

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND

AGENDA REPORT

2009 MAR 11 PM 2:01

TO: Office of the City Administrator
 ATTN: Dan Lindheim
 FROM: Public Works Agency
 DATE: March 17, 2009

RE: Supplemental Report On The Resolution In Support Of Assembly Bill (AB) 68 (Brownley) And Assembly Bill (AB) 87 (Davis) – Solid Waste: Single Use Carryout Bags, Which Would Require On Or After July 1, 2010, A Store Providing Plastic Carryout Bags To Customers To Charge Not Less Than \$0.25 Per Bag

SUMMARY

This supplemental report provides a response to the Rules and Legislative Committee request on March 5, 2009 for information clarifying the major differences between Assembly Bill (AB) 68 (Brownley) and Assembly Bill (AB) 87 (Davis).

AB 68 and AB 87 are substantially similar bills and staff has been advised by the City lobbyist that at some point in the legislative process they will merge into one bill. The main difference is the mechanics of conforming the language of the bill to existing statutes. Supporting both bills retains the City's options as these bills move through the legislature. Below is the summary comparing AB 68 and AB 87.

AB 68 - Brownley	AB 87 - Davis
Establishes Chapter 5.3 in the Public Resources Code	Amends Chapter 5.1 (Existing At Store Recycling Program)
Stores may not retain more than \$.10 cents per bag that is a green (compostable) bag.	Stores may not retain more than \$.07 cents per bag that is a green (compostable) bag.
No requirement for stores to work with local jurisdictions.	Stores must coordinate with local jurisdiction in expending its revenue from the fee.
Cities may receive up to 80% of fund for environmental programs	Cities may receive up to 92% of fund for environmental programs
Board of Equalization (BOE) is limited to 5% of funds for admin. costs.	BOE is limited to 3% of funds for admin. costs.
BOE is limited to 5% of funds for administering chapter requirements	BOE is limited to 5% of funds to implement environmental programs.
Does not specify how the state will administer the program and distribute funds	Brings administration and funding distribution under the existing system used by the Dept. of Conservation for the City/County Block Grant program.
On or before January 1, 2012, the Cal-EPA required to report effectiveness to the Legislature	On or before January 1, 2012 and biennially thereafter, the BOE in conjunction with State Water Resources Control Board, State Air Resources Control Board and regional water quality control boards and stakeholders required to report effectiveness.

Item: _____
 City Council
 March 17, 2009

Chain stores which have total combined store space of 10,000 square feet or larger within a jurisdiction are required to comply with either legislation. After costs to implement and manage the program, stores must use their portion of the fee to develop and implement educational campaigns encouraging the use of reusable bags.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the Resolution to support AB 68 (Brownley) and AB 87 (Davis).

Respectfully submitted,



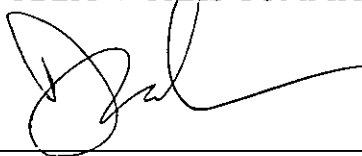
Raul Godinez II, P.E.
Director, Public Works Agency

Reviewed by:
Brooke A. Levin, Assistant Director

Reviewed by:
Susan Kattchee, Environmental Services Manager

Prepared by:
Wanda Redic, Recycling Specialist
Environmental Services Division

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE



Office of the City Administrator

Item: _____
City Council
March 17, 2009