusable bags, to reduce the cost of solid waste disposal by the City, and to protect the environment.

City of Seattle Ordinance 123775 (2011).⁶ Thus, in order to justify passing the ban the City of Seattle leaned heavily on the detrimental effects waste, particularly single-use carry out plastic bags, had on the environment, the City's resources, and the health of its people. Especially interesting is the linkage to the City's interest in deterring the use of "single-use, throw-away items" of all types. This allowed the City to justify the fee on paper bags, as they are indeed single-use, throw-away items. Under Seattle's ban, the proceeds from the paper bag fee remain with the retailers in order to pay for providing the paper bags, operating under the new program, and creating educational materials on the issue.

3. Implementing the Washington Strategy in Oregon.

⁶ Ordinance available at <http://clerk.seattle.gov/~scripts/nph-brs.exe?s1=&s3=&s4=123775&s2=&s5=&Sect4=AND&l=20&Sect2=THESON&Sect3=PLURON&Sect5=CBORY&Sect6=HITOFF&d=ORDF&p=1&u=%2F%7Epublic%2Fcbory.htm&r=1&f=G>

The Washington State Legislature expressly granted broad authority to the cities to manage waste management. The Oregon State Legislature characterizes waste management as primarily a statewide matter. However, several provisions within ORS § 459 grant solid waste management powers to local governments.

For instance, it is the State of Oregon's policy to establish a comprehensive statewide program for solid waste management that will provide authority for *counties* to establish a coordinated program for solid waste management, to regulate solid waste management and to license or franchise the providing of service in the field of solid waste management. ORS § 459.015(2)(j). (Emphasis added). According to ORS § 459.017(1)(b), local government units have the primary responsibility for planning for solid waste management. ORS § 459.055(2)(a) requires that the state waste reduction program "provide for a commitment by the local government unit reduce the volume of waste that would otherwise be disposed of in a landfill through techniques such as waste prevention, recycling, reuse, composting and energy recovery."

Also, there is a very plausible argument to be made that waste management operates on a local level and is thus a local affair, as opposed to a statewide affair. As such, by harnessing the broad authority granted to cities by the Oregon State Legislature under ORS § 221.410(1) and utilizing the city-based concern for waste reduction, the City of Corvallis can likely achieve the same end result as Seattle through a round about way.

CONCLUSION

While the City of Corvallis has not been granted the express authority to impose a fee such as the one regarding paper bags under the ban on single-use plastic bags, neither

has it been prohibited from doing so anywhere within the laws of Oregon. As such, under ORS § 221.410(1) the City likely has the authority to pass a ban on single-use plastic bags and a fee on paper bags as a matter of fulfilling the City's duty to manage one of its affairs, solid waste management and waste reduction.



[Date Prev][Date Next][Thread Prev][Thread Next][Date Index][Thread Index]

Please Support Banning the Bag in Corvallis!

- To: Ward2@xxxxxxxxxxxxxxxxxxxxxxxxxxxxx
- Subject: Please Support Banning the Bag in Corvallis!
- From: David Jaffe <david-jaffe@xxxxxxxxxxxx>
- Date: Wed, 30 May 2012 00:40:53 -0500 (CDT)
- Organization: Sierra Club
- Reply-to: David Jaffe <david-jaffe@xxxxxxxxxxxx>

May 30, 2012

Council Member Roen Hogg
OR

Dear Council Member Hogg,

I write to express my strong support of the Corvallis ordinance that bans single use plastic checkout bags.

Already, more than 50 downtown Corvallis businesses, and thousands of Corvallis citizens support this effort. All we need is City action. Banning plastic bags best addresses the problems of single-use plastic bag waste, and most effectively moves consumers to sustainable alternatives.

Our dependence on single-use plastic products has devastating effects on the environment. From the Great Pacific Garbage Patch to the thousands of marine animals who die each year, plastic bags are contributing to environmental damage to our ocean systems. There is no reason something we use for a few minutes should last a few hundred years.

Corvallis is known for its environmental standards nationwide, and has received numerous awards. Passing a ban here will have a positive impact. Of the bag bans in effect in the US, none have demonstrably hurt consumers or local business, but they have saved consumers, cities, and businesses the expenses incurred from dealing with these products.

Corvallis has the chance to set an example for other communities, and lay the groundwork for a statewide solution in 2013. Please ban single use plastic checkout bags here in Corvallis.

Sincerely,

Mr. David Jaffe
[Redacted]
Portland, OR 97233-4122

- Prev by Date: **PEAK Internet Knights Baseball Tickets**
- Next by Date: **Save on our most durable ThinkPad laptops**
- Previous by thread: **PEAK Internet Knights Baseball Tickets**
- Next by thread: **Save on our most durable ThinkPad laptops**
- Index(es):
 - **Date**

6/6/12

Attachment 1

To: Administrative Services Committee
From: Mark O'Brien, Chair
Subject: Bag Ban

Councilors,

Staff strongly recommends we take no action on a bag ban and I concur. I do, however, support development of a voluntary education program and positive re-enforcement tools aimed at reducing plastic bag use. If you feel we must have a plastic bag ban, please consider recommending an ordinance featuring the following language:

Section 8.14.050 Enforcement and penalties.

Compliance with this ordinance is voluntary.

Corvallis is already an incredibly difficult place to do business. The regulatory morass facing businesses in our City is a deterrent to success and, at times, simply mind boggling. There are many firms that might otherwise be inclined to provide jobs for our citizens and services to our community who simply wouldn't consider locating here based on our reputation alone. Speak to business people who work throughout the mid-valley and you will quickly understand the difficulties the Corvallis regulatory environment presents.

Corvallis businesses generally pride themselves on being good stewards of our planet. These are the entities that pay lots of money in the form of taxes to support our City services such as fire protection. They pay property taxes, taxes on their equipment and wages which are used in turn to pay further property taxes.

The Corvallis community, and that includes our businesses, is among the "greenest" in the country. You know that is true without even having to Google it. As you consider sending another wholly symbolic message to the world that Corvallis is the hippest, most environmentally conscious and "with it" place around, please consider the message you will be sending to our tax paying partners in the business community.

Businesses do appreciate the value and values of the Corvallis community. I think a recommendation suggesting a voluntary enforcement mechanism would send a message to our business partners that we value them too.

If after a year or two the voluntary enforcement doesn't achieve a desired result you will be free to make adjustments to the ordinance. Please give it some thought.

Sincerely,
Mark O'Brien
Council President

Attachment 2

Single-Use Plastic Bag Reduction

Public Testimony E-Mails to Mayor and Councilors

Received from May 31 through noon on June 6, 2012

The table below is an updated version of the table in the April 19, 2012 Staff Report. It includes all public comments through noon on June 6, 2012. Comments from the correspondence are broken into broad categories.

Support for...	# Responses	% of Total
Ban on plastic	140	48%
No ban on plastic	141	49%
Fee on plastic	7	2%
Fee on paper	7	2%
No fees	117	40%
Increase recycling	120	42%
Increase education	98	34%
No action	6	2%
Refer to ballot	4	1%

Harmon Communications

Corvallis, OR 97333-2706

bruce.m.harmon@

Phone:

Mobil:

May 31, 2012

Administrative Services Committee
501 SW Madison Ave.
PO Box 1083
Corvallis, OR 97339-1083

Subject: Plastic Bag Recycling Promotion

Rather than continue to cite further arguments against banning plastic bags, here is a suggestion that can be implemented at very little cost if the decision is to drop the bag ban. I will volunteer my company capabilities to assist in this plan at no cost to the city.

We know that plastic grocery bags are easily recycled at centers separate from mixed curbside recyclables. I suggest, since bag recycling is effective and many products are made from recycled bags, that we engage in a strong promotional program to make bag recycling easier.

This would include:

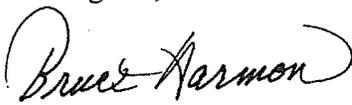
- Working with all the retailers to renew and upgrade the recycling containers in the stores
- Educating the public that the bags are not to be included in curbside mixed recycling bins
- Developing well designed signage on recycle bins in stores and at store entries
- Investigating the possibility of printing related messages on the bags

A citizen committee could engage the retailers to develop the plan. As one who works in the advertising and graphic design business, I offer my design team to create and provide attractive and attention getting signage and containers for use in the retail outlets. This would be done at virtually no cost, other than the materials, which could possibly be paid for by the retailers.

Corvallis retailers already effectively address carryout bag use. Some stores provide plastic bags; others provide paper bags, while still others offer both. Most retail outlets in Corvallis offer and promote the use of non-plastic "tote" bags. A plan like this would dovetail very well into procedures already in place.

Working this proposed plan would greatly reduce or eliminate spending further time and costs to the city, which will allow it to return to managing more important city business.

Best regards,



Bruce Harmon

President



[\[Date Prev\]](#)[\[Date Next\]](#)[\[Thread Prev\]](#)[\[Thread Next\]](#)[\[Date Index\]](#)[\[Thread Index\]](#)

Say no to bag bans and taxes!

- *To:* <mayor@xxxxxxxxxxxxxxxxxxxx>
- *Subject:* Say no to bag bans and taxes!
- *From:* <golffmark17@xxxxxxxxxx>
- *Date:* Fri, 1 Jun 2012 22:20:38 -0700
- *Cc:* <golffmark17@xxxxxxxxxx>
- *Resent-date:* Fri, 1 Jun 2012 22:21:14 -0700 (PDT)
- *Resent-from:* <Mayor@xxxxxxxxxxxxxxxxxxxx>
- *Resent-message-id:* <20120602052114.37F1B52D972@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>

Mayor Manning,

As an Oregonian and a resident of Corvallis, I'm disappointed to hear that the city council is considering banning or taxing my grocery bags. Oregon voters have already said no to bag bans and taxes -- why are we debating this issue again?

Did you know that plastic bags are a tiny part of our garbage? It's true -- they're less than half a percent of all the trash we make. And a year after San Francisco banned its bags, they didn't see a reduction in bag litter. Banning and taxing them won't make a difference, but it'll really hurt local businesses and the 30,000 Americans who make and recycle plastic bags.

Corvallis is a town that recycles, not a town that bans. Let's expand our recycling instead of eliminating consumer choice with bag bans and taxes.

Sincerely,

Mark Geniza

Corvallis, OR 97330

- **Follow-Ups:**
 - **Re: Say no to bag bans and taxes!**
 - *From:* mayor
- Prev by Date: **I'm coming over to Charlie too!**
- Next by Date: **Re: <web>Closing Fire Station Five**
- Previous by thread: **Re: Say no to bag bans and taxes!**
- Next by thread: **Re: Say no to bag bans and taxes!**
- Index(es):
 - **Date**
 - **Thread**



[[Date Prev](#)][[Date Next](#)][[Thread Prev](#)][[Thread Next](#)][[Date Index](#)][[Thread Index](#)]

<web>Plastic Bag Ban

- **To:** ward8@xxxxxxxxxxxxxxxxxxxxxxxxxxxxx
- **Subject:** <web>Plastic Bag Ban
- **From:** urwyo@xxxxxxxxxx
- **Date:** Sat, 2 Jun 2012 15:25:38 -0700
- **Reply-to:** <urwyo@xxxxxxxxxx>

This is an inquiry e-mail via Contact Us form:
 Margi Dusek
 urwyo@xxxxxxxxxx
 prefer phone contact: no

I regret the fact that I have waited so long to let you know my feelings on this subject. I am totally opposed to the plastic bag ban. That along with the threat that we will then be charged to use a paper sack is totally ridiculous. Most people in Corvallis are smart enough to reuse, reduce and recycle but it seems that our behaviors are now being dictated by special interest groups. Please pull back from this and at least let the citizens of Corvallis decide through a city wide vote.

- [Prev by Date: Corvallis Library Summer Reading Program for ages 0-18](#)
- [Next by Date: FW: City Open House to Meet Our Newly Promoted Employees](#)
- [Previous by thread: Re: <web>Plastic Bag Ban](#)
- [Next by thread: Research on Plastic Bag Ordinances](#)
- **Index(es):**
 - **Date**
 - **Thread**



[[Date Prev](#)][[Date Next](#)][[Thread Prev](#)][[Thread Next](#)][[Date Index](#)][[Thread Index](#)]

<web>Web Request

- *To:* ward1@xxxxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject:* <web>Web Request
- *From:* rprevost@xxxxxxxx
- *Date:* Sun, 3 Jun 2012 12:26:18 -0700
- *Reply-to:* <rprevost@xxxxxxxx>

This is an inquiry e-mail via Contact Us form:
 Ron Prevost
 rprevost@xxxxxxxx
 prefer phone contact: no

Dear Mark,
 Thanks for your ongoing work for us and the city. I wanted to give you my input on two things. First, this issue about banning plastic bags is a real distraction from real business concerns. In a community session this year, you and the mayor made it clear that we have long term revenue/expense problems. This bag issue is a pet project from a few folks. Just drop it is my advice. Second, I read the city newsletter -- it is very well done and informative. However, if it goes online and does not arrive in print, I am concerned that many people will miss it. It is likely that I will not read it in the future -- I get too many things that are too long to read online.
 Thanks for your consideration -- Ron Prevost

- **Prev by Date: 53rd St Traffic Circle**
- **Next by Date: FW: City Open House to Meet Our Newly Promoted Employees**
- **Previous by thread: Re: <web>Web Request**
- **Next by thread: Reminder- Conference Call Today at 3pm!**
- **Index(es):**
 - o **Date**
 - o **Thread**

Select Language ▾

Powered by [Google Translate](#)

[Appropriate Use Policy](#) | [Privacy Policy](#) | [Contact Webmaster](#) | [Electronic Subscription Service](#)

501 SW Madison Ave. PO Box 1083 Corvallis, OR 97339-1083 ph: 541-766-6900 Fax: 541-766-6936

Copyright © 2010 City of Corvallis



[Date Prev][Date Next][Thread Prev][Thread Next][Date Index][Thread Index]

FW: Hi

- To: Mary Steckel <mary.steckel@xxxxxxxxxxxxxxxx>, Mark Ward1 <ward1@xxxxxxxx>, Jeol Ward 6 <ward6@xxxxxxxx>
- Subject: FW: Hi
- From: Biff Traber <biff.traber@xxxxxxxx>
- Date: Mon, 04 Jun 2012 15:55:59 -0700

Title: FW: Hi
 Mary
 Mark
 Joel
 FYI
 Biff

----- Forwarded Message
From: Debra Higbee-Sudyka <dwhigbe@xxxxxxxx>
Date: Mon, 4 Jun 2012 14:50:53 -0700
To: Biff Traber <biff.traber@xxxxxxxx>
Subject: Fw: Hi

Councilor Traber,

I received the following email regarding Telluride, Colorado's ordinance, which I thought you might find interesting. Telluride has a population of a few thousand. They have a 10-cent fee on paper where the city retains a portion. Here's the link to their ordinance: <http://www.telluride-co.gov/modules/ShowDocument.aspx?documentid=2471>

Debra

###

Hi Debra and hope you are enjoying these sunny days !! I wanted to pass on to you my conversations with the city staff in Telluride , Co, who have recently put in the bag ban (and the bag it movie) The lady in the city office who knows the history of the bag ban there is M. J. Schilai, The city clerk. Her dedicated phone is 970-728-2157. She is a delight to chat with and has a lot of insight in the Corvallis goings on. She is aware of the Bru -ha here and believes that Corvallis is trying to avoid the issue and simply " kick the can down the road " Any way its interesting the contrasts between there and here. They have for example, penalties for infractions but NO enforcement monies or people. Never needed them. They answered all the merchants questions and problems and from day one, everyone has been happy , Not one complaint. The bag to purchase is 80% recycled and few are sold. The out of town folks are given a bag free which is called the Chico bag, . Again almost totally recycled material. Give M J a call and I think you will enjoy her and her perceptions. Corvallis is getting a new reputation around the country, and its not forward thinking. Keep in touch John G

53 Year Old Mom Looks 33

The Stunning Results of Her Wrinkle Trick Has Botox Doctors Worried
<<http://thirdpartyoffers.juno.com/TGL3142/4fcd2dbd9c4531cc31cst05vuc>> consumerproducts.com
<<http://thirdpartyoffers.juno.com/TGL3142/4fcd2dbd9c4531cc31cst05vuc>>

----- End of Forwarded Message

- Prev by Date: **Stand Up For Small Business In Oregon**
- Next by Date: **Prepare for record-high mosquito populations this summer**
- Previous by thread: **Stand Up For Small Business In Oregon**
- Next by thread: **Prepare for record-high mosquito populations this summer**
- Index(es):



[Date Prev][Date Next][Thread Prev][Thread Next][Date Index][Thread Index]

Re: <web>Proposal on Ban of Plastic Bags

- To: mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxx
- Subject: Re: <web>Proposal on Ban of Plastic Bags
- From: Rhyanna DeTuathana <daeanarah@xxxxxxx>
- Date: Tue, 5 Jun 2012 16:07:53 -0400 (EDT)

HI Thanks

One more thing that I would like to ad, I've ridden the bus having to stop at grocery store on way home, and without the plastic bags to carry my purchases in, I wouldn't be able to eat, etc., as I rely on foodstamps. I don't work, filed for disability and am waiting on appeal to be heard, so therefore I don't have cash money for taxi-cab, and very much appreciate the no fare bus service.

I've tried paper bags, and I can't carry more than one, and they rip, spilling food, meat on the ground. If raw meat/produce fall in a puddle I have to throw it away as it has become contaminated.

I've seen others on the bus as well struggling with their bags, as well as kids.

thanks for reading my email and have a great week.

Rhyanna DeTuathana

-----Original Message-----

From: mayor <mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxx>
 To: daeanarah <daeanarah@xxxxxxx>
 Cc: Kathy Louie <Kathy.Louie@xxxxxxxxxxxxxxxxxxxx>
 Sent: Tue, Jun 5, 2012 8:59 am
 Subject: Re: <web>Proposal on Ban of Plastic Bags

Hello,

Thank you for your message. I have asked that it be shared with members of the Council's Administrative Services Committee when they meet tomorrow to discuss this issue.

Sincerely,

Julie Manning
Mayor

----- Original Message -----

From: daeanarah@xxxxxxx
 To: mayor@xxxxxxxxxxxxxxxxxxxxxxxxxxxx
 Sent: Monday, June 4, 2012 5:24:43 PM
 Subject: <web>Proposal on Ban of Plastic Bags

This is an inquiry e-mail via Contact Us form:
 Rhyanna DeTuathana
 daeanarah@xxxxxxx
 prefer phone contact: no

Hi I read in the paper that on Wednesday, that the City of Corvallis City Council will once more hear on the Proposal to Ban Single-use Plastic bags, (which is a misnomer as they are not really just for a single use.).

I can't make it and I want my voice heard on this issue. I totally disagree with this proposal and I am dismayed that this issue is being persued so zealously.

There are so many things that can go wrong if the City goes through with this. What if the citizens of Corvallis, shop elsewhere, or stock up on plastic bags, is the City then going to arrest them, Charge them with breaking the 'law'.

What happens if the grocery stores decide to keep the plastic bags, to sell to others to use? I read in the paper that members of the council want to pose a hefty fee if they do this. Yet I sense that this won't be the end of the issue, as those zealots on insisting this proposal be ratified, turn their eyes to other stores that use plastic bags. What about the plastic bags we use to put our produce in, or place fresh meat in so as to limit, blood from meat, water ice chips from fresh?

Please, please, I am begging, Don't pass this initiative, Let it die a final death.

I rely on these plastic dogs, to throw out garbage, to pick up dog waste, to carry books, to carry books-dvd's from and to the library, to store on stuff to donate to goodwill-vina moses, to use when I go to costco. I also use them to ship items, protect them against damage if a package I am mailing gets wet. I also use them to store kraft projects, as well as lids for those plastic containers, etc.

I am sure that many others like me rely on these bags to carry our groceries out to the car, or down to the bus stop, and then get on the bus, get off at the nearest bus stop from home, its at least a block past Lily Place Park and then walk back to get home.

Moreover, its more than just the elderly, disabled who use these bags. Parents with kids in tow, rely on these bags too.

• **Follow-Ups:**

- **Re: <web>Proposal on Ban of Plastic Bags**
 - *From: mayor*

• **References:**

- **Re: <web>Proposal on Ban of Plastic Bags**
 - *From: mayor*
- Prev by Date: **Do the right thing?**
- Next by Date: **food travel news: Italy's Parmesan industry & a survey**
- Previous by thread: **Re: <web>Proposal on Ban of Plastic Bags**
- Next by thread: **Re: <web>Proposal on Ban of Plastic Bags**
- Index(es):
 - **Date**
 - **Thread**

[Appropriate Use Policy](#) | [Privacy Policy](#) | [Contact Webmaster](#) | [Electronic Subscription Service](#)

Select Language ▾

Powered by [Google Translate](#)

501 SW Madison Ave. PO Box 1083 Corvallis, OR 97339-1083 ph: 541-766-6900 Fax: 541-766-6936

Copyright © 2010 City of Corvallis

Attachment 3

LINDA LOVETT, SUSTAINABILITY SUPERVISOR

JUNE 6, 2012 ADMINISTRATIVE SERVICES COMMITTEE MEETING

As requested by the ASC at the May 9th meeting, staff has developed enforcement language for the ordinance banning single-use plastic carryout bags. The ordinance, which is attached to the staff report, was revised in two sections:

1. Section 8.14.10, which describes the purpose of the ordinance, includes new language on why the City is banning the bags, mentioning “the negative environmental consequences.” As I noted in my remarks about the ordinance when it was presented on May 9th, Corvallis ordinances typically do not elaborate on the reasons behind them. The municipal code reflects only the substantive part of an ordinance and the City relies on the minutes and staff reports for legislative history. However, there is value in briefly stating the purpose of the ordinance so that someone looking at the municipal code can understand what the ordinance is for. Therefore, we have beefed up the Purpose section.
2. Section 8.14.50 now has a series of subsections detailing enforcement and penalties. As proposed, the ban will be enforced by the City and violators could incur a fine of \$200 for each bag they hand out after the ban goes into effect on January 1st, 2013. While on the surface, this might appear draconian, I would emphasize that these are *potential* fines. A useful analogy might be a traffic stop where the Police officer has the discretion whether to issue a ticket. In this case, City staff would have the discretion to issue a fine after the investigation process is exhausted and it is determined that the retailer is out of compliance. Our hope is that, by giving retailers until January to use up their inventory and by conducting extensive outreach between passage of the ban and its effective date, we will have little need to enforce.

The staff report reviews both the outreach that City staff will conduct—it is very similar to what we did to involve stakeholders and the public in developing the ordinance—and the process to enforce the ordinance once it goes into effect. Public Works will lead the enforcement effort, responding to complaints about retailers who continue to distribute plastic bags after January 1st.

1. A staffer will make a site visit to determine if the retailer is violating the ordinance. Any retailer found to be in violation will be warned and given information on how to comply.
2. A follow-up visit will be made seven days after the first visit. If the retailer is not in compliance, staff will initiate legal steps to cite the violator.
3. After the citation is settled in court or by the retailer paying the fine, the location will be visited again to ensure compliance.

Again, the intent is to minimize enforcement and the potential costs to both the City and Corvallis retailers. The fines specified in the ordinance are to provide incentive to comply, but our hope is that they would rarely be levied.

Attachment 4

I, THE UNDERSIGNED resident of the State of Oregon,
HEREBY SUPPORT a ban on plastic check-out bags
within the City of Corvallis to reduce the use of plastic bags,
encourage the use of reusable bags and reduce our depen-
dence on finite natural resources. I urge Corvallis City
Council to cut the flow of pollution into the ocean by ban-
ning disposable plastic bags.

Place

Stamp

Here

Name: _____

Address: _____

Email: _____

Signature: _____

Return to: Sierra Club

Mary's Peak Group

PO Box 663

Corvallis, OR 97339

**A CAMPAIGN TO BAN
PLASTIC BAGS IN CORVALLIS**



JOIN THE CAUSE

BAGITCORVALLIS.BLOGSPOT.COM





The Marys Peak Group

Attachment 5

To: Administrative Services Committee

From: Marys Peak Group – Sierra Club

Date: June 6, 2012

RE: City Staff's Recommendation and Revised Draft Ordinance

On behalf of the Marys Peak Group – Sierra Club I appreciate all of the work that City Staff has done since we submitted the ordinance in November. A valuable resource is your time, and we thank you for spending time on understanding and investigating this issue. This ordinance is a small but important step towards taking responsibility and working on this problem, so our children aren't left with having to solve it.

It is understood that Corvallis strives to be a sustainable community. It is also understood that plastic is a valuable resource. From these two understandings it follows that it's important to recognize that single-use plastic bags are causing problems in the natural world, and that we should not waste this non-renewable resource. So, we accept the recommendation from City Staff and their revised ordinance because it does move us forward toward a more sustainable use of plastic.

However we would like to recommend a few changes to the ordinance before it is sent to the Council. One is adding the definition of a paper bag, and the second is including a pass-through cost on paper bags – because including this will make it the most effective plastic bag policy.

Definition of Paper Bag

A definition of single-use paper bags should be added because, if the ordinance bans single-use plastic bags, customers will overwhelmingly turn to single-use paper bags. Therefore, it is important to specify the type of paper bag.

Paper bags are highly recyclable. They can be collected in curbside bins. It is important to encourage and support the recycling efforts of the paper industry. Recycling paper bags saves resources like trees, water, landfill space, oil and electricity. To give you a few statistics: "Recycling 1 short ton (0.91 t) of paper saves 17 mature trees, 7 thousand US gallons of water, 3 cubic yards of landfill space, 2 barrels of oil (84 US gal), and 4,100 kilowatt-hours of electricity – enough energy to power the average American home for six months."¹

We would like to offer the definition used in the ordinance that the Sierra Club submitted in November:

¹ http://en.wikipedia.org/wiki/Paper_recycling

"Recyclable Paper Bag" means a paper bag that meets all of the following requirements: (1) contains no old growth fiber; (2) is 100% recyclable and contains a minimum of 40% postconsumer recycled content; (3) displays the words "Reusable" and "Recyclable" in a highly visible manner on the outside of the bag; and (4) is capable of composting consistent with the timeline and specifications of the ASTM Standard."

Pass-Through Cost on Paper Bags

We want to be clear that when we submitted the ordinance in November the title was "Encouraging Reusable Bags and Prohibiting the Use of Single-Use Plastic Carryout Bags." We chose that title for a good reason. Switching to more sustainable reusable bags is the goal. Single-use, disposables are a wasteful use of valuable resources. The best way to encourage reusable bags is to have a "pass-through cost" on single-use paper bags. If the cost of a paper bag is made apparent, which is now hidden in a customer's purchase, this will remind us to bring our reusable bags. Respecting the natural world and its resources is an important ethic to encourage.

To show support for this goal, we are submitting 1111 citizen petition cards signed by individuals who want an ordinance that "encourages the use of reusable bags and reduces our dependence on finite natural resources."

San Francisco's experience provides a good example. In 2007 they passed a plastic bag ban with no "price requirement" on paper. They realized it did not appreciably cut down on plastic bags or single-use paper bags. They just revised their ordinance to apply to all retailers and to include a 10-cent paper checkout bag charge (it will go to 25-cents in 2014). Portland's ordinance was modeled after San Francisco's earlier one. Lisa Libby said that Portland will also review their ordinance this year.

San Francisco put together an EIS explaining the positive effects of a fee on paper.² One of the conclusions in the EIS is that "Because single-use checkout bags are included in the price of retail goods, consumers do not have an economic incentive to limit their use, and may waste them." They also concluded that the primary benefits of the checkout bag charge are: a "Reduction in litter, and the City's litter collection costs, and a Reduction in the City's costs of recycling these bags".

Below is a listing of some of the Negative Outcomes of not including a Pass-Through Fee on Single-Use Paper Bags:

1. **Costs will Rise.** Paper bags are more expensive than plastic. Without a pass-through fee on paper, the grocer's paper bag costs will go up, which will be passed onto the customer in higher merchandise costs.
2. **Single-use Habits Not Changed.** Studies have shown that people go from single-use plastic to single-use paper. This does not change the single-use issue.
3. **Less incentive for Reusable Bags.** Without a pass-through cost, people have less incentive to go to reusable bags.

² http://plasticbaglaws.org/wordpress/wp-content/uploads/2010/05/leg_SF_economic-report-PowerPoint.pdf

4. **Disposable Ethic Still Reinforced.** “Free” single-use items reinforce our wasteful, disposable ethic. Without a cost for paper, it does little to change the culture around the use of disposable shopping bags. Making the cost apparent will start to turn this around.
5. **Environmental Impact Still an Issue.** It makes non-plastic single-use disposables more acceptable, despite potentially higher environmental and GHG impacts even when recycled.
6. **Uneven Paying Field.** If not applied to all retailers, creates perception of “uneven playing field.”

Implementation of Ordinance

Regarding the implementation of the ordinance, City Staff’s memo indicates that they “will initiate a discussion with local environmental and sustainability groups to promote educational efforts with the public on the environmental impacts of single-use plastic bags.” We look forward to working with City Staff in this public education effort.

Respectfully,

Debra Higbee-Sudyka
Executive Committee Vice Chair
Marys Peak Group – Sierra Club

Corvallis, OR 97333

dwhigbe@

http://oregon.sierraclub.org/groups/marys_peak/

Attachment 6

Good afternoon. I'm Marcy Eastham, Executive Director of the Corvallis Chamber of Commerce. The Chamber is a membership organization that represents over 500 local businesses in our community. I am also a resident of Ward 9, and have been a Corvallis resident for 38 years. I appreciate the opportunity to speak to you today on the topic of the proposed plastic bag ban.

I have been involved in the discussion regarding plastic bags since the issue was proposed to Council last year. I appreciate that the Chamber was included, and also appreciate the hard work of staff on an issue that was not a Council goal.

Quite honestly, some in the business community are reluctant to stand up and say "no" to environmentally focused initiatives that are costly because they do not want to offend or upset customers. Upset and offended customers shop somewhere else. That can put a retailer out of businesses, cause them to reduce staffing, or at least reduce their income. That may accomplish a political objective, but it hurts local people, and it's not fair.

Regulations of any kind cost money, and someone ultimately pays for them. In this case, the cost is squarely on the shoulders of business. That may be okay for large retailers who have outlets in states and communities and can simply move supplies elsewhere. Small businesses in particular, however - contrary to what some believe - have very, very small profit margins, not deep pockets. When regulations come into play that will increase their costs, business owners often simply swallow hard and look at their ever shrinking bottom line.

We have members who sit on both sides of this issue, so it has been a challenge to stay right down the middle and yet stay in the mix. Ultimately it comes down to being fair. I ask you - again - to consider the unintended consequences of policies that ban anything. Be fair to local businesses, especially small businesses.

Thank you.

ORDINANCE 2012-_____

AN ORDINANCE CREATING A NEW MUNICIPAL CODE CHAPTER 8.14, "SINGLE-USE PLASTIC CARRYOUT BAGS," AND STATING AN EFFECTIVE DATE.

Section 1. Title 8, Business, of the Corvallis Municipal Code is amended to add a new Chapter 8.14 as follows:

- 8.14.010 Purpose.**
- 8.14.020 Definitions.**
- 8.14.030 Supervision by City Manager.**
- 8.14.040 Single-use plastic carryout bag regulation.**
- 8.14.050 Enforcement and penalties.**
- 8.14.060 Severability.**

Section 8.14.010 Purpose.

1) The purpose of this Chapter is to prohibit retail establishments from distributing single-use plastic carryout bags to their customers and to encourage the distribution and use of reusable options in order to avoid the negative environmental consequences found with the use of single-use plastic carryout bags.

Section 8.14.020 Definitions.

- 1) City - City of Corvallis, Oregon
- 2) City Manager - The City Manager for the City of Corvallis or the City Manager's designee acting under his or her direction.
- 3) Retail Establishment - means any store, shop, sales outlet, or vendor located within the City of Corvallis that sells goods at retail. Retail Establishment does not include any establishment where the primary business is the preparation of food or drink:
 - a) For consumption by the public;
 - b) In a form or quantity that is consumable then and there, whether or not it is consumed within the confines of the place where prepared; or
 - c) In consumable form for consumption outside the place where prepared.
- 4) Reusable Bag - means a bag with handles that is either:
 - a) Made of cloth or other machine washable material, or
 - b) Made of durable plastic that is at least 2.25 mils thick.
- 5) Single-use Plastic Carryout Bag - means a plastic bag made from synthetic or natural organic materials, that is provided by a Retail Establishment to a customer at the point of sale for use to transport or carry away purchases from the Retail Establishment. A Single-use Plastic Carryout Bag does not include:
 - a) A Reusable bag.
 - b) A plastic bag provided by a Retail Establishment to a customer at a time other than the time of checkout; or
 - c) Pharmacy prescription bags.

Section 8.14.030 Supervision by City Manager.

The regulation of Single-use Plastic Carryout Bags in the City under the provisions herein shall be under the supervision of the City Manager.

Section 8.14.040 Single-use Plastic Carryout Bag regulation.

Retail Establishments shall not provide or make available Single-use Plastic Carryout Bags to customers.

Section 8.14.050 Enforcement and penalties.

8.14.050.010

A person is guilty of a violation of this Section, if that person is the one who provides or makes available a Single-use Plastic Carryout bag to customers, and/or is a person who is in charge or in control of a retail establishment that provides or makes available a Single-use Plastic Carryout bag to customers, and/or is a person or business entity (e.g., corporation, firm, partnership, association, limited liability entity, cooperative) who owns a retail establishment that provides or makes available a Single-use Plastic Carryout bag to customers, or is an agent, officer, or manager, director, or employee who exercises authority over the retail establishment that provides or makes available a Single-use Plastic Carryout bag to customers.

8.14.050.020

Each Single-use Plastic Carryout bag provided or made available to customers in violation of this section is a separate offense.

8.14.050.030

A violation of this section is a Class A infraction, with a minimum fine for each separate offense of not less than \$200.

8.14.050.040

Enforcement of this section shall begin January 1, 2013 for retailers with more than 25 full-time equivalent employees and July 1, 2013 for retailers with 25 or less full-time equivalent employees.

Section 8.14.060 Severability.

If any provision, paragraph, word, section, or article of this Chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

Section 2. This ordinance shall become effective on July 1, 2012.

PASSED by the City Council this _____ day of _____, 2012.

APPROVED by the Mayor this _____ day of _____, 2012.

EFFECTIVE this _____ day of _____, 2012.

Mayor

ATTEST:

City Recorder

From: Brewer, Nancy
Sent: Thursday, June 07, 2012 9:50 PM
To: De Jong, Kris
Subject: Audit for 5 cent pass through

You asked for information on the costs for auditing for the five cent paper bag pass through cost. I have given this some thought, and frankly have some challenges figuring out what we would audit and what would be required from a store owner to provide an audit trail.

First, I assume that City staff would do the audit. We could have some challenges with having staff available to do the work based on time of year compared to our own required audit work and the diminished staff resources available in the Finance department. It is possible we could secure the services of an audit firm that could provide these services. The City's audit costs are unlikely to be comparable since we must hire auditors that meet State and federal requirements to be municipal auditors and that level of certification would not be required for a bag fee audit.

Second, as we think about what/how we would audit, there would be several approaches.

- The easiest and lowest cost approach would be simply to call the store and ask if they pass the fee along. This clearly does not meet the standard of an audit, but if we work under the assumption that the proponents use that there will be no compliance problems then this minimalist solution should be acceptable.
- More costly would be to send an employee to the store to observe one or more cashiers and assume that this test would be representative of all cashiers and all transactions. This effort could be combined with several employees making actual purchases, but this may be costly to the City if neither the City nor the employee personally needed any item the particular store in question sells. Again, this would not meet the standard of an audit but may meet the standard of a reasonable test. Costs would probably range from a couple of hundred to a couple of thousand dollars depending on the size of the store and the amount of time/number of cashiers to be observed, making purchases, etc.
- In my opinion, to complete a true audit would be nearly impossible unless the stores were required to track certain other statistics. For example, a true audit would match the inventory of paper bags for a specific period against the number of "codes" tracked for payment of the bag (I assume giving a 5 cent discount for re-usable bags would count the same as a 5 cent charge for using paper) with an assessment of the differences between inventory and bag charges for a "reasonable" allowed variation. For example, if a store had an inventory of 1,000 bags on the first of the month, received another 1,000 during the month, and ended the month with 500 bags, a reasonable assumption may be that there should be 1,500 bag charges identified through cash register receipts plus or minus 15 bags (10% variation) so that receipts should show between 1,485 and 1,515 bag charges in the month. It is not clear to me whether the stores would have or keep the inventory statistics. Nor is it clear whether the stores would be required to code the bag purchases in the same way. If the data was all available and consistent, an audit could probably be done relatively easily and without significant cost. However, if the audit turned up questionable results (i.e., 2,300 bag charges from the sample above) then there would be considerably more work.
- An alternative to this audit approach would be to pull a sample set of receipts and do some kind of assessment, based on the items purchased, how many bags should have been needed

and then see if that many were paid for. The challenges to this approach are largely wrapped up in the fact that there is no way to prove whether the customer in question brought enough of his/her own bags for the entire purchase, chose to not have a bag, or the cashier did not charge for the bag.

- Finally, at the larger stores with self-check kiosks, I am not sure how we would ever audit whether or not the bag charge was assessed. From personal observation, a customer could check out and use a dozen bags and with no cashier there would be no way to know if bag charges have been assessed/paid.

Since this would be a new endeavor for us, the method of auditing would likely be determined based on the complaint filed, the size of the store, and the availability of staff to investigate. As a result of these factors, specific cost estimates are difficult to develop.

Let me know if you need additional information.

Nancy Brewer
Finance Director
500 SW Madison
PO Box 1083
Corvallis, OR 97333

Attachment 9

**ADMINISTRATIVE SERVICES COMMITTEE
MINUTES
May 9, 2012**

Present

Councilor Mark O'Brien, Chair
Councilor Biff Traber
Councilor Joel Hirsch

Staff

Jim Patterson, City Manager
Mary Steckel, Interim Public Works Director
Karen Emery, Parks and Recreation Director
Linda Lovett, Sustainability Supervisor
Nancy Brewer, Finance Director
Jon Sassaman, Police Captain
Jim Brewer, City Attorney's Office
Kris DeJong, Public Works Management Assistant
Carla Holzworth, City Manager's Office

Visitors

Lon Otterby, Sierra Club
John Gaylord, Audubon Society
Marcy Eastham, Corvallis Chamber of Commerce
Debra Higbee-Sudyka, Marys Peak Group Sierra Club
Charlie Plybon, Surfrider Foundation
Sarah Higginbotham, Environment Oregon

Elizabeth Waldorf, resident
Wendy Peterman, resident
Erma Holmes, resident
Betty Griffiths, resident
Gay Hall, resident

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Sustainability Initiatives Fees Update	*		
II. Single-Use Plastic Bag Reduction Recommendation		*	
III. Other Business	*		

Chair O'Brien called the meeting to order at 4:00 p.m.

CONTENT OF DISCUSSION

I. Sustainability Initiatives Fees Update (Attachment)

Ms. Steckel distributed supplemental transit ridership information (Attachment 1). She said the Sustainability Initiative Fees (SIF) have accomplished the goal of providing enhanced service delivery to the community. She noted ridership increased by nearly 38% in the year following implementation of the fee. In addition, as shown in Attachment A, the first four months of 2012 show that while the percentage increase has slowed, rides on Corvallis Transit System (CTS) are still exceeding 100,000 per

month. The numbers show the SIF has provided a stable, locally controlled funding source that provides capacity to increase transit service hours to meet growing community demand.

Ms. Steckel said the SIF has also been successful in the safety sidewalk program, as staff has been able to respond to hazards quickly and liner feet to be repaired has increased 28% over the last two year average. The result is an overall improvement in sidewalk safety.

Councilor Traber thanked Ms. Steckel for the additional ridership information and said he was pleased to see that his neighbor's sidewalk was quickly repaired.

Councilor Hirsch said he has viewed sustainability as a matter of efficient operations and the sidewalk program is a good example. In response to his inquiry, Ms. Steckel said staff promotes fareless rides on CTS in all of its communications and at community events where staff participates.

Ms. Emery said the urban forestry fee's primary purpose is to implement the beginning phases of the Urban Forestry Management Plan. In the past year, staff has focused on structural pruning of young trees and removal of hazardous trees in the right-of-way. She announced a new neighborhood tree steward program that will use volunteers to water and care for new trees. Ms. Emery said the number of service requests and staff responses has nearly doubled since the fee was implemented. Another aspect of the urban forestry fee is helping to build \$75,000 in reserves to address damage after emergency weather events.

Councilor Hirsch said he is pleased with how staff is addressing hazardous trees and the fee is important for efficiency and public safety.

Councilor Traber agreed the program to address trees is working well. In response to his inquiry, Ms. Emery said she would follow up with Community Development about how the Urban Forester interacts with the Planning Division to ensure developers are held accountable for landscaping requirements, including trees.

The item is for information only.

II. Single-Use Plastic Bag Reduction Recommendation (Attachment)

Ms. Steckel distributed copies of emails received between May 3, 2012 and noon on May 9, 2012 (Attachment 2)

Ms. Lovett provided a report of the plastic bag reduction process to date and how staff reached its recommendation (Attachment 3).

Councilor Traber said he was surprised at the estimated cost of enforcement when compared with other enforcement activities in the City such as security alarms. Ms. Steckel noted how enforcement is accomplished is important and said staff in other departments would know more about how other ordinances are enforced. She said the costs outlined in the staff report are generally the same as those for code enforcement operations. She noted, however, established programs such as code enforcement already have costs allocated within a budget. The new program would need to have the costs for investigation, enforcement, and outreach covered by the cost of enforcement. Ms. Steckel added the City's practice has been to seek voluntary compliance with ordinances, which involves staff time. If no fine is levied because compliance was achieved, there is no mechanism to recoup the costs incurred to that point.

Councilor Traber said it seems straight forward that someone could to go to a store and observe that plastic bags are being offered to customers, so he does not see how enforcement could be so costly. Ms. Steckel said there is no way to estimate how many violations may occur and due to turnover in the business community, there will always be new retailers to work with. Staff was trying to capture the full cost of a new program, rather than subsidizing costs with funds from other programs. Mr. Patterson noted the importance of ensuring adequate funds to cover a new program, especially in this tight budget climate.

In response to Councilor Traber's observation that the City annually receives 400 or 500 complaints about the Rental Housing Code and only one staff person is assigned to the program, Ms. Brewer said most of those complaints can be resolved by a phone call to the landlord. However, sometimes the issue is larger and more resources are required to address the complaint, which can involve staff from other departments such as police and building inspectors. She said enforcement for plastic bags is a different situation. Councilor Traber said he is not necessarily convinced it is different. Councilor Hirsch agreed with Councilor Traber.

Ms. Steckel said if staff received a phone call reporting a violation, they would still need to visit the retailer to determine if the violation was occurring. At some point, a fine must be large enough to recoup the hours invested in providing warnings to retailers.

*

City Attorney Brewer noted potential legal issues as outlined in the staff report. He noted the City of Aspen, Colorado has banned plastic bags and has a 20 cent paper bag fee. The City of Bellingham, Washington enacted a plastic bag ban, subsequently suspended it, and is now preparing to re-enact it. Mr. Brewer said he believes Bellingham's ordinance is modeled after Seattle's. Bellingham has received so many inquiries they will not answer questions over the phone. Rather, they require all questions be sent to their city attorney's office in writing, with no guarantee of a

response. Mr. Brewer said established programs are less likely to receive legal challenges. He is not supportive of ordinances that are not enforced. Mr. Brewer noted staff would be needed to investigate alleged violations before his office could seek prosecution. He added the City's Municipal Court does not usually assess maximum fines, but instead emphasizes safety and seeks compliance rather than punishment.

Councilor Hirsch said he is sympathetic to those who want plastic bags as an option, but there is an environmental cost, so he is leaning toward charging a fee for them. However, he recognizes the issues associated with the City assessing a fee it does not collect. In response to Councilor Hirsch's inquiry about transient room tax (TRT) collections, Ms. Brewer said the City receives monthly reports from hotels and staff tries to audit one hotel each year. For plastic bags, it would be challenging for the City to know if retailers are charging for bags and staff capacity does not exist to audit retailers.

In response to Councilor Hirsch's inquiry about implementing a permit fee based on the size of the business, Ms. Brewer said it would take time to develop an equitable system to charge retailers and create an audit process.

In response to Councilor Traber's inquiry about having funds come to the City rather than merchants, and how that might be similar to the process of collecting the TRT, Ms. Brewer said there is no established collection mechanism for a bag fee. Councilor Traber said the established process of having hotels send periodic reports to the City could be applied to retailers, and any funds collected from retailers that are in excess of program costs could be used by the City in other ways. In response to Councilor Traber's assertion the same process to collect the TRT could be used for retailers, Ms. Brewer noted there are only about 12 hotels, but approximately 150 retail establishments. She expressed concern it would significantly increase the scope of work to manage collection and audits.

In response to Chair O'Brien's inquiry, Councilor Traber said his earlier questions were asked to get a better understanding of enforcement costs as they relate to fees being kept by merchants, versus a tax that would bring revenue directly to the City. Through his inquiries, he now realizes that in addition to verifying whether a merchant is offering plastic bags, enforcement becomes more complex when factoring in fee collections. In addition, earlier suggestions that an option may be to institute a permit or tax raised new questions for him.

Councilor Hirsch said he sees the issue as how to limit the amount of plastic in the environment, how to give citizens access to plastic bags perhaps via a fee, and whether doing so is a potential source of revenue for the City. He opined the City should be able to accomplish all three elements.

In response to Councilor Traber's inquiry, Mr. Brewer said while it would depend on how the ordinance is worded, typically each individual incident is a violation and fines could be assessed for each proven violation.

In response to Councilor Traber's statement about the possible involvement of police officers in observing retailers for possible violations, Ms. Steckel estimated program costs would greatly increase if law enforcement is included. Fees would have to be raised significantly to generate enough revenue to cover the cost of the program.

Ms. Steckel also noted staff is aware of the impact of plastic bags on the environment, but it is important to consider whether monitoring the environmental impacts of plastic bags is a core City service. As discussed in the staff report, there may be alternatives for accomplishing the same goal that do not place the responsibility with the City.

PUBLIC TESTIMONY

Lon Otterby said the proposed ordinance does not ban people from buying plastic bags on their own, plastic bags are not renewable, they are bad for the environment, they come from out of state, and paper bags employ Oregonians.

Marcy Eastham read from prepared testimony (Attachment 4). In response to Councilor Hirsch's statement that the City needs to lead on the issue, Ms. Eastham said she understands the difficult position of the Council, but she cautioned about unintended consequences.

Wendy Peterman said she appreciates the need for the City to be financially sustainable, she sees the issue as local, and she believes it should be easy to deal with. Ms. Peterman said she wrote to Council two years ago about a ban bag, she is concerned about the future for her daughter, and she personally hands out reusable bags to citizens outside of stores and also to the homeless.

John Gaylord said he came to Corvallis 16 years ago due to the City's forward thinking reputation. He has personally observed the negative effects of plastic bags on wildlife and he noted the plastic bag ban program in Telluride, Colorado where the city worked with retailers to address individual concerns. He encouraged Corvallis to work with retailers in a similar manner and he opined that once people are charged for bags, they will find alternatives. He said the issue of cities assessing a fee they do not collect has been litigated.

Elizabeth Waldorf said she is a retired college biology teacher and has spent many years studying environmental science. She encouraged the Committee to look at the big picture of global warming and excessive petroleum use. Ms. Waldorf noted other countries are planning ahead and reducing or leveling off petroleum consumption. She

recommended reading the books *Under a Green Sky* and *The Biochar Solution*.

Charlie Plybon said he does not live in Corvallis, but is representing members of the Surfrider organization who are residents. He said while he appreciates the work of staff, he disagrees with some of their findings. He had understood the charge to be reducing the use of plastic bags and while his members would prefer an ordinance, they could accept voluntary action on the part of retailers. Mr. Plybon said he has worked with Senator Hass to address the commerce clause issue. He received an update from the Senator's legal counsel just prior to walking into the meeting, so he has not had an opportunity to review the findings, but offered to forward the information to the Committee. He opined the cost of the program seems high and the way to reduce plastic bag use is to work directly with the consumer. Mr. Plybon believes banning plastic bags outright and charging a fee for paper bags is a good approach. He requested staff spend more time talking to stakeholders and he noted information about reducing costs is available. In response to Councilor O'Brien's inquiry, Mr. Plybon said he agrees that paper bags are also an environmental concern and Los Angeles County, California is considering banning them. He noted that charging a fee for paper bags will discourage their use as well. In response to Councilor Traber's inquiry, Mr. Plybon said Senator Hass' legal counsel's findings are they disagreed the commerce clause would have any effect on the City's charter.

Erma Holmes said it is important to reduce plastic bags in oceans and waterways. She showed the Committee a variety of reusable bags, noting they are convenient and easy to use.

Betty Griffiths said while the plastic bag survey is interesting, it is not statistically valid. She urged the Committee to support the original ordinance proposed by the Sierra Club Marys Peak Group. Ms. Griffiths stressed the need to be clear the ban does not apply to all plastic bags. She noted Corvallis took the lead to ban smoking in bars and restaurants several years ago and they should take the lead to ban plastic bags. Ms. Griffiths opined the staff report is weak, biased, and has put up every possible barrier to enacting an ordinance. She said she believes the process may be intended to kill the plastic bag ban rather than to proceed on what Council indicated it would do when in 2011 they supported a statewide ban. Ms. Griffiths said she was not pleased with recent Council decisions that did not include public input, such as placing the question of personhood on the November ballot and changing Council meeting times. She asked the Committee to at least pass an ordinance that seeks voluntary compliance, noting the City could then work on more complex issues such as fees.

Sarah Higginbotham said she is representing the 400 Corvallis members of Environment Oregon, an environmental advocacy group. She thanked staff for their work, she said Oregon is behind other states in this matter, and she noted many Corvallis businesses are supportive of a plastic bag ban. She said her organization's

members urge the Committee to ban plastic bags and assess a fee on paper bags to increase use of reusable bags and decrease plastic waste.

Gay Hall said as part of completing her master recycling class, she went to the land fill where she noticed many plastic bags blowing around. She said she does not use plastic bags for dog waste, noted that other cities have banned plastic bags, and she urged the City to ban them in Corvallis.

Debra Higbee-Sudyka, Sierra Club Marys Peak Group, read from a prepared statement (Attachment 5). Chair O'Brien disagreed with her assertion that City staff is passing the buck and he said staff is doing what Council requested, which includes working with stakeholders, reviewing options, and making a recommendation. He opined that most Councilors want a ban on plastic bags and he expressed concern about the unintended consequences that would result from a poorly worked out ban. Chair O'Brien said it is not fair to question staff's commitment to sustainability or their intentions. Ms. Higbee-Sudyka said she did not intend to be disrespectful, but instead to question the research. For example, why didn't staff contact the person in charge of Portland's sustainability program and why are there no environmental references in the report. In response to Councilor Traber's inquiry, Ms. Higbee-Sudyka said she could not speak to all the scenarios of cities that have adopted a pass through fee, but in California the fee stays with the merchant and she believes this practice is generally the norm elsewhere.

Bruce Harmon distributed copies of written feedback for the Mayor and City Council (Attachment 6).

DELIBERATIONS

Councilor Traber said he sees three options: approve an ordinance with enforcement, approve an ordinance with a negative incentive that identifies stores that are not complying, or changing the proposal to charge a bag fee. He said doing nothing is not satisfactory to him, so he supports taking some type of action.

Councilor Traber moved to add an enforcement clause to staff's proposed ordinance that includes a several hundred dollar fine per violation and direct staff to bring the revised ordinance back the Administrative Services Committee for review; Councilor Hirsch seconded.

Councilor Hirsch said he agrees with Councilor Traber and more details need to be worked out. He added that other ordinances have enforcement challenges, such as dogs off leash, but the law still exists.

Chair O'Brien clarified that an ordinance is not being enacted nor recommended, but instead is being returned to the Committee for further review.

Administrative Services Committee
May 9, 2012
Page 8 of 8

The motion passed unanimously.

III. Other Business

The meeting adjourned at 6:02 pm.

The next regular Administrative Services Committee meeting is scheduled for 4:00 pm, Wednesday, May 23, 2012 in the Madison Avenue Meeting Room.

Respectfully submitted,

Mark O'Brien, Chair

City of Corvallis