



Meeting Date: 10 /23/12

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input checked="" type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s) _____	<input type="checkbox"/> Report
<input type="checkbox"/> Res. No(s) _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Anthony Emmert, Water Resources Manager *AE* Agenda Item No. I-10

Reviewed By: City Manager City Attorney *SMF* Finance *JLC* Public Works

DATE: October 16, 2012

TO: City Council

FROM: Rob Roshanian, Interim Public Works Director *R.R.*
Public Works

SUBJECT: Participation in Regional Environmental Impact Report on Model Ordinance Regulating Single-Use Plastic Bags

RECOMMENDATION

That City Council approve and authorize the Mayor to execute the Cooperative Agreement between the member agencies of the Beach Erosion Authority for Clean Oceans and Nourishment in the amount not to exceed \$8,000 to facilitate the development of an Environmental Impact Report for a model ordinance regulating single-use plastic bags (Agreement Number A-7540).

DISCUSSION

Beach Erosion Authority for Clean Oceans and Nourishment (“BEACON”) is a multijurisdictional joint-powers agency comprised of the Counties of Santa Barbara and Ventura, and the coastal cities of Goleta, Santa Barbara, Carpinteria, Ventura, Oxnard, and Port Hueneme. Its primary responsibility is the protection of our beaches and coast, as well as the preservation, protection, and enhancement of clean ocean waters.

Plastic shopping bags are made of high-density polyethylene, a synthetic material produced from petroleum. It is estimated that U.S. shoppers use over 100 billion plastic shopping bags each year. Plastic bags do not biodegrade, are readily transported by wind, and make up a significant amount of the litter found in storm drains that lead directly to local beaches and the Pacific Ocean. They can contribute to localized flooding by blocking storm drain inlets, and negatively affect both marine and other aquatic habitats. The City of Oxnard incurs significant costs to remove plastic bags from its streets, storm drain inlets, drainage channels and beaches. Plastic bags also negatively affect the City’s compliance with the Calleguas Creek Watershed Trash Total Maximum Daily Load standard.

At its September 23, 2011 meeting, the BEACON Board of Directors adopted a resolution to support and endorse efforts by BEACON member agencies, other government agencies within Santa Barbara and Ventura Counties, and citizen groups, to limit the adverse impacts of single use plastic bags. In May, 2012, the City of Santa Barbara directed its staff to prepare a draft single-use plastic bag ordinance, which could be used by other agencies as a “model” ordinance.

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BEACON's Board of Directors also voted to seek financial support from member agencies to develop a regional Environmental Impact Report ("EIR"), in accordance with the California Environmental Quality Act (CEQA), based upon the City of Santa Barbara model ordinance, for the ban and/or restriction of single-use plastic bags in the region. BEACON is also seeking financial contributions from environmental advocacy groups and community organizations. Preparation of the EIR is expected to cost between \$60,000 and \$70,000. The City of Oxnard's contribution will not exceed \$8,000.

FINANCIAL IMPACT

The City contribution is \$8,000. There are sufficient funds in the Wastewater Collection Operating Fund, Account No. 611-6102-842-8209 to cover the cost of this contribution.

Attachment #1 - Agreement No. A-7540

**COOPERATIVE AGREEMENT BETWEEN THE MEMBER AGENCIES OF
THE BEACH EROSION AUTHORITY FOR CLEAN OCEANS AND
NOURISHMENT FOR CEQA REVIEW OF PROPOSED ORDINANCE**

This Cooperative Agreement (hereinafter "Agreement") is made this _____ day of _____ 2012, by and between the Counties of Santa Barbara and Ventura, political subdivisions of the State of California, and the Cities of Santa Barbara, Goleta, San Buenaventura, Oxnard and Port Hueneme, and the Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) a joint powers authority including the aforementioned counties and cities, hereinafter designated as Parties.

RECITALS

1. BEACON has been chartered by its member agencies to carry out certain joint functions including efforts to improve and protect ocean water quality.
2. BEACON's Board of Directors and the member agencies of BEACON have decided, both jointly and separately, that it is in the public interest to study the possible enactment of an ordinance within their jurisdictions to control the use and misuse of plastic bags and related matters.
3. The member agencies of BEACON have decided that it is appropriate to study the environmental impacts of such an ordinance on a region wide basis, in order to determine the true nature of the problem and potential solutions thereto.
4. California Environmental Quality Act (CEQA) Guidelines Section 15051 provides that California public entities may provide for the assignment of lead agency duties for a multi-agency project or program by use of a joint powers agreements.
5. BEACON and the City of Santa Barbara have jointly prepared a draft ordinance for consideration by the BEACON member agencies for the control of plastic and paper bags and protection of the ocean and littoral environment. CEQA review of this ordinance is required prior to consideration of implementation of this draft ordinance by the BEACON member agencies.

NOW THEREFORE, the parties agree as follows:

1. The Counties and Cities making up BEACON, those parties hereto, agree to jointly contribute funding in an amount not to exceed \$8000 to BEACON to finance an environmental impact report (EIR).
2. BEACON shall receive such member agency funds and additional funds as may

be contributed by third parties for this effort and use such funds to carry out the program EIR of the proposed plastic bag ordinance and a thorough review of the environmental impacts thereof. BEACON shall act as the Lead Agency for purposes of this EIR and the member agencies, in their discretion, shall act as Responsible Agencies for the possible enactment of a resulting ordinance within their individual jurisdictions.

3. Upon completion of the environmental review, BEACON shall certify the environmental impact report EIR and report to the member agencies on the EIR and the final draft ordinance resulting there from. Each member agency shall separately consider and in their sole discretion approve the EIR and adopt the proposed ordinance, with appropriate changes for each jurisdiction.

4. Entire Agreement

This Agreement constitutes the entire understanding and agreement of the Parties. This Agreement integrates all of the terms and conditions mentioned herein or incidental hereto, and supersedes all negotiations or previous agreement between the Parties with respect to all or any part of the subject matter hereof.

5. Amendments

This Agreement may be amended by mutual written agreement of the Parties duly executed by the lawfully authorized officers or officials of each party.

IN WITNESS WHEREOF, the Agreement has been executed by the Parties as of the day and year first set forth above,

COUNTY OF SANTA BARBARA, a political subdivision of the State of California

By: _____
Chair of the Board of Supervisors

Attest:

Clerk

COUNTY OF VENTURA, a political subdivision of the State of California

By: _____
Chair of the Board of Supervisors

Attest:

Clerk

Beach Erosion Authority for Clean Oceans and Nourishment (BEACON), a California Joint Powers Authority

By: _____
Chair of the Board of Directors

Attest:

Executive Director

CITY OF GOLETA,

By: _____
Mayor

Attest:

Clerk

CITY OF SANTA BARBARA,

By: _____
Mayor

Attest:

Clerk

CITY OF OXNARD,

By: _____
Mayor

Attest:

Clerk

CITY OF PORT HUENEME,

By: _____
Mayor

Attest:

Clerk

City of San Buenaventura

By: _____
Mayor

Attest:

Clerk

Approved as to Legal Form:

Kevin E. Ready, Sr.
BEACON Legal Counsel

