

**CITY OF MILPITAS
RECYCLING AND SOURCE REDUCTION ADVISORY COMMISSION MEETING
JULY 26, 2011, 6:00 P.M.
CITY HALL COMMITTEE MEETING ROOM
455 E. CALAVERAS BLVD, MILPITAS CA 95035**

I. ROLL CALL

II. PLEDGE OF ALLEGIANCE

III. SEATING OF ALTERNATES

IV. APPROVAL OF THE MINUTES OF THE APRIL 26, 2011 MEETING

V. PUBLIC FORUM

Members of the audience are invited to address the Recycling and Source Reduction Advisory Commission on any subject not on tonight's agenda. Speakers must state their name and address for the Secretary's record, and limit their remarks to under three minutes. As an item not on the agenda, no response is required of City staff or the Commission; however, the Commission may place the item on the agenda for a future meeting.

VI. ANNOUNCEMENTS

VII. COUNCIL LIAISON REPORT

VIII. APPROVAL OF AGENDA

IX. NEW BUSINESS

1. ALLIED DENSIFIER TOUR

X. OLD BUSINESS

1. COMMISSION SCOPE AND MISSION

2. SINGLE-USE CARRY OUT BAGS

XI. STATUS OF DIVERSION PROGRAM ACTIVITIES

XII. FUTURE AGENDA ITEMS

XIII. ESTABLISH NEXT MEETING DATE

XIV. ADJOURNMENT

KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

Materials related to an item on this agenda submitted to the Recycling and Source Reduction Advisory Commission after initial distribution of the agenda packet are available for public inspection at the Utility Engineering department at
Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas during normal business hours.

For more information on your rights under the Open Government Ordinance or to report a violation of the ordinance, contact the City Attorney's office at
Milpitas City Hall, 455 E. Calaveras Blvd, Milpitas, CA 95035
E-mail: mogaz@ci.milpitas.ca.gov / Fax 408/586-3030 / Phone 408/586-3040

The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website www.ci.milpitas.ca.gov by selecting the Milpitas Municipal Code link.

IX. NEW BUSINESS

1. ALLIED DENSIFIER TOUR

During the April 26, 2011 discussion of Senate Bill 586, the Commissioners expressed interest in scheduling a special meeting to view Allied's new expanded polystyrene foam densifier machine. A densifier facilitates recycling polystyrene by compacting it for shipment. As background, SB 568 would prohibit the distribution and use of polystyrene foam containers by food vendors for prepared food. The bill passed from the Assembly Committee of Natural Resources on June 27, 2011 and off the Senate Floor on June 2. The Commissioners may discuss and finalize possible tour dates and times at the July meeting.

RECOMMENDATION: Discuss, and if desired, determine a tour date and time with Allied to allow staff to schedule a special meeting.

X. OLD BUSINESS

1. COMMISSION SCOPE AND MISSION

At the April 26, 2011 meeting, the Commissioners discussed several items related to the by-laws, including:

- Meeting start time,
- Meeting frequency,
- Commission's scope, mission, and by-laws.

The Commissioners agreed to a new meeting time of 6pm and agreed to discuss changing the Commission's scope, mission, and meeting frequency at the July meeting. In preparation for item, commissioners agreed to prepare their own revision of section 1 of the Commission's by-laws before the next meeting to share during the session. As reference, a copy of the current by-laws is included in the agenda packet.

RECOMMENDATION: Describe desired changes, if any, and request proposed changes be placed on a future agenda for action.

2. SINGLE-USE CARRYOUT BAGS

At the April meeting, Commissioners voted to recommend to the City Council that it develop a bag ban ordinance. The specific elements of such a ban were not discussed. At this time, staff recommends that the Commission consider recommending an ordinance with content similar to that recently adopted by the City of San Jose. This would ban distribution of plastic point-of-purchase bags and would require that merchants collect a 10 to 25 cent fee for each paper bag. In addition, paper bags would need to have 40% recycled content.

Staff seeks the Commission's approval to include the following definitions and provisions in the City's ordinance:

- Single-use carryout bag materials: includes all plastic film and paper;
- Bag types: includes all point-of-sale/departure bags; excludes clear plastic bags for produce/meat products, pharmacy bags, and recycled-content paper bags provided for a fee;
- Fees: stores charge \$0.10 for each recycled paper bag, increasing to \$0.25 two years after ordinance goes into effect;
- Businesses: restrictions apply to grocery stores, pharmacies, small and large retailers; ordinance excludes restaurants and nonprofit charitable reuse stores;
- Exemption: customers purchasing food with Supplemental Nutrition Assistance Program (SNAP) and Women, Infants and Children (WIC) “food stamps” may receive recycled paper bags at no cost through first 12 months of ordinance;
- Outreach and Enforcement: retailers instructed to return mailed certification that they understand and will abide by ordinance restrictions before ban begins; based on customer reports, verbal and written warning in a tiered follow-up format with retailer;
- Recordkeeping and inspection: maintenance of complete and accurate records or documents of the purchase and sale of any recycled paper bag for three years with access to records or documents provided at the retail establishment at no cost to the City;
- Penalties: Reference to Milpitas Municipal Code Section I-1-4.09, (1) a fine not exceeding One Hundred Dollars (\$100) for a first violation; (2) a fine not exceeding Two Hundred Dollars (\$200) for a second violation of the same act within one year; (3) a fine not exceeding Five Hundred Dollars (\$500) for each additional violation of the same act within one year. Each day such a violation continues shall be regarded as a new and separate infraction.

Additionally, staff seeks direction on public information and outreach methods. This may include media relations, advertising and public service announcements, ordinance information for retailers and training factsheets for employees, and reusable bag distributions at large grocery and retail businesses.

RECOMMENDATION: Request that staff bring Commission’s recommendation to develop a bag ban ordinance patterned after the City of San Jose ordinance to the City Council.

XI. STATUS REPORT OF DIVERSION PROGRAM ACTIVITIES

Highlights of May – July diversion program activities:

- a. Single Family Recycling & Waste Reduction: Submitted articles for Fall 2011 Parks & Recreation Activity Guide; completed web page updates and links for Household Hazardous Waste information and appointments; publicized free Composting Workshops scheduled on May 14 and June 11.

- b. Multi-family Recycling & Waste Reduction: Supported Allied field promotions including updated inserts for property manager packets, targeted 16 accounts in the Selwyn/Shirley/Dempsey neighborhood.
- c. Commercial Recycling & Waste Reduction: Mailed large postcard to 114 businesses targeted as hard to reach / not recycling; continued support of Allied field marketing.
- d. Neighborhood Clean-ups: Allied and City conducted last 2011 clean-up event on May 14 (prior events were April 9 & 23). In total, 314 people participated and 44 tons of material were recycled at Allied's commercial facility. Minimal amounts were landfilled.
- e. Household Hazardous Wastes: Produced and distributed citywide doorhanger, local print advertising, website and KMLP-15 placements for June 25 drop-off event in Milpitas.
- f. Rancho Milpitas Middle School Beautification: Allied continued coordination with principal and MUSD staff. October date to be determined.
- g. Movie Nights at Senior Center: City and Allied staff info table before event begins on June 30, July 14 & 28, August 11 & 25.
- h. Milpitas Post Online Advertising: Produced web page advertising promoting the June 11 Compost Workshop, June 25 HHW event, and "Recycle Right" with links to sign-up web pages and City's recycling information.

RECOMMENDATION: Note receipt and file.

XII. FUTURE AGENDA ITEMS

XIII. ESTABLISH NEXT MEETING DATE

The next regular meeting of the Commission is January 24, 2012 at 6 pm.

XIV. ADJOURNMENT