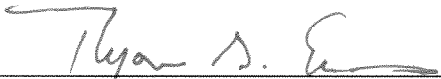
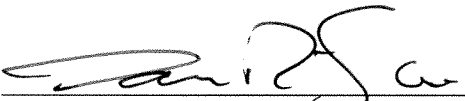


**JANUARY 15, 2014 CITY COUNCIL BRIEFING AGENDA  
CERTIFICATION**

This certification is given pursuant to Chapter XI, Section 9 of the City Charter for the City Council Briefing Agenda dated January 15, 2014. We hereby certify, as to those contracts, agreements, or other obligations on this Agenda authorized by the City Council for which expenditures of money by the City are required, that all of the money required for those contracts, agreements, and other obligations is in the City treasury to the credit of the fund or funds from which the money is to be drawn, as required and permitted by the City Charter, and that the money is not appropriated for any other purpose.

  
\_\_\_\_\_  
A.C. Gonzalez  
Interim City Manager

1-10-14  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Edward Scott  
City Controller

1/10/14  
\_\_\_\_\_  
Date



RECEIVED

2014 JAN 10 PM 5:02

CITY SECRETARY  
DALLAS, TEXAS



# COUNCIL BRIEFING AGENDA

January 15, 2014

Date

(For General Information and Rules of Courtesy, Please See Opposite Side.)  
(La Información General Y Reglas De Cortesía Que Deben Observarse  
Durante Las Asambleas Del Consejo Municipal Aparecen En El Lado Opuesto, Favor De Leerlas.)

## General Information

The Dallas City Council regularly meets on Wednesdays beginning at 9:00 a.m. in the Council Chambers, 6th floor, City Hall, 1500 Marilla. Council agenda meetings are broadcast live on WRR-FM radio (101.1 FM) and on Time Warner City Cable Channel 16. Briefing meetings are held the first and third Wednesdays of each month. Council agenda (voting) meetings are held on the second and fourth Wednesdays. Anyone wishing to speak at a meeting should sign up with the City Secretary's Office by calling (214) 670-3738 by 5:00 p.m. of the last regular business day preceding the meeting. Citizens can find out the name of their representative and their voting district by calling the City Secretary's Office.

Sign interpreters are available upon request with a 48-hour advance notice by calling (214) 670-5208 V/TDD. The City of Dallas is committed to compliance with the Americans with Disabilities Act. **The Council agenda is available in alternative formats upon request.**

If you have any questions about this agenda or comments or complaints about city services, call 311.

## Rules of Courtesy

City Council meetings bring together citizens of many varied interests and ideas. To insure fairness and orderly meetings, the Council has adopted rules of courtesy which apply to all members of the Council, administrative staff, news media, citizens and visitors. These procedures provide:

- That no one shall delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer.
- All persons should refrain from private conversation, eating, drinking and smoking while in the Council Chamber.
- Posters or placards must remain outside the Council Chamber.
- No cellular phones or audible beepers allowed in Council Chamber while City Council is in session.

"Citizens and other visitors attending City Council meetings shall observe the same rules of propriety, decorum and good conduct applicable to members of the City Council. Any person making personal, impertinent, profane or slanderous remarks or who becomes boisterous while addressing the City Council or while attending the City Council meeting shall be removed from the room if the sergeant-at-arms is so directed by the presiding officer, and the person shall be barred from further audience before the City Council during that session of the City Council. If the presiding officer fails to act, any member of the City Council may move to require enforcement of the rules, and the affirmative vote of a majority of the City Council shall require the presiding officer to act." Section 3.3(c) of the City Council Rules of Procedure.

## Información General

El Ayuntamiento de la Ciudad de Dallas se reúne regularmente los miércoles en la Cámara del Ayuntamiento en el sexto piso de la Alcaldía, 1500 Marilla, a las 9 de la mañana. Las reuniones informativas se llevan a cabo el primer y tercer miércoles del mes. Estas audiencias se transmiten en vivo por la estación de radio WRR-FM 101.1 y por cablevisión en la estación *Time Warner City Cable* Canal 16. El Ayuntamiento Municipal se reúne en el segundo y cuarto miércoles del mes para tratar asuntos presentados de manera oficial en la agenda para su aprobación. Toda persona que desee hablar durante la asamblea del Ayuntamiento, debe inscribirse llamando a la Secretaría Municipal al teléfono (214) 670-3738, antes de las 5:00 pm del último día hábil anterior a la reunión. Para enterarse del nombre de su representante en el Ayuntamiento Municipal y el distrito donde usted puede votar, favor de llamar a la Secretaría Municipal.

Intérpretes para personas con impedimentos auditivos están disponibles si lo solicita con 48 horas de anticipación llamando al (214) 670-5208 (aparato auditivo V/TDD). La Ciudad de Dallas se esfuerza por cumplir con el decreto que protege a las personas con impedimentos, *Americans with Disabilities Act*. **La agenda del Ayuntamiento está disponible en formatos alternos si lo solicita.**

Si tiene preguntas sobre esta agenda, o si desea hacer comentarios o presentar quejas con respecto a servicios de la Ciudad, llame al 311.

## Reglas de Cortesía

Las asambleas del Ayuntamiento Municipal reúnen a ciudadanos de diversos intereses e ideologías. Para asegurar la imparcialidad y el orden durante las asambleas, el Ayuntamiento ha adoptado ciertas reglas de cortesía que aplican a todos los miembros del Ayuntamiento, al personal administrativo, personal de los medios de comunicación, a los ciudadanos, y a visitantes. Estos reglamentos establecen lo siguiente:

- Ninguna persona retrasará o interrumpirá los procedimientos, o se negará a obedecer las órdenes del oficial que preside la asamblea.
- Todas las personas deben abstenerse de entablar conversaciones, comer, beber y fumar dentro de la cámara del Ayuntamiento.
- Anuncios y pancartas deben permanecer fuera de la cámara del Ayuntamiento.
- No se permite usar teléfonos celulares o enlaces electrónicos (*paggers*) audibles en la cámara del Ayuntamiento durante audiencias del Ayuntamiento Municipal

"Los ciudadanos y visitantes presentes durante las asambleas del Ayuntamiento Municipal deben de obedecer las mismas reglas de comportamiento, decoro y buena conducta que se aplican a los miembros del Ayuntamiento Municipal. Cualquier persona que haga comentarios impertinentes, utilice vocabulario obsceno o difamatorio, o que al dirigirse al Ayuntamiento lo haga en forma escandalosa, o si causa disturbio durante la asamblea del Ayuntamiento Municipal, será expulsada de la cámara si el oficial que este presidiendo la asamblea así lo ordena. Además, se le prohibirá continuar participando en la audiencia ante el Ayuntamiento Municipal. Si el oficial que preside la asamblea no toma acción, cualquier otro miembro del Ayuntamiento Municipal puede tomar medidas para hacer cumplir las reglas establecidas, y el voto afirmativo de la mayoría del Ayuntamiento Municipal precisará al oficial que este presidiendo la sesión a tomar acción." Según la sección 3.3 (c) de las reglas de procedimientos del Ayuntamiento.

AGENDA  
CITY COUNCIL BRIEFING MEETING  
WEDNESDAY, JANUARY 15, 2014  
CITY HALL  
1500 MARILLA  
DALLAS, TEXAS 75201  
9:00 A.M.

9:00 am      Invocation and Pledge of Allegiance      6ES

                 Special Presentations

                 Open Microphone Speakers

VOTING AGENDA      6ES

1.      Approval of Minutes of the December 4, 2013 City Council Meeting
2.      Consideration of appointments to boards and commissions and the evaluation and duties of board and commission members (List of nominees is available in the City Secretary's Office)

BRIEFINGS      6ES

- A.      D/FW International Airport Board of Directors Nomination/Appointment Process

ITEMS FOR INDIVIDUAL CONSIDERATION

**City Secretary's Office**

3.      Consideration of appointments to the Dallas/Fort Worth International Airport Board of Directors for Places 4, 6 and 9 (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A.) (List of nominees in the City Secretary's Office)

**City Attorney's Office**

4.      Authorize the creation of and the appointment of members to the Charter Review Commission - Financing: This action has no cost consideration to the City

AGENDA  
CITY COUNCIL BRIEFING MEETING  
WEDNESDAY, JANUARY 15, 2014

BRIEFINGS (Continued) 6ES

B. Continued Discussion on Carryout Bags

Lunch

C. Purchasing Process Overview

Closed Session 6ES

Attorney Briefings (Sec. 551.071 T.O.M.A.)

- Paul Heller et al., v. City of Dallas, Cause No. 13-CV-4000-L, and proposed amendments to Section 28-158.1 of the Dallas City Code.

Open Microphone Speakers 6ES

The above schedule represents an estimate of the order for the indicated briefings and is subject to change at any time. Current agenda information may be obtained by calling (214) 670-3100 during working hours.

Note: An expression of preference or a preliminary vote may be taken by the Council on any of the briefing items.

A closed executive session may be held if the discussion of any of the above agenda items concerns one of the following:

1. Contemplated or pending litigation, or matters where legal advice is requested of the City Attorney. Section 551.071 of the Texas Open Meetings Act.
2. The purchase, exchange, lease or value of real property, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.072 of the Texas Open Meetings Act.
3. A contract for a prospective gift or donation to the City, if the deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. Section 551.073 of the Texas Open Meetings Act.
4. Personnel matters involving the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee or to hear a complaint against an officer or employee. Section 551.074 of the Texas Open Meetings Act.
5. The deployment, or specific occasions for implementation of security personnel or devices. Section 551.076 of the Texas Open Meetings Act.
6. Deliberations regarding economic development negotiations. Section 551.087 of the Texas Open Meetings Act.





**AGENDA ITEM # 3**

**KEY FOCUS AREA:** Efficient, Effective and Economical Government

**AGENDA DATE:** January 15, 2014

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** City Secretary

**CMO:** Rosa A. Rios, 670-5654

**MAPSCO:** N/A

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**SUBJECT**

Consideration of appointments to the Dallas/Fort Worth International Airport Board of Directors for Places 4, 6 and 9 (Closed Session, if necessary, Personnel, Sec. 551.074, T.O.M.A.) (List of nominees in the City Secretary's Office)

January 15, 2014

**WHEREAS**, pursuant to the CONTRACT and AGREEMENT between the City of Dallas and the City of Fort Worth, as amended, the City Council of the City of Dallas is authorized to appoint six (6) members to the DALLAS/FORT WORTH INTERNATIONAL AIRPORT BOARD, such appointments to be evidenced by a resolution on file in the Dallas city records; and

**WHEREAS**, each Dallas board member shall be appointed to occupy designated Place Nos. 1, 4, 5, 6, 9, 11 and Place 10 shall at all times be filled by the duly elected Mayor of the City of Dallas; and

**WHEREAS**, the terms of office of three of the Dallas appointed members serving in Positions 4, 6 and 9 expire January 31, 2014;

Now, Therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**Section 1:** The following individuals are hereby (re)appointed to the DALLAS/FORT WORTH INTERNATIONAL AIRPORT BOARD with terms to expire January 31, 2016:

Place 04 \_\_\_\_\_  
Place 06 \_\_\_\_\_  
Place 09 \_\_\_\_\_

**Section 2:** That, upon selection of individuals to serve on the DFW Board, the City Secretary's Office shall assign these individuals to one of the available board places.

**Section 3:** That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

**AGENDA ITEM # 4**

**KEY FOCUS AREA:** Efficient, Effective and Economical Government

**AGENDA DATE:** January 15, 2014

**COUNCIL DISTRICT(S):** All

**DEPARTMENT:** City Attorney's Office

**CMO:** Warren M.S. Ernst, 670-3491

**MAPSCO:** N/A

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**SUBJECT**

Authorize the creation of and the appointment of members to the Charter Review Commission - Financing: This action has no cost consideration to the City

**BACKGROUND**

Dallas City Charter Chapter II Section 3 requires that the Charter be reviewed by a Charter Review Commission at intervals of not more than 10 years, the first review to occur by no later than November 8, 2015. The manner in which the City Council determines which proposed amendments it wishes to consider is discretionary. Approval of this resolution would create a Charter Review Commission, composed of 11 members, with the City Councilmembers selecting 11 members from a slate of applicants, and the Mayor appointing the chair. The Charter Review Commission will appoint the vice-chair. The Charter Review Commission shall complete its review and report to the City Council no later than June 4, 2014. State law authorizes the governing body of a municipality to then submit proposed charter amendments to the voters for their approval at an election.

**PRIOR ACTION/REVIEW (COUNCIL, BOARDS, COMMISSIONS)**

Council was briefed in closed session on October 2, 2013.

**FISCAL INFORMATION**

This action has no cost consideration to the City.

January 15, 2014

**WHEREAS**, the Dallas City Charter Chapter II Section 3 requires that the Charter be reviewed by a Charter Review Commission at intervals of not more than 10 years, the first review to occur by no later than November 8, 2015; and,

**WHEREAS**, the City Council has determined the need to establish a Charter Review Commission and appoint the members of the Charter Review Commission; **Now, Therefore,**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:**

**Section 1.** That there is hereby created a Charter Review Commission.

**Section 2.** That the Charter Review Commission shall be composed of the 11 members listed on the attached Exhibit A. The Mayor shall appoint the chair, and the vice-chair shall be selected by the Charter Review Commission.

**Section 3.** That the Charter Review Commission shall not be a board as defined by Dallas City Code Chapter 8, but members shall be considered as City Officials for purposes of Dallas City Code Chapter 12A, "Code of Ethics".

**Section 4.** That the Charter Review Commission shall determine the time and place for its meetings and, meetings shall be open to the public.

**Section 5.** That the cost to maintain the Charter Review Commission shall be incurred by the City, and the Charter Review Commission shall be assisted by City staff and external experts as required.

**Section 6.** That the Charter Review Commission shall submit minutes of the meetings to the City Council and City Secretary.

**Section 7.** That the Charter Review Commission shall complete its review and report to the City Council no later than June 4, 2014.

**Section 8.** That this resolution will take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so resolved.

# Memorandum



DATE January 9, 2013

TO A.C. Gonzalez, Interim City Manager

SUBJECT **Briefing Item – D/FW International Airport Board of Directors  
Nomination/Appointment Process**

Attached is the January 15, 2014 briefing material for the D/FW International Airport Board briefing item.

Please contact me if you have questions.



Rosa A. Rios  
City Secretary

c: Warren Ernst, City Attorney  
Jill Jordan, Assistant City Manager  
Biliera Johnson, Assistant City Secretary  
Barbara Martinez, Assistant City Attorney  
Lindsay Kramer, Assistant to the City Manager/MCC  
Jesus J. Salazar, Boards and Commissions Manager, CSO  
Cheryl Nichols, Agenda Coordinator  
Marla Avelar, Coordinator – Agenda Office



# DFW INTERNATIONAL AIRPORT

BOARD OF DIRECTORS

## NOMINATION/APPOINTMENT PROCESS

*Rosa A. Rios / City Secretary*

*January 15, 2014*



# PURPOSE

The purpose of this briefing is to present an overview for:

1. the nomination process for selecting appointees to the D/FW International Airport Board of Directors for the 2014-2016 Term
  - 3 positions up for (re)appointment; all for 2 year terms
2. appointment process results

# BACKGROUND INFORMATION

- The City of Dallas appoints 6 members to the board for 2 year terms
  - Places 1, 5 and 11 expire on January 31<sup>st</sup> of odd-numbered years (Places: Regina Montoya, Curtis Ransom and Forrest Smith)
  - Places 4, 6 and 9 expire on January 31<sup>st</sup> of even-numbered years (Places: Robert Hsueh, Bernice Washington and Sam Coats)
- Per City Council Resolution No. 76-1888, the “duly elected Mayor of the City of Dallas is automatically appointed to fill Place 10”





# CURRENT SELECTION PROCESS

- November 2013 - Full City Council notified to submit up to 3 (re)nominations to City Secretary's Office (45 potential nominees)
  - Nominating memos included resume/bio (as required)
  - Only 6 nominees were received by the November 15, 2013 deadline
    - (1 nominee withdrawn/1 disqualified due to financial conflicts prior to interviews)
    - Background checks conducted on all (re)nominees
- December 2013 - Transportation and Trinity River Project Committee (TTRPC) to review (re)nominees and select up to 6 nominees for interview (Not necessary, as only 4 nominees remained)
  - 4 interviews conducted, TTRPC ranked all nominees
  - Results: (1) Sam Coats (2) Bernice Washington (3) William Tsao (4) Theresa Flores

# CURRENT SELECTION PROCESS

- January 2014 - City Council Briefing and Appointment of members
  - Briefing on process
  - City Council votes to appoint 3 nominees from the 4 (re)nominees interviewed by the TTRPC (1/15/14 or 1/22/14)
    - City Council has option of substituting nominee(s) as long as the substitute nominee has been interviewed by the TTRPC
    - City Secretary's Office assigns place number after formal appointment by City Council
- February 2014 - New terms begin
  - Members hold over if no appointment(s) occur in January 2014



# CURRENT TIMELINE

- November 16, 2011 - Resolution 11-3106 approved new appointment process
- October 22, 2013 – Requested (re)nominations from City Council
- November 6, 2013 – December 9, 2012, 13 Updates/Status sent to City Council
- November 15, 2013 – Deadline for (re)nominations to be submitted to City Secretary's Office (6 nominees submitted, 2 withdrawn)
- December 9, 2013 – TTRPC interviewed 4 (re)nominees and ranked all interviewees, ranking submitted to the City Council for consideration
- January 15, 2014 – City Council briefing/with option to conduct appointments
- January 22, 2014 – Optional date for appointment(s) if no action on January 15, 2014





**D/FW INTERNATIONAL AIRPORT**

**BOARD OF DIRECTORS**

# QUESTIONS



**DFW D/FW INTERNATIONAL AIRPORT BOARD OF DIRECTORS**

*Nomination/Appointment Process - January 15, 2014*



# Memorandum



CITY OF DALLAS

DATE January 10, 2014

TO The Honorable Mayor and Members of the City Council

SUBJECT **Continued Discussion on Carryout Bags**

On Wednesday, January 15, 2014, the City Council will be briefed on a Continued Discussion on Carryout Bags. The briefing materials are attached for your review.

Please let me know if you have questions or need additional information.

A handwritten signature in cursive script, appearing to read 'Jill Jordan'.

Jill A. Jordan, P.E.  
Assistant City Manager

- c:
- A.C. Gonzalez, Interim City Manager
  - Warren M.S. Ernst, City Attorney
  - Rosa A. Rios, City Secretary
  - Judge Daniel F. Solis, Administrative Judge
  - Craig D. Kinton, City Auditor
  - Ryan S. Evans, Interim First Assistant City Manager
  - Forest E. Turner, Assistant City Manager
  - Joey Zapata, Assistant City Manager
  - Charles M. Cato, Interim Assistant City Manager
  - Theresa O'Donnell, Interim Assistant City Manager
  - Jeanne Chipperfield, Chief Financial Officer
  - Frank Libro, Public Information Office
  - Elsa Cantu, Assistant to the City Manager – Mayor and Council

# CONTINUED DISCUSSION ON CARRYOUT BAGS

Dallas City Council  
January 15, 2014



# Purpose and Structure

- Update on timeline
  - Council briefing, page 3
  - Stakeholder meetings, page 4
  - Committee meetings, page 5
- Draft carryout bag ordinance highlights, page 8
- Austin's Public Education Campaign, page 10
- Cost considerations for Dallas, page 11

# Timeline: Council Briefing

- August 21, 2013
  - Council presented with briefing on carryout bags (see Appendix A)
  - Council sent issue back to Quality of Life and Environment Committee



# Timeline: Stakeholder Meetings

- January 8, 2013
  - City staff attended stakeholder discussion at Kroger
- February 5, 2013
  - City staff toured Hilex Poly facility in Carrollton
- August 13, 2013
  - OEQ met with International Paper at City Hall
- August 26, 2013
  - CMO met with Abel Martinez of HEB at City Hall
- September 5, 2013
  - City staff met with cycleWood Solutions at City Hall
- October 3, 2013
  - City staff met with groups at City Hall
    - Morning: Manufacturers and Recyclers
    - Afternoon: Retailers

# Timeline: Committee Meetings

- October 14, 2013 -- Quality of Life and Environment meeting
  - Stakeholders spoke before Committee
    - Swetha Kannan (citizen)
    - Ken Dublé (citizen and member of Cedars Neighborhood Association)
    - Peter Payton (representing Groundwork Dallas)
    - Ronnie Volkening (representing Texas Retailers Association)
    - Philip R. Rozenski (representing Hilex Poly and APBA)
    - Louis Darrouzet (representing cycleWood Solutions)
    - Chad Fowler (representing International Paper)
    - Harry Davis (citizen and member of 1<sup>st</sup> Unitarian Church)
    - Zac Trahan (representing Texas Campaign for the Environment)
    - Molly Rooke (citizen and member of Sierra Club)
    - Eduardo Hope (representing GreenDrinks)
    - Edward Hartman (representing Texas Campaign for the Environment)
    - Wilton Munnings (representing Dallas Black Chamber of Commerce)
  - Committee decided to reconvene and discuss further

# Timeline: Committee Meetings (continued)

- October 28, 2013 -- Quality of Life and Environment meeting
  - Stakeholders invited
  - Committee members presented with alternatives
    - Voluntary “Reduce-Reuse-Recycle” Program from Texas Retailers Association (see Appendix B)
    - Proposed Mandatory Reduction Program for Retailers (see Appendix C)
  - Committee members discussed positions
  - Committee asked for three options to be brought back in November
    - No ban; implement mandatory reduction program
    - Ban ordinance on carryout bags
    - Fee-based ordinance on carryout bags

# Timeline: Committee Meetings (continued)

- November 18, 2013 -- Quality of Life and Environment meeting
  - Stakeholders invited
  - Both executive session and open session discussions held
  - Resulting options:
    - Vote on existing draft ordinance banning carryout bags
    - Approve Mandatory Reduction Program for Retailers based on industry recommendations
  - Committee voted to move the existing draft ordinance banning carryout bags to full City Council to discuss

# Dallas Draft Ordinance

- Bans single-use carryout bags, paper or plastic
- Defines reusable carryout bags:
  - must have handles (except paper bags with height less than 14 inches and width less than 8 inches) and be constructed of:
    - cloth or other washable fabric or durable material;
    - recyclable plastic greater than 4 mil (0.004 inch); or,
    - recyclable paper with a minimum of 40% recycled content
- Requires language describing reusable bag's ability to be reused and recycled

# Dallas Draft Ordinance (continued)

- Requires bilingual signage, defines placement
- Provides exemptions for certain single-use bags:
  - laundry and garment bags; door hangers; newspaper bags; garbage bags; recyclable paper bags for prescriptions and medical supplies; recyclable paper bags and plastic bags for moisture control from restaurants; bulk food bags; plastic wraps; moisture barriers; and, bags used by non-profits or other charity to distribute items
- Commits City to public education campaign
  - staff recommends one year implementation period

# Austin's Public Education Campaign

- Spent \$122,550 for 37,000 totes in 2013
  - Canvas bags, two colors, made in USA
  - Targeted and general distribution
- City Council authorized \$850,000 for educational campaign in 2013 to prepare citizens and retailers
  - Five training sessions for retailers, website development, training video for retailers, graphics design, media ads, bus placards, online sign templates, letters to businesses, list of bag vendors, FAQs

# Cost Considerations for Dallas

- Public education campaign
  - 600,000 totes estimated to cost \$370,000
    - Non-woven polypropylene bags, single color, made in China
  - Corporate sponsorships, differences in sourcing, changes to design may influence costs
- Retailer education campaign
  - Active enforcement and inspections would require additional FTEs
- Final costs would have to be developed



# Attachments

- Appendix A
  - 87 page briefing given on August 21, 2013
- Appendix B
  - TRA Voluntary “Reduce-Reuse-Recycle” Program
- Appendix C
  - Proposed Mandatory Reduction Program for Retailers

# UPDATE ON DEALING WITH CARRYOUT BAGS

Dallas City Council

Originally Presented August 21, 2013



# BRIEFING ORGANIZATION

- 3 Purpose
- 4 The Issue
- 5 Introduction
- 6 Comparison of Environmental Impacts
- 7 Voluntary Efforts
- 13 Impacts Of Litter
- 17 Current City Of Dallas Litter Efforts
- 21 Motivation
- 27 Legislative Efforts
- 32 Strategies From Other Cities
- 44 Considerations
- 46 Options For Dallas
- 50 Policy Questions
- 51 Next Step
- 53 Appendices

# PURPOSE

- Present snapshot of litter issues in Dallas.
- Summarize other municipalities' single-use carryout bag reduction strategies.
- Provide options for dealing with single-use carryout bags.

# THE ISSUE

- Single-use carryout bags:
  - provide a convenience for customers
  - affect community aesthetics
    - become part of the litter stream
  - impact the environment
    - can harm wildlife and consume resources
  - cost considerations

# INTRODUCTION

- Paper bags have been around since the 1850s.
  - provide a convenience to customers
- Paper bags came under scrutiny in the 1970s for their environmental impact.
  - made from trees prior to sustainable forestry efforts
  - “double bagging” requires more resources
- Plastic carryout bags introduced to the supermarket industry in 1977.
  - replaces paper bags to provide a more economical, lighter-weight , and convenient means of carrying groceries away
- Plastic carryout bag market share goes from 4%, in 1981, to 80%, in 1996\*.
  - plastic bags have since come under scrutiny for their environmental impacts.

\* <http://www.bagmonster.com/2011/05/history-of-the-plastic-bag.html>

# COMPARISON OF ENVIRONMENTAL IMPACTS

	PAPER CARRYOUT BAGS	PLASTIC CARRYOUT BAGS
PROS	<ul style="list-style-type: none"> <li>• Biodegradable.</li> <li>• Made from renewable resources.</li> </ul>	<ul style="list-style-type: none"> <li>• Requires less energy and water to manufacture and transport.</li> <li>• Made from waste by-products of the gas industry.</li> </ul>
CONS	<ul style="list-style-type: none"> <li>• Require more energy and water to manufacture and transport.</li> <li>• Can be littered.</li> </ul>	<ul style="list-style-type: none"> <li>• Not biodegradable/persistent.</li> <li>• Harmful to wildlife.</li> <li>• Highly visible, easily wind-blown litter.</li> </ul>

See Appendix, slide 63 for details.

# VOLUNTARY EFFORTS

- Some Dallas retailers have implemented voluntary reduction and recycling programs; others have not.
  - bag bins for collecting plastic bags and films
  - selling reusable bags
  - signs to remind shoppers to bring reusable bags
  - incentives offered for bringing own bags
- Voluntary strategies succeed when there is consumer buy-in, acceptable bag alternatives, and collective commitments to product stewardship<sup>1</sup>.
- Usually led by governments in the form of sustained programs or short-term activities (e.g. China began the “No Plastic Bag Day” on the first Tuesday of each month which led to a 40% reduction in plastic bag use between April and December 2006)<sup>2</sup>.

1) <http://www.allaboutbags.ca/reduction.html#2>

2) <http://en.beijing2008.cn/96/33/article212063396.shtml>



# VOLUNTARY EFFORTS (continued)

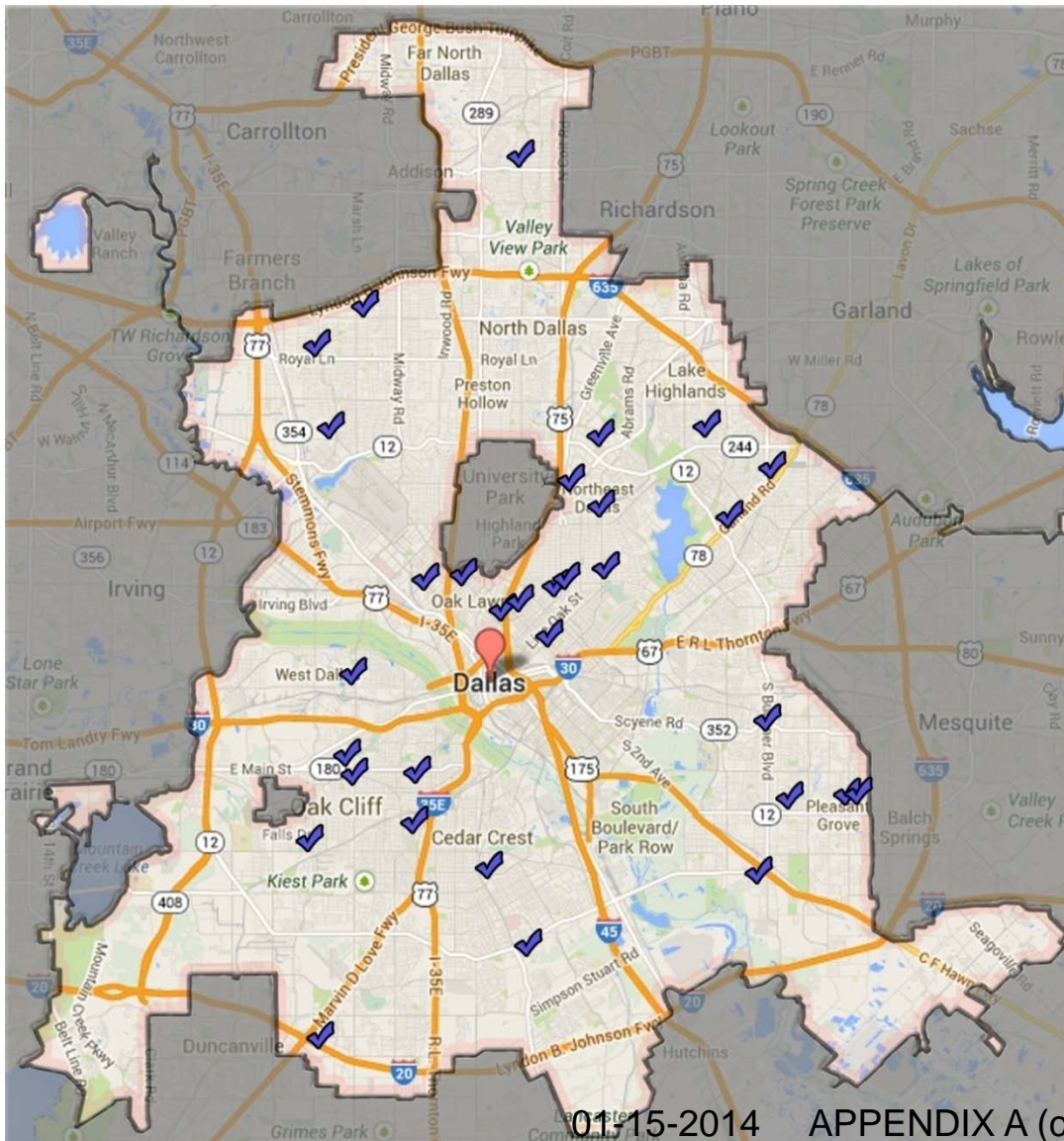
- Australia 2003-2005:
  - goal of 50% reduction/50% recycling
  - resulted in 45% reduction/14% recycling
- Los Angeles County 2008-2010:
  - goal of 30% reduction
  - results inconclusive; only 8 stores met minimum participation levels
- Chicago 2008-2012:
  - goal of increase in store participation in reuse/recycling
  - resulted in increase in businesses reporting they did not recycle any bags (95 stores → 486 stores)
- San Francisco 2005-2006:
  - goal of reduction by 10 million
  - results inconclusive; only 1 store reported results

<http://www.surfrider.org/coastal-blog/entry/voluntary-plastic-bag-reductions-dont-work>

# VOLUNTARY EFFORTS (continued)

- Informal survey of Dallas grocers conducted to determine which stores are offering voluntary reduction strategies.
  - 10 of 32 have signs posted reminding shoppers to bring their reusable bags
  - 14 of 32 offer plastic bag recycling bins on-site
  - 23 of 32 sell reusable bags
  - 9 of 32 offer incentives for customers for bringing and using their own bags

# VOLUNTARY EFFORTS (continued)



Locations of randomly selected, informally surveyed stores in Dallas for voluntary reduction efforts.

STORE	ADDRESS	SIGNS TO REMIND SHOPPERS?	BAG BINS FOR BAG RECYCLING?	SELL REUSABLE TOTE BAGS?	INCENTIVE OFFERED FOR OWN BAGS?
Albertson's	10203 E Northwest Hwy.	ON DOOR		\$1.00 +	5¢ REBATE
Albertson's	320 Casa Linda Plaza	ON DOOR		\$1.00 +	5¢ REBATE
Albertson's	7007 Arapaho Rd.	INSIDE		\$1.00 +	5¢ REBATE
Aldi Grocery Stores	4120 Gaston Ave.	INSIDE (BAG FEE)		\$1.99	
Central Market	5750 E. Lovers Ln.	IN LOT		\$0.79 +	
El Rio Grande Supermarket	10325 Lake June Rd.				
Fiesta Supermarket	11445 Garland Rd.				
Fiesta Supermarket	2951 South Buckner Blvd.			\$1.99 +	
Fiesta Supermarket	3030 S Lancaster Rd.			\$1.00 +	
Fiesta Supermarket	3434 W Illinois Ave.			\$1.00 +	
Fiesta Supermarket	9727 Webb Chapel Rd.			\$0.99	
Foodland	8411 Lake June Rd.				
Hunt Food Store	7932 S. Loop 12				
Jerry's Supermarket	532 W Jefferson Blvd.				
Kroger	4142 Cedar Springs Rd.	IN LOT		\$1.00	
Kroger	4901 Maple Ave.	IN LOT		\$0.99	
Kroger	752 Wynnewood Village	IN LOT		\$1.99	
Minyard's Food Stores	10121 Lake June Rd.				
Minyard's Food Stores	2111 Singleton Blvd.				
Minyard's Food Stores	2130 E. Ledbetter Dr.				
Save-A-Lot	2627 W. Jefferson Blvd.			\$0.99	
Sprouts Farmers Market	11722 Marsh Ln.	ON DOOR		\$0.99	5¢ REBATE
Sprouts Farmers Market	1800 N. Henderson Ave.			\$1.49 +	5¢ REBATE
Super Plaza	10909 Webb Chapel Rd.				
Target	2417 N. Haskell Ave.			\$4.99	5¢ REBATE
Tom Thumb	315 S. Hampton Rd.			\$0.99	
Tom Thumb	6333 E. Mockingbird Ln.			\$2.99	5¢ REBATE
Trader Joe's	2005 Greenville Ave.			\$0.99	RAFFLE DRAWING
Walmart	3155 W Wheatland Rd.			\$1.00 +	
Walmart Neighborhood	2305 N Central Expy.			\$1.00 +	
Walmart Supercenter	6185 Retail Rd.	ON DOOR		\$1.00 +	
Whole Foods	2118 Abrams Rd.			\$1.29 +	5¢ – 10¢ REBATE



# VOLUNTARY EFFORTS (continued)

- OTHER RETAILER STRATEGIES

- SAM'S CLUB: No bags available except for bulk item/meat barrier bags. Used boxes available for loose items.
- COSTCO: No bags available except for bulk item/meat barrier bags. Used boxes available for loose items.
- IKEA: No free bags available. Large, reusable bags available for sale.
- ALDI: No free bags available except for bulk item/produce bags. Shoppers are encouraged to bring their own bags; otherwise, plastic and paper bags available for sale.
- TRADER JOE'S: No free plastic bags available except for bulk items/produce/meat bags.

# IMPACTS OF LITTER

- *Keep America Beautiful 2009 National Litter Survey:*
  - 5% of plastic bags are “littered” (not disposed of properly);
  - plastic bags are the fifth most common litter in retail areas; and,
  - plastic bags comprise 0.9% of litter at storm drains while comprising about 0.6% of all litter\*.

## Top Five Littered Items in Retail Areas (count)

Cigarette Butts (17)	Food Scraps (15)	Fast-Food Paper Items (5)	Other Paper Items (5)	Plastic Bags (3)
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\* http

# IMPACTS OF LITTER (continued)

Representation of litter in retail areas using Keep America Beautiful  
*2009 National Litter Survey* report



# IMPACTS OF LITTER (continued)

The Anacostia Watershed Trash Reduction Plan  
(December, 2008):

<b>% of Litter Observed</b>	<b>Streams</b>	<b>Anacostia River</b>	<b>Land</b>
<b>Plastic Bags</b>	47%	21%	4%
<b>Paper Bags</b>	1%	5%	26%
<b>Food Wraps</b>	25%	26%	26%



# IMPACTS OF LITTER (continued)

- Keep America Beautiful *2009 National Litter Survey*:
  - 93% of homeowners: an unkempt neighborhood would influence home buying decisions;
  - 36% of prospective businesses: litter has an impact on their decision to move or relocate;
  - 18% of prospective businesses: litter is often associated with blight and presents a negative picture of local government; and,
  - 55% of real estate agents: litter would decrease their assessment of a home's value\*.
- Litter in a community decreases property values by 7.4% according to National Association of Home Builders\*.

\* [http://www.kab.org/site/DocServer/Final\\_KAB\\_Report\\_9-18-09.pdf?docID=4561](http://www.kab.org/site/DocServer/Final_KAB_Report_9-18-09.pdf?docID=4561)

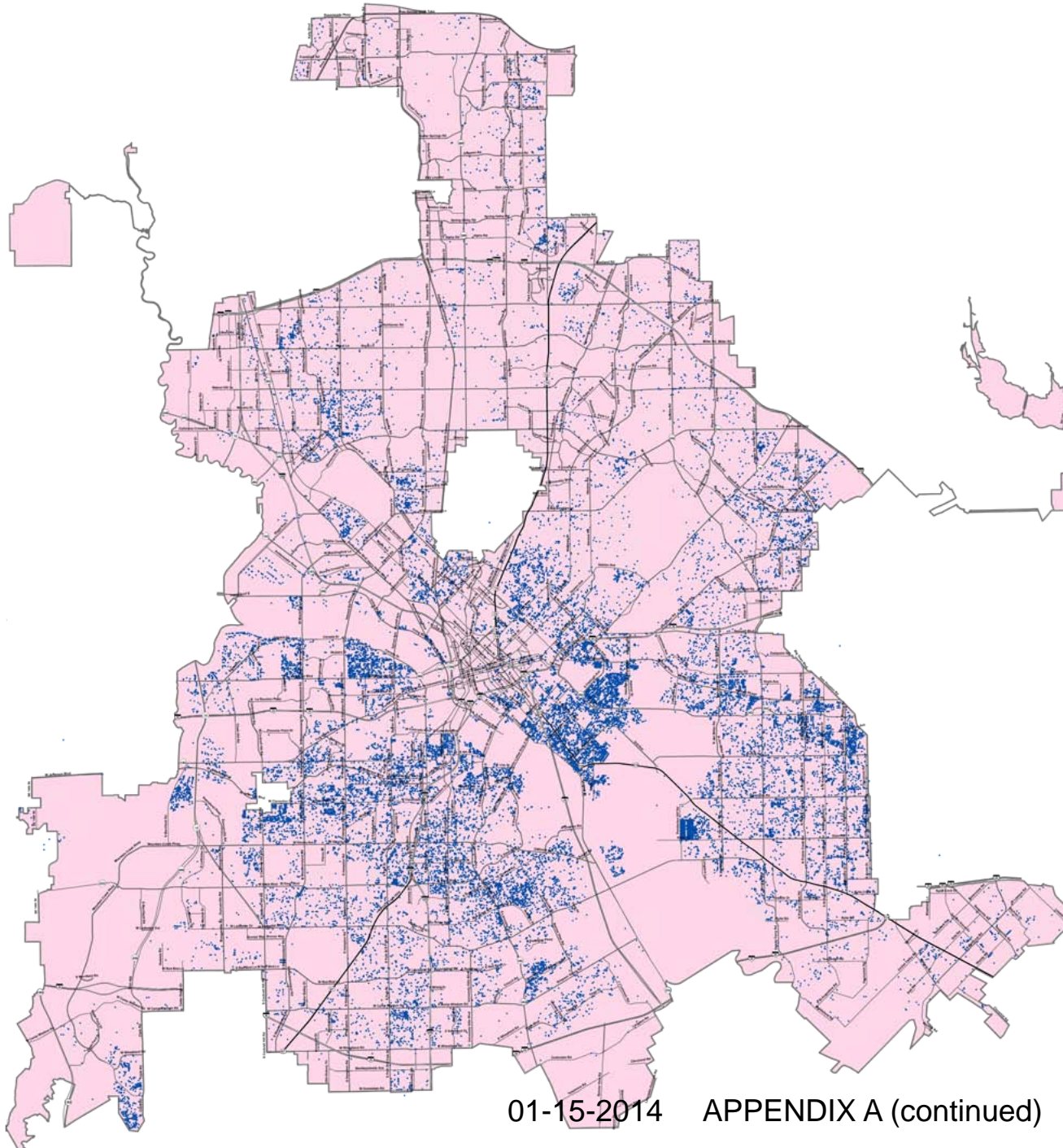
# CURRENT CITY OF DALLAS LITTER EFFORTS

- Litter abatement continues to be a priority for the Dallas City Council to ensure a clean, healthy environment<sup>1</sup>.
- Over the last five years, 311 has received approximately 20,000 litter complaints per year.
- Operation Beautification resulted in:
  - 24 groups collected about 10 tons of trash and brush in May 2012; and,
  - 21 groups collected about 17 tons of trash and brush in November 2012<sup>2</sup>.
- City of Dallas spends approximately \$4 million on litter abatement, annually.

Sanitation Services	Stormwater Management	Reverse Litter Campaign	Park and Recreation	Street Services
\$200,000	\$195,000	\$300,000	\$2,800,000	\$490,000

1) <http://www.dallascityhall.com/pdf/cmo/StrategicPlan.pdf>

2) [http://dallascityhall.com/committee\\_briefings/briefings1212/QOL\\_FallCitywideCleanupReport\\_121012.pdf](http://dallascityhall.com/committee_briefings/briefings1212/QOL_FallCitywideCleanupReport_121012.pdf)



Location of  
litter service  
requests  
between  
10/01/2010  
and  
09/30/2012.

# CURRENT CITY OF DALLAS LITTER EFFORTS (continued)



# CURRENT CITY OF DALLAS LITTER EFFORTS (continued)

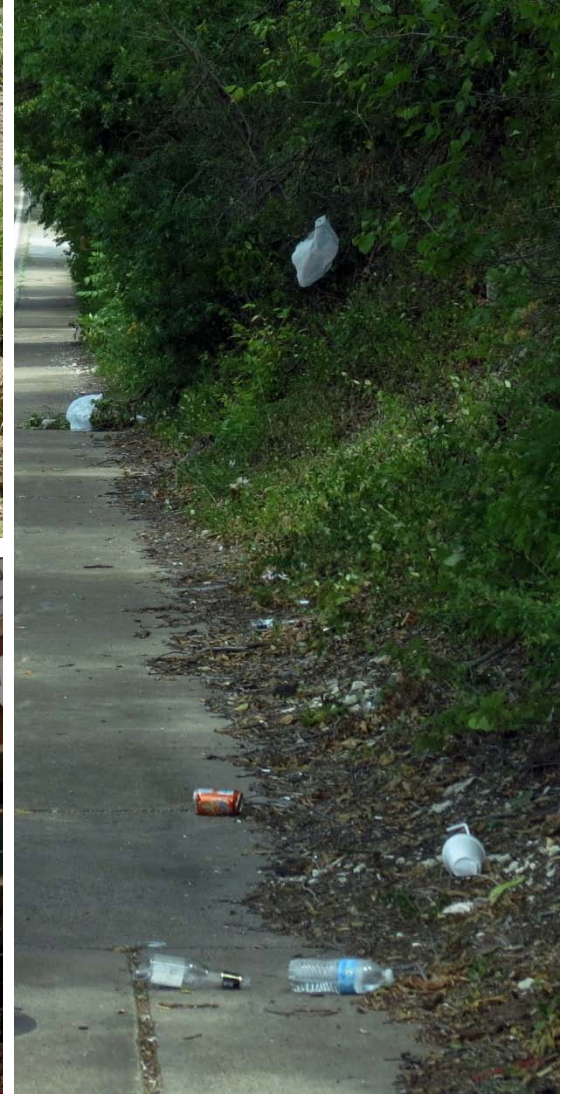
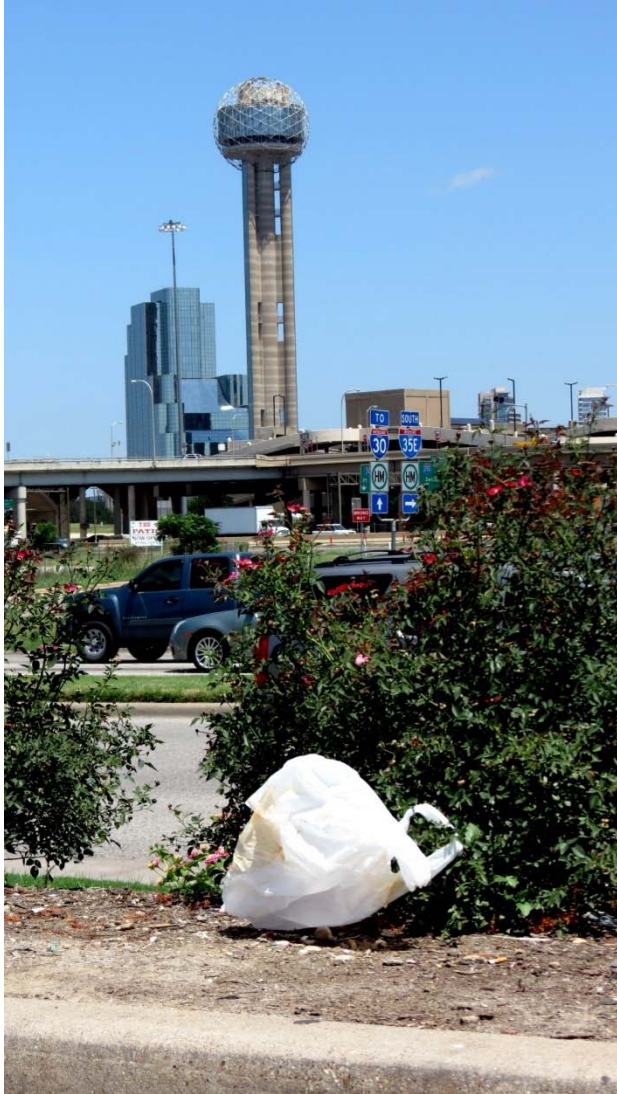


- Trinity Watershed Management conducted informal litter collection study.
  - asked to find costs associated with removing plastic bags from waterways: equipment, work hours, supplies, *et cetera*
  - determined the problem of bags in waterways was getting to the bags
  - four 100 foot linear areas were surveyed
  - costs include cleaning, trimming and removing plastic bags
  - 84 cubic yards of debris were collected
  - average cost of removal per bag: \$8.26

No.	Area	Cost per Area	Approximate # of Plastic Bags
1	Lined Channel Clean Up	\$ 1,279.36	200
2	Earthen Channel Clean Up	\$ 1,919.04	300
3	East River Bank Clean Up	\$ 3,212.88	400
4	Santa Fe Trail Outlook Clean Up	\$ 4,333.33	400

- note: ideal clean up time is winter when foliage is absent

# MOTIVATION



# MOTIVATION: FIVE MILE CREEK



# MOTIVATION: FIVE MILE CREEK





# MOTIVATION: LEDBETTER DRIVE



# MOTIVATION: GARLAND ROAD @ NW HIGHWAY



# MOTIVATION: LAKE CLIFF



# LEGISLATIVE EFFORTS

- Multiple legislative actions statewide and nationwide to reduce single-use carryout bag litter, including eight passed in Texas<sup>1</sup>.
  - Austin – single-use plastic and paper bags are banned
  - Brownsville – \$1.00 fee per transaction for plastic or paper checkout bags
  - Freer – non-compostable plastic carryout bags are banned<sup>2</sup>
  - Fort Stockton – single-use plastic bags banned
  - Kermit – plastic checkout bags will be banned and a 10¢ fee will be placed on paper bags; passed July 2013, effective October 2013<sup>3</sup>
  - Laguna Vista – non-compostable plastic carryout bags are banned<sup>4</sup>
  - South Padre Island – single-use plastic bags banned

1) <http://www.surfrider.org/pages/plastic-bag-bans-fees>

2) [http://www.ci.freer.tx.us/index.php?option=com\\_content&view=article&id=356:ordinance-2012-05-plasticbags&catid=122:ordinances&Itemid=63](http://www.ci.freer.tx.us/index.php?option=com_content&view=article&id=356:ordinance-2012-05-plasticbags&catid=122:ordinances&Itemid=63)

3) [http://www.kermitexas.us/re-klaim\\_kermit/plastic\\_bags\\_q\\_and\\_a.php](http://www.kermitexas.us/re-klaim_kermit/plastic_bags_q_and_a.php)

4) [http://www.uniflexbags.com/assets/baglaws/texas\\_laguna\\_vista.pdf](http://www.uniflexbags.com/assets/baglaws/texas_laguna_vista.pdf)

5) [http://www.sunsetvalley.org/vertical/Sites/%7B8963FD9D-CEFE-410A-A38B-1611D53E7AA1%7D/uploads/Council\\_Minutes\\_02-19-2013.pdf](http://www.sunsetvalley.org/vertical/Sites/%7B8963FD9D-CEFE-410A-A38B-1611D53E7AA1%7D/uploads/Council_Minutes_02-19-2013.pdf)

# LEGISLATIVE EFFORTS (continued)



<http://www.factorydirectpromos.com/plastic-bag-bans>

# LEGISLATIVE EFFORTS (continued)

- 2008: Office of Environmental Quality briefed Transportation and Environment Committee on proposed plastic bag ban.
  - TEC preferred voluntary reduction efforts instead of a ban
  - 2008, December: Stakeholders brought together under goal to: “develop a fun, effective, positive initiative aimed at reducing plastic bag waste and increasing plastic bag recycling”

## LEGISLATIVE EFFORTS (continued)

- 2012, summer: OEQ gathered information on plastic bags at CMO request.
  - interns in IGS helped compile data
  - results presented in Appendix
- 2013, February: Plastic bag proliferation study promised.
- 2013, March: Council member requested DRAFT carryout bags ordinance.

# LEGISLATIVE EFFORTS (continued)

- 2013, June
  - OEQ briefed Quality of Life Committee
  - OEQ briefed Transportation and Environment Committee
  - both Committees asked for briefing to full Council



# STRATEGIES FROM OTHER CITIES

Austin, TX	bans plastic bags <4.0 mil
South Padre Island, TX	bans all plastic bags
Brownsville, TX	ban and fee for plastic bags <4.0 mil
Corpus Christi, TX (proposed)	fee for plastic bags <2.0 mil
Washington, DC	fee for plastic bags >2.5 mil, bans plastic bags $\leq$ 2.5 mil
County of Los Angeles, CA	bans plastic bags <2.25 mil, fee for paper bags
Los Angeles, CA	bans plastic bags <2.25 mil, fee for paper bags
Georgetown, TX	collects plastic bags

# AUSTIN, TX

- By ordinance, banned single-use bags.
- Began effort in 2007.
- Ordinance passed March 1, 2012 and became effective March 1, 2013.
- Defines reusable carryout bags allowed under ordinance.
- Provides signage requirements, language requirements, exemptions, and public education campaign.

# AUSTIN, TX (continued)

- Texas Retailers Association v. City of Austin
  - February 25, 2013, lawsuit filed in the District Court of Travis County
  - lawsuit seeks a declaratory judgment that the Austin ordinance violates the Solid Waste Act, in particular the Texas Health and Safety Code: “Sec. 361.0961. RESTRICTIONS ON AUTHORITY OF LOCAL GOVERNMENT OR OTHER POLITICAL SUBDIVISION: (a) *A local government or other political subdivision may not adopt an ordinance, rule, or regulation to: (1) prohibit or restrict, for solid waste management purposes, the sale or use of a container or package in a manner not authorized by state law*”
  - the lawsuit is currently in the discovery phase and there have been no court rulings

# SOUTH PADRE ISLAND, TX

- By ordinance, banned single-use plastic bags.
- Began voluntary reduction in 2011.
- Regulation of plastic bags became mandatory January 2012.
- Defines recyclable paper bags.
- Provides language requirements and exemptions.

# BROWNSVILLE, TX

- By ordinance, imposed a per transaction fee on single-use plastic bags.
- Began effort in 2009 with voluntary ban on plastic bags in 2010.
- Retailers are prohibited from providing plastic checkout bags unless requested by the customer, effective January 2011.
- Defines reusable carryout bags allowed under ordinance and provides provisionary surcharge fee of \$1.00 per transaction for plastic bags otherwise banned.
- Provides reporting/remitting requirements for retailers.
- Retailers may keep up to 5% of fee to offset administrative costs; remaining fee to City for environmental initiatives.

# CORPUS CHRISTI, TX

- Presented to City Council July 30, 2013; vote expected August 2013.
- Proposed ordinance would require retailers that provide plastic bags to charge for the bags or stop using the bags.
- Allows stores to choose between environmental recovery fee of 10¢ per bag or \$1.00 per transaction for plastic bags.
- Retailers may keep up to 5% of collected fees to offset administrative costs; remaining fee to City for environmental initiatives.
- Stores may choose to participate in *Green Star Program* to reduce environmental recovery fee for consumers and reporting/remitting requirements for retailers.

# CORPUS CHRISTI, TX

- *Green Star Program*

- participating businesses may become certified and entitled to charge, collect and remit to the City the plastic bag checkout fees at reduced rates equal to one-half specified.
- participants prepare a work plan in a format specified by the City that:
  - demonstrates a 60% reduction in plastic checkout bags provided to customers;
  - provides trash receptacles outside the business for customer use;
  - performs daily cleaning of parking lots, rear loading docks, areas around dumpsters and adjacent public areas where trash accumulates;
  - provides signage at store entrances and checkout stands encouraging customers to use reusable bags;
  - displays reusable bags at the entrance to the business; and,
  - maintains a training program for employees at checkout counters to encourage the use of reusable bags.

# WASHINGTON, DC

- By Act, businesses must charge customers five cents for every disposable paper or plastic carryout bag.
- “Anacostia River Cleanup and Protection Act of 2009” passed after trash study completed in 2008.
- Defines disposable carryout bag under “Skip the Bag, Save the River”.
- Provides language requirements, exemptions and reporting/remitting requirements for retailers.
- Retailers may keep up to 3¢ of the fee collected based on level of engagement to reduce disposable bag use to offset administrative costs as defined in Act.



# COUNTY OF LOS ANGELES, CA

- By ordinance, banned single use plastic carryout bags at stores in the County unincorporated areas, while requiring retailers charge 10¢ for each paper carryout bag sold to a customer.
- Passed in 2012, effective January 2012.
- Defines plastic carryout bags and recyclable paper carryout bags.
- Retailers may keep all fees collected.
- Provides signage and staff training suggestions, language requirements, reporting requirements for retailers, and activities for which retailers may use collected fees.

# LOS ANGELES, CA

- By ordinance, bans plastic single-use carryout bags and imposes a 10¢ fee on recyclable paper carryout bags.
- Passed June 2013, effective January 2014.
- Defines plastic carryout bags and recyclable paper carryout bags.
- Retailers may keep all fees collected.
- Provides signage and staff training suggestions, language requirements, reporting requirements for retailers, and activities for which retailers may use collected fees.

# GEORGETOWN, TX

- By vendor initiative, implemented “Bag The Bag” program
  - new recycling carts, informational tags, and yellow bags distributed to residents of Georgetown by Texas Disposal Services (TDS); replacements can be obtained for 25¢ per bag
  - bag is stuffed with single use plastic bags by consumers at home, tied off, and placed in recycling cart for collection
  - bag color, thickness, and air hole placement decided based on visibility and compression factors to allow bags to smash and fill with air at the material recovery facility to aid with removal prior to mechanical sorting
  - plastic bags and films are then bundled and sold as commodity



# RESULTS OF OTHER CITIES' EFFORTS

- Washington, DC
  - plastic bag use dropped from an average 22.5 million bags to 3.3 million bags in the first month, down 19.2 million that month
  - 75% of District residents polled indicate that they have reduced bag use since fee introduced in January 2010<sup>1</sup>
  - majority of businesses said bag consumption dropped at least 50% as a result of the fee<sup>1</sup>
  - 58% of business owners and managers said the bag fee has not affected their business at all while 20% said it has affected them positively<sup>1</sup>
- Brownsville, TX
  - eliminated more than 350,000 plastic bags per day<sup>2</sup>
- South Padre Island, TX
  - plastic bag litter markedly reduced
  - 95% of businesses are supportive
  - success realized by keeping the message focused on the benefits of keeping the beaches clear and protection of marine life through the banning of plastic carryout bags

1) <http://fergusonfoundation.org/wp-content/uploads/2012/12/AFF-DC-Research-Memo-2-15-11.pdf>

2) [http://www.nytimes.com/2011/05/08/us/08ttbags.html?\\_r=0](http://www.nytimes.com/2011/05/08/us/08ttbags.html?_r=0)

# CONSIDERATIONS

## What you might hear...

- *Plastic bags are only a fraction of the litter stream* –
  - plastic bags are light in weight and therefore a small fraction of the litter stream by weight but they are a higher percentage by surface area, higher by count, and even higher by percentage when compared to all items that are caught in trees
- *Reusable bags can carry bacteria* –
  - studies have confirmed this but the same studies also confirm that normal washing of the bags in the laundry or by hand removes >99.9% of that bacteria
  - DRAFT ordinance allows plastic bags for meat and bulk items; like all items that touch food, wash bags regularly to avoid contamination risk
- *Plastic bags are new and clean inside and keep food clean* –
  - the inside of the bag may be clean; however, consider how many other customers have touched the grocery items being placed in those bags (stocking clerks, curious shoppers, children admiring the packaging)
- *Plastic bags can be used to pick up pet waste* –
  - plastic pet waste bags are exempted and available for sale through retailers
  - several Dallas parks have waste bag stations for pet owners

# CONSIDERATIONS (continued)

You might also hear...

- *Paper bags have a larger environmental footprint than plastic bags* –
  - paper bags require more energy and more water than polyethylene plastic bags during production and recycling (see slide 17), however, when loose in the environment, paper bags compost and return to nature while plastic bags stay snagged on branches and fences
- *Some reusable bags cannot be recycled* –
  - much like with plastic bags and films which are currently recycled by manufacturers in North Texas, industry may discover how reusable bags can be recycled at their end of life
- *If the City passes a single-use carryout bag ordinance, will bread bags, laundry bags, and other plastic wraps still be recycled?*
  - it is hoped that recycling programs currently in place to collect plastic bags and films will remain in place to provide recycling options to Dallas residents and consumers
- *People can hide things in the reusable bags and raise the incidence of shop-lifting* –
  - a quick check of bags at the check-out lane before filling or exiting will determine if anything has been hidden in the bags
  - existing anti-theft devices will still be effective with reusable bags

# OPTIONS FOR DALLAS

1. Perform a litter proliferation study to determine the nature of litter in Dallas (see Appendix, slide 67);
2. Explore implementing a “Bag The Bag” program like Georgetown’s program (see slide 42);
3. Lobby for legislation to confirm a City’s authority to impose a fee;
4. Rely on Dallas retailers to voluntarily implement plastic bag reduction and recycling programs;
5. Set up a “Green Star Program” like Corpus Christi for Dallas retailers (see slide 38);
6. Pass an ordinance banning single-use bags in Dallas (see slides 48 and 49);
7. Some combination of the above.

# OPTION 5: SET UP “GREEN STAR PROGRAM” FOR DALLAS

- Dallas could require all stores that distribute or use plastic bags to:
  - register with the City and annually submit data on pounds of plastic bags distributed and collected;
  - have signs in the parking lot and on entrance doors reminding customers to bring their reusable bags;
  - sell reusable bags;
  - have bins for collecting and recycling plastic carryout bags and films;
  - develop and implement an anti-litter and recycling public education program which includes signage at checkout stands reminding public not to litter and to recycle;
  - train staff on carryout bag reduction strategies including not using bags for single items; and,
  - perform daily cleaning of lots or install litter catchers in storm inlets on property (see Appendix).



# OPTION 6: BAN CERTAIN TYPES OF BAGS

- DRAFT Dallas ordinance, Chapter 9C “CARRYOUT BAGS”:
  - defines terms (§9C-1);
  - prohibits businesses from using or distributing single-use carryout bags (§9C-2,a-b);
  - provides exemptions and variances (§9C-2,c);
  - provides standards for reusable carryout bags (§9C-3);
  - allows designated Director the discretion to approve alternative bag options and methods (§9C-4);
  - requires signage and provides guidance for said signage (§9C-5);
  - allows designated Director the discretion to grant variances from a requirement in Chapter 9C (§9C-6);
  - offers guidance on alternative bag options and methods (§9C-7) and appeals (§9C-8); and,
  - provides violation penalty information (§9C-9).

# OPTION 6: BAN CERTAIN TYPES OF BAGS (continued)

- Ban single-use carryout bags.
- Reusable carryout bags must have handles (except paper bags with height less than 14 inches and width less than 8 inches) and be constructed of:
  - cloth or other washable fabric or durable material woven or non-woven;
  - recyclable plastic greater than 4 mil (0.004 inch) in thickness; or,
  - recyclable paper with a minimum of 40% recycled content on the date of ordinance effectiveness.
- Reusable carryout bag must display language describing the bag's ability to be reused and recycled.
- Businesses must provide prominently displayed signage in English and Spanish.
- Single-use bags exempted from this ordinance include:
  - laundry and garment bags; door hangers; newspaper bags; garbage bags; prescription and medical supply bags; recyclable paper bags at restaurants; single-use plastic bags at restaurants for moisture control; bulk food bags; plastic wraps; moisture barriers; and, bags used by non-profits or other charity to distribute items.
  - Prior to effective date, City commits to engage in public education campaign.
  - staff recommends one year implementation period beginning upon adoption

# POLICY QUESTIONS

- What is the overall objective?
  - continue status quo for convenience?
  - reduce litter/improve aesthetics?
  - protect wildlife and natural resources?
  - promote sustainability with a balanced solution?
- What happens if nothing is done?
- Should the ban be for only plastic or both plastic and paper?
- Are exemptions adequate to allow for consumer needs?
- Should 4 mil (0.004 in) thick plastic be allowed as a reusable bag?
  - thick plastic in storm sewer system could cause blockages and lead to localized flooding
- Should public education campaign include distribution of reusable non-woven bags?
  - 600,000 bags cost about \$372,000 and could be distributed by City

# NEXT STEP

- City Council consideration of options.

# Questions?

# APPENDICES

- 54** DRAFT Carryout Bags Ordinance
- 63** Environmental Impacts Of Bags
- 64** Current Bag Usage In Dallas
- 65** Shopping Bags And Pricing
- 66** Paper Bags
- 67** Litter Proliferation Study
- 71** Comparison Of Sampled Ordinances
- 72** Detailed City Ordinances

# DRAFT CARRYOUT BAGS ORDINANCE

ORDINANCE NO. \_\_\_\_\_

An ordinance adding CHAPTER 9C, "CARRYOUT BAGS," to be composed of Sections 9C-1 through 9C-9, to the Dallas City Code, as amended; defining terms; prohibiting business establishments from using or distributing single-use carryout bags; providing for exemptions and variances; providing standards for reusable carryout bags; requiring signage; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city of Dallas has a duty to protect the natural environment, the economy, and the health of its citizens; and

WHEREAS, the use of single-use carryout bags has a significant impact on the environment such as contributing to unsightly litter on the streets, sidewalks, trees, bushes, and vacant lots; clogging sewers and drainage systems; and polluting the landscape; and

WHEREAS, single-use carryout bags have significant environmental impacts each year, including hundreds of volunteer hours removing single-use carryout bags from trees, lots, bushes, and roadways; and

WHEREAS, single-use carryout bags have caused the death of well over 100,000 migrating wildlife; and

WHEREAS, it is in the best interests of the health, safety, and welfare of the residents of the city of Dallas to protect the environment by banning the use of single-use carryout bags; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the Dallas City Code is amended by adding a new CHAPTER 9C, "CARRYOUT BAGS," to read as follows:



“CHAPTER 9C

CARRYOUT BAGS

SEC. 9C-1. DEFINITIONS.

In this chapter:

(1) BUSINESS ESTABLISHMENT means any commercial enterprise that provides carryout bags to its customers, including sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity whether for profit or not for profit, and includes all employees of the commercial enterprise and any independent contractors associated with the commercial enterprise.

(2) CARRYOUT BAG means a bag provided by a business establishment to a customer typically at the point of sale for the purpose of transporting purchases.

(3) DEPARTMENT means the department designated by the city manager to enforce and administer this chapter.

(4) DIRECTOR means the director of the department designated by the city manager to enforce and administer this chapter and includes representatives, agents, or department employees designated by the director.

(5) REUSABLE CARRYOUT BAG means a carryout bag that is specifically designed and manufactured for multiple reuse and meets the requirements of Sections 9C-3(b) through (d) of this chapter.

(6) SINGLE-USE CARRYOUT BAG means a carryout bag that is not a reusable carryout bag.

SEC. 9C-2. SINGLE-USE CARRYOUT BAGS.

(a) Beginning (effective date of ordinance), no person may provide single-use carryout bags at any city facility, city-sponsored event, or any event held on city property.

(b) Beginning (effective date of ordinance), a business establishment may not provide single-use carryout bags to its customers or to any person.

(c) This section does not apply to the following:

(1) Laundry dry cleaning or garment bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for the disposal of garbage, pet waste, or yard waste.

(2) Recyclable paper bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities.

(3) Recyclable paper bags used by restaurants to take away prepared food.

(4) Single-use plastic bags used by restaurants to take away prepared food only where necessary to prevent moisture damage, such as for soups, sauces, salads with dressing, and liquids.

(5) Bags used by a consumer inside a business establishment to:

hardware items:  
(A) contain bulk items, such as produce, nuts, grains, candy, or small

packaged:  
(B) contain or wrap frozen foods, meat, or fish, whether or not pre-

moisture damage to other purchases; or  
(C) contain or wrap flowers, potted plants, or other items to prevent

(D) contain unwrapped prepared foods or bakery goods.

(6) Bags used by a non-profit corporation or other charity to distribute food, grocery products, clothing, or other household items.

**SEC. 9C-3. REUSABLE CARRYOUT BAG STANDARDS.**

(a) A business establishment may provide or sell reusable carryout bags to its customers or any person. A person may provide or sell reusable carryout bags at any city facility, city-sponsored event, or any event held on city property.

(b) A reusable carryout bag must display in a highly visible manner on the bag's exterior, language describing the bag's ability to be reused and recycled.

(c) A reusable carryout bag must have a handle, except that a handle is not required for a reusable carryout bag constructed out of recyclable paper with a height of less than 14 inches and a width of less than eight inches.

(d) A reusable carryout bag must be constructed out of:

non-woven:  
(1) cloth, other washable fabric, or other durable materials whether woven or

(2) recyclable plastic, with a minimum thickness of 4.0 mil; or

(3) recyclable paper that contains a minimum of 40 percent recycled content.

SEC. 9C-4. ALTERNATIVE BAGS AND METHODS.

(a) The director may approve an alternative to the required reusable carryout bag if the director finds that:

(1) the proposed alternative bag provides reusability and durability that is equivalent to or better than the required bag;

(2) the proposed alternative bag meets the minimum reuse testing standard of 100 reuses carrying 16 pounds; and

(3) the manufacturer or distributor documentation of the minimum testing standards provided by the applicant are found sufficient by the director to support the alternative compliance.

(b) The director may approve an alternative compliance method proposed by the applicant to provide emergency access to carryout bags if the method proposed meets the criteria of Subsection (c) and the director finds that:

(1) the applicant has demonstrated a need for an alternative method of compliance;

(2) the proposed alternative method meets the intent of the city council in adopting this chapter, including the elimination of single-use carryout bags; and

(3) documentation of the findings provided by the applicant is found sufficient by the director to support the alternative compliance method.

(c) An alternative compliance method proposed under Subsection (b) must:

(1) be restricted to a time period not to exceed three years, with an annual renewal request and observation;

(2) provide control measures and a corresponding reporting process to prevent continued consumer reliance on the alternative compliance method;

(3) provide a smooth transition to full compliance with this chapter by the end of the alternative compliance time period;

(4) provide signage to clarify consumer options; and

(5) include monthly reporting to the director regarding the effectiveness of the alternative compliance method, including the total alternative bags distributed.

(d) A request for approval of an alternative bag or method must be submitted on a form provided by the director. An application for approval of an alternative bag or method must contain the information required by Section 9C-7 of this chapter.

(e) The applicant has the burden of proof to establish the necessary facts to warrant favorable action by the director.

(f) The director shall evaluate all applications on a case-by-case basis.

(g) The director shall render a decision on a request to use an alternative bag or method no later than 60 days after the request is submitted.

(h) The director shall prepare written findings to support the grant or denial of a request to use an alternative bag or method.

**SEC. 9C-5. SIGNAGE AND OTHER REQUIREMENTS.**

(a) Beginning (effective date of ordinance), a business establishment must provide prominently displayed signage in accordance with this section.

(b) Required signs must be displayed in both English and Spanish.

(c) The specific language on a required sign may be chosen by the business establishment as long as the signs include language explaining all of the following:

(1) The business establishment no longer offers single-use carryout bags in compliance with this chapter.

(2) The options available for carrying purchases from the business establishment.

(3) The benefits of reducing, reusing, and recycling.

(d) An interior sign must be posted no further than six feet from each point of sale.

(e) A business establishment that owns, leases, or controls its customer parking areas shall post and maintain exterior signs with the following requirements:

(1) The signs must include language that reminds customers to bring their own reusable bags.

(2) The signs must be at least 11 inches by 17 inches in area and readable by walking customers.

(3) The signs must be posted so that they are visible to customers with a minimum of one sign for every 50 parking spaces.

(4) If a business establishment requires fewer than 50 parking spaces, it must post one sign at the exterior of the customer entrance, visible to customers entering the business establishment.

(f) The city does not provide the signs required to be posted by this section. It is the responsibility of the business establishment to produce and erect the signs.

SEC. 9C-6. VARIANCE.

(a) The director may grant a variance from a requirement of this chapter only after determining that application of this chapter would:

- (1) cause undue hardship based on unique circumstances; or
- (2) deprive a person or business enterprise of a legally-protected right.

(b) A request for a variance must be submitted on a form provided by the director. An application for a variance must contain the information required by Section 9C-7 of this chapter.

(c) The applicant has the burden of proof to establish the necessary facts to warrant favorable action on the variance request.

(d) The director shall evaluate all applications on a case-by-case basis.

(e) A variance granted under this section must be the minimum departure necessary to address the hardship.

(f) The director shall render a decision on a variance request no later than 60 days after the request is submitted.

(g) The director shall prepare written findings to support the grant or denial of a variance request.

SEC. 9C-7. APPLICATION INFORMATION.

An application for an alternative bag or method under Section 9C-4 of this chapter or a variance under Section 9C-6 of this chapter must contain the following information:

- (1) The applicant's name, address, and telephone number.
- (2) The name and address of the business establishment.
- (3) Whether the request is for an alternative bag or method or a variance.

(4) If the application is for an alternative bag or method, the proposed alternative bag or method, and the duration of use of the proposed alternative bag or method.

(5) If the application is for a variance:

(A) a description of the alleged hardship and a demonstration that the hardship is above and beyond the general transition and conversion issues encountered by other business establishments; or

(B) a description of the legally-protected right of which the business establishment claims to be deprived.

**SEC. 9C-8. APPEALS.**

If the director denies an application for a variance or an alternative bag or method, the decision is final unless the applicant files an appeal with the permit license and appeals board in accordance with Section 2-96 of this code.

**SEC. 9C-9. VIOLATIONS; PENALTY.**

(a) A person who violates any provision of this chapter, or fails to perform an act required by this chapter, commits an offense. A person commits a separate offense each day or part of a day during which the violation is committed, continued, or permitted.

(b) An offense under this chapter is punishable by a fine not to exceed \$500.

(c) The culpable mental state required for the commission of an offense under this chapter is governed by Section 1-5.1 of this code.”

SECTION 2. That prior to the effective date of this ordinance, the city will engage in a public education campaign to inform business establishments and citizens of the requirements regarding carryout bags.

SECTION 3. That the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 4. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 5. That this ordinance will take effect on \_\_\_\_\_, and it is accordingly so ordained.

APPROVED AS TO FORM:

THOMAS P. PERKINS, JR., City Attorney

By \_\_\_\_\_  
Assistant City Attorney

Passed \_\_\_\_\_

CB/DCC/00004

DRAFT

# ENVIRONMENTAL IMPACTS OF BAGS

	PLASTIC (PE – POLYETHYLENE, C – COMPOSTABLE)	PAPER
Aesthetics:	Catch on fences, trees, and other stationary objects. Light enough to float on the breeze at altitude. Can collect water and provide mosquito breeding ground.	Catch on fences, trees, and other stationary objects. Generally blow along ground due to weight but can be carried aloft.
Wildlife Impact:	Over 260 species of wildlife have been reported to ingest or become tangled in plastic debris. Plastic is the most frequently reported material in encounters between debris and marine organisms <sup>1</sup> .	Paper 0.64% of marine debris <sup>1</sup> . Paper composts <sup>2</sup> and poses no threat to wildlife and the environment.
Stormwater Impacts:	Plastic bags can block storm inlets and snag on objects in waterways.	Paper decomposes easily when wet but can cause blockages if present in high amounts at inlets.
Natural Resources:	About 72.5% of the plastic bags in the United States are made in the United States from polyethylene. In the United States, ethylene is made from ethane, a waste by-product of natural gas refining <sup>2</sup> . Plastic bags and film can be recycled into plastic bags.	Made from trees (paper) and corn (glue) which are replanted and re-grown, creating a need to preserve forest land. A typical acre of trees will capture 5,880 pounds of CO <sub>2</sub> each year. Trees provide more than 65% of the energy needed to create paper <sup>3</sup> .
Solid Waste:	81.2% of plastic bags are landfilled <sup>4</sup> .	65.4% of paper bags are landfilled <sup>4</sup> .
Energy use for production, use, and disposal of 1,000 grocery bags <sup>4</sup> .	457 M joules (PE) – 1,219 M joules (C)	922 M joules
Gross energy use for production, fuel, transport, and feedstock of 1,000 grocery bags <sup>4</sup> .	509 M joules (PE) – 1,380 M joules (C)	2,622 M joules
	<b>PER 1,000 BAGS</b>	<b>PER 1,000 BAGS</b>
Weight <sup>5</sup> :	15 pounds	140 pounds
Diesel used to ship <sup>5</sup> :	0.06 gallons	0.58 gallons
Air emissions <sup>5</sup> :	1.62 pounds	3.225 pounds
Petroleum used <sup>5</sup> :	1.62 pounds	3.67 pounds
BTUs required <sup>5</sup> :	649,000	1,629,000
	<b>PER 1,500 BAGS</b>	<b>PER 1,000 BAGS</b>
Greenhouse Gas Emissions (CO <sub>2</sub> e) <sup>6</sup> :	0.04 tons (PE) – 0.18 tons (C)	0.08 tons (30% recycled fiber)
Fresh Water Usage <sup>6</sup> :	58 gallons (PE) – 1017 gallons (C)	1004 gallons (30% recycled fiber)

1) <http://www.thegef.org/gef/sites/thegef.org/files/publication/cbd-ts-67-en.pdf> 2) <http://www.savetheplasticbag.com/ReadContent667.aspx>

3) <http://www.internationalpaper.com/documents/EN/IPG/PaperVsPlastics.pdf>

4) <http://www.plasticbagfacts.org/PDFs/Life-Cycle-Assessment-for-7-Paper-Bags>

5) <http://www.interplas.com/packaging-earth-friendly-recyclable-plastic-bags> 6) <http://www.sanjoseca.gov/DocumentCenter/View/2215>



# CURRENT BAG USAGE IN DALLAS

Carryout bags at other retailers (not an exhaustive list of Dallas retailers)

7-11	Plastic	Dollar Tree	Plastic	PotBelly	Paper
American Hero	Paper	Family Dollar	Plastic	QuikTrip	Plastic
Arby's	Paper	Home Depot	Plastic	RaceTrac	Plastic
Baker Bros.	Plastic	In 'n Out	Paper	Rudy's	Paper
Big Lots!	Plastic	Jack In The Box	Paper	Sonic	Paper
Boston Market	Plastic	Jimmy John's	None	Subway	Plastic
Burger King	Paper	KFC	Plastic	Taco Bell	Plastic
Cane's	Plastic	Kohl's	Plastic	Taco Bueno	Plastic
Chili's	Both	Lenny's	Plastic	Taco Cabana	Plastic
Chipotle	Paper	Long John Silver's	Plastic	Taco Casa	Both
Church's	Plastic	Lowe's	Plastic	Talbot's	Both
Circle K	Plastic	McDonald's	Paper	Target	Both
Corner Bakery	Both	Macy's	Both	Walmart	Plastic
Dairy Queen	Paper	On The Border	Plastic	Wendy's	Both
Del Taco	Paper	Panda Express	Plastic	Whataburger	Both
Dillard's	Both	Pei Wei	Plastic	Which Wich	Paper
Dollar General	Plastic	Popeye's	Plastic	Williams Chicken	Plastic



# SHOPPING BAGS AND PRICING

- There are 42 “Bag Suppliers” within 50-miles of 75201 zip code.
- Sampling of size and pricing of bags that would comply with DRAFT ordinance (subject to changing):
  - 10”x5”x13” 4 mil plastic bag is \$0.42<sup>1</sup> per unit;
  - 16”x6”x15” 4 mil plastic bag is \$0.476<sup>2</sup> to \$0.53<sup>1</sup> per unit;
  - Bring Back Bag (Austin ordinance compliant) \$0.11 to \$0.13 per wave top unit (order minimum 100,000) and, \$0.22 to \$0.25 per soft loop handle unit (order minimum 15,000)<sup>3</sup>;
  - 12”x7”x17” 70 lb. paper bag (40% recycled content, glued handles) is \$0.15 to \$0.12 per unit<sup>4</sup>;
  - 12”x8”x14” reusable non-woven polypropylene shopping bag, \$1.30 to \$1.45 per unit<sup>5</sup>;
  - 13”x15”x10” reusable non-woven polypropylene shopping bag, \$1.19 to \$1.69 per unit<sup>6</sup>;
  - 16”x6”x12” reusable non-woven polypropylene shopping bag, \$1.30 to \$2.15 per unit<sup>7</sup>; and,
  - 12.625”x13”x8.75” reusable non-woven polypropylene shopping bag, \$0.86 to \$4.29 per unit<sup>8</sup>.

1) Innovative Packaging Group; 2) Uline; 3) Roplast Industries; 4) PaperMart; 5) Associated Bag; 6) Logo Expressions, Inc.; 7) Big Promotions!; 8) Discount Mugs

# PAPER BAGS

- Paper shopping bags were randomly collected from nine Dallas grocers in July 2013.
  - eight had bags with ordinance compliant language
  - six had bags with ordinance compliant recycled content for the first year (40%)
  - four had bags with ordinance compliant handles

Store	Location	Language	Content	Handles	 Icon	 SFI
Super Plaza	10909 Webb Chapel	Yes	Not given	No	Yes	Yes
Minyard's	2111 Singleton Blvd	No	Not given	No	Yes	Not shown
Tom Thumb	6333 E. Mockingbird Lane	Yes	40%	No	Yes	Yes
Kroger	4901 Maple Avenue	Yes	Not given	No	Yes	Yes
Aldi	4120 Gaston Avenue	Yes	40%	No	Yes	Not shown
Albertson's	7007 Arapaho Road	Yes	40%	Yes	Yes	Not shown
Sprout's	1800 N. Henderson Avenue	Yes	40%	Yes	Yes	Yes
Central Market	5750 E. Lovers Lane	Yes	40%	Yes	No	Not shown
Trader Joe's	2005 Greenville Avenue	Yes	40%	Yes	Yes	Yes

# LITTER PROLIFERATION STUDY

- Characterize forms of litter found in study zones in Dallas.
  - type, composition, source, amount
- Solicit stakeholder suggestions on abatement practices for the litter characterized in the study.
- Provide data to decision makers working to reduce pollution in Dallas and the Trinity River watershed.
- Identify trends that may be impacting litter amounts.
  - include activities which create, move, collect, and remove litter from our landscape, such as events, weather, and civic, church, and youth group clean up efforts

# LITTER PROLIFERATION STUDY: NEXT STEPS

- The Office of Environmental Quality will lead this effort.
- The litter proliferation study timeline will be announced publicly.
- Partner with an academic institution to secure guidance on methodology and provide third-party objectivity.
- Stakeholders will be sought to help provide information, data, and input.

# LITTER PROLIFERATION STUDY: TIMELINE

- Office of Environmental Quality will announce litter proliferation study timeline, fall 2013.
- City staff will solicit and identify stakeholders, June – September 2013.
- Determine survey and litter characterization methods with academic partner, September – October 2013.
- Identify study zones, September – October 2013.

# LITTER PROLIFERATION STUDY: TIMELINE

(continued)

- Initiate surveys of study zones, fall 2013.
  - repeat surveys at regular intervals
  - conduct litter characterization after each survey
- Conduct stakeholder meetings at regular intervals.
- Conclude surveys and litter characterizations, fall 2014.
- Solicit and compile stakeholder positions, fall 2014.
- Present information to City Manager, fall 2014.

City	Plastic (thickness in mils)			Bulk	Product	Paper	Eater y	Credi t	Details
	<2.5	<4.0	>4.0						
CA, Calabasas						10¢ *	Paper	Up to retailers	Low-income exemption. Store keeps fee. * NOG, 40PC, 100R, LANG.
CA, Long Beach						10¢ *			Store keeps fee. * NOG, 40PC, 100R, 100C, LANG.
CA, Los Angeles						10¢ *			Low-income exemption. Store keeps fee. Reusable may be plastic ≥2.25 mil. * 40PC, 100R, NOG, LANG
CA, San Francisco	<2.25	10¢ ‡	10¢ ‡			10¢ *	◇ Oct 2013		Low-income exemption. Store keeps fee. ‡ >125 uses, 22#, 175 ft, cleanable x100, LANG. * 100R, NOG, 40PC, LANG. ◇ Take-out orders only; not dine-in “doggy” bag.
DC, Washington		5¢ ‡	5¢ ‡			5¢ *	Paper		<b>Skip the Bag, Save the River</b> program. Stores eligible to keep up to 3¢ of fee; 1¢ outright, 2¢ if rebate offered, 3¢ if in-store campaign. ‡ 100R, LANG. * 40PC, 100R, LANG.
OR, Corvallis						5¢ *	Both		Low-income exemption. Store keeps fee. * 40PC, 100R, 100C.
TX, Austin			*			*	Both *		Retailers <u>may</u> set fee for reusable. * 100R, LANG.
TX, Brownsville	\$1.00 ◇	\$1.00◇				*	Paper‡		<b>Resaca waterways</b> program involved. LANG city-wide. ◇ 5% to retailer; rest to City environmental programs. * NOG, 40PC, 100R, 65#. ‡ non-reusable plastic okay.
TX, South Padre						*			* NOG, 40PC, 100R, LANG.
WA, Seattle	<2.25			01-15-2014		5¢	Both		Low-income exemption. Store keeps fee. Large bags (1/8 barrel), 40PC, LANG.

40PC = 40% post consumer content 100R = 100% recyclable 100C = 100% compostable NOG = No Old Growth LANG = Language on bag/in store

■ Allowed
 ■ Fee
 ■ Banned



# AUSTIN: CARRYOUT BAGS ORDINANCE

- 2007, April 19: Austin City Council passed Resolution No. 20070419-026
  - directed the City Manager to evaluate and recommend strategies for limiting the use of non-compostable plastic bags and promote the use of compostable and reusable checkout bags
- 2008, April 10: Austin City Council passed Resolution No. 20080410-048
  - adopted a voluntary plastic bag reduction plan in lieu of an ordinance banning plastic bags to reduce the number of plastic bags entering the City's solid waste stream by half (50%) within 18 months
    - the TRA reported a 74% increase in recycling of plastic bags and film and a 20% decrease in the amount of plastic bags purchased by retailers in the time period
  - Austin Solid Waste Services Department tasked with implementing a pilot program to offer customers the opportunity to recycle plastic bags at curbside; discontinued the 5,000 household pilot after 3 months citing low participation rates, increased collection costs, low volumes of material, limited potential for adequate return on investment, and presence of easily accessible recycling drop-off sites available to the community
- 2010, June 24: Austin City Council passed Resolution No. 20100624-079
  - directed the City Manager to determine the cost to Austin taxpayers of processing plastic bags in the waste stream and report the information to City Council on or before September 23, 2010
- 2011, August 4: Austin City Council passed Resolution No. 20110804-021
  - directed the City Manager to draft, process, and bring forward for Council consideration by November 2011, an ordinance providing a comprehensive phase-out of single-use bags offered at retail check-outs within the city limits of Austin
  - the City Manager was further directed to engage retail stakeholders and concerned citizens in the development of the draft ordinance
  - resolution cited that the data collected at the conclusion of the pilot program showed that the voluntary plan reduced the use of plastic bags by approximately 20%, failing to reach the goal of a 50% reduction

# AUSTIN: CARRYOUT BAGS ORDINANCE

(continued)

- Ordinance adopted by the City of Austin on March 1, 2012, and effective March 1, 2013.
- Reusable carryout bags must have handles (except paper bags with height less than 14 inches and width less than 8 inches) and be constructed of:
  - cloth or other washable fabric or durable material woven or non-woven;
  - recyclable plastic greater than 4 mil (0.004 inch) in thickness; or,
  - recyclable paper with a minimum of 40% recycled content on March 1, 2013, and a minimum of 80% recycled content by March 1, 2014.
- Single-use bags are bags not meeting the reusable carryout bag definition.
- Reusable carryout bag must display language describing the bag's ability to be reused and recycled.
- Businesses must provide prominently displayed signage in English and Spanish.
- Single-use bags exempted from this ordinance include:
  - laundry bags; door hangers; newspaper bags; garbage bags; pet waste bags; yard waste bags; prescription and medical supply bags (if recyclable within City of Austin residential recycling program); recyclable paper bags at restaurants (if recyclable within City of Austin residential recycling program); single-use plastic bags at restaurants for moisture control; bulk food bags; plastic wraps; moisture barriers; and, bags used by non-profits or other charity to distribute items
- Austin program administered by Austin Resource Recovery (formerly Solid Waste Services).
- One year period between adoption date and effective date for full implementation of Ordinance in which Austin spent \$850,000 on public education campaign.
  - <http://www.kvue.com/news/Final-informational-meetings-on-bag-ban-190172541.html>

<http://www.austinbagban.com/index.html>

[http://www.bringitaustin.com/sites/default/files/uploads/docs/Carryout%20Bags%20rules%20FINAL%202011-8-12\\_ScrivenerRevision.pdf](http://www.bringitaustin.com/sites/default/files/uploads/docs/Carryout%20Bags%20rules%20FINAL%202011-8-12_ScrivenerRevision.pdf)

# SOUTH PADRE ISLAND: PLASTIC BAGS

- 2011, all year: Voluntary plastic bag regulation to reduce impacts on the environment.
- 2012, January: Regulation of Plastic Bags became mandatory.
  - bans distribution of plastic bags at the point of sale
  - allows distribution of recyclable paper bags
    - contains no old growth fiber; 100% recyclable; contains minimum of 40% post-consumer recycled content; displays words “reusable” and/or “recyclable” and/or universal recycling symbol on outside of bag; and, provides documentation to show compliance
  - exempted from this Ordinance:
    - paper bags at restaurants; paper prescription and medical supply bags; paper bags for carry-out beverages or liquor sales; garment or laundry bags; and, plastic bags provided to effect food safety

<http://www.myspi.org/egov/apps/document/center.egov?view=item;id=1236>

- **No legal action noted to date.**

# BROWNSVILLE: PLASTIC BAGS ORDINANCE

- 2009, December: Passed Ordinance 2009-911-E prohibiting the use of plastic bags in the City and creating an Environmental Advisory Committee, a stakeholder group.
  - EAC comprised of four Brownsville grocers, four Brownsville committees, one Brownsville shopping center, one Brownsville City Commissioner, and, one other Brownsville business
  - met once a week until the Ordinance became effective in January 2011
- 2010, all year: Voluntary ban on plastic shopping bags in preparation for mandatory ban of plastic bags on January 5, 2011.
- 2011, January: Business establishments are prohibited from providing plastic bags and shall only provide reusable bags.
  - exempted from this Ordinance:
    - paper bags at convenience stores; paper bags at restaurants; prescription and medical supply bags; paper bags for carry-out beverages or liquor sales; garment or laundry bags; plastic bags provided to effect food safety; and, plastic bags provided in exchange for provisionary surcharge fee of \$1.00 per transaction

# BROWNSVILLE: PLASTIC BAGS ORDINANCE (continued)

- Provisionary surcharge fee included in ordinance as a means to allow consumers who may have forgotten their reusable bag or who prefer single-use bags to purchase carryout bags for transport of goods from retailers. Fee is \$1.00 per transaction whether one bag is needed for a few items or multiple bags are needed for several items.
- Fees that are collected by retailers are remitted to the City. The retailers are allowed to keep up to 5% of each \$1.00 fee to help offset administrative costs.
- The “BYOB – Bring Your Own Bag” program has generated \$1.4 million in provisional surcharge fees since January 2011 which have been used toward environmental programs, recycling, and clean-up initiatives.
- No legal action to date.

# CORPUS CHRISTI: DRAFT PLASTIC CHECKOUT BAGS

- Re-presented to Corpus Christi City Council July 30, 2013.
- Council is set to vote on the ordinance at the end of August 2013\*.
- Plastic checkout bag is defined as:
  - any bag that is 2 mils (0.002 inches) or thinner; and,
  - provided by a business to a customer typically at point of sale for the purpose of transporting goods after shopping.
- Reusable bag is specifically designed and manufactured for multiple reuse and is made of:
  - cloth or other washable fabric;
  - other durable material suitable for reuse; or,
  - durable plastic more than 2 mils (0.002 inches) thick.
- Corpus Christi program administered by Solid Waste Department.
- An environmental recovery fee will be established for customers making purchases from businesses utilizing plastic checkout bags.
  - fee shall be either 10¢ per plastic bag or \$1.00 per transaction
  - fee shall be reduced by one-half if business is certified in *Green Star Program*
  - fees shall not be charged for plastic checkout bags used for unprepared meat, poultry, or fish
- The fees imposed by this ordinance shall take effect on April 1, 2014.
- The City shall maintain a telephone hotline for persons to report violations of this ordinance. The City shall also audit businesses for compliance.

\* <http://www.kristv.com/news/plastic-bag-debate-continues/>

# CORPUS CHRISTI: DRAFT PLASTIC CHECKOUT BAGS (continued)

- *Green Star Program* shall be established by the Director of the Solid Waste Department wherein participating businesses may become certified and entitled to charge, collect and remit to the City the plastic bag checkout fees at reduced rates equal to one-half specified.
  - participants prepare a work plan in a format specified by the City and approved by the Director of Solid Waste Operations that:
    - demonstrates a 60% reduction in plastic checkout bags provided to customers;
    - provides trash receptacles outside the business for customer use;
    - performs daily cleaning of parking lots, rear loading docks, areas around dumpsters and adjacent public areas where trash accumulates;
    - provides signage at store entrances and checkout stands encouraging customers to use reusable bags;
    - displays reusable bags at the entrance to the business; and,
    - maintains a training program for employees at checkout counters to encourage the use of reusable bags.
- Businesses utilizing plastic checkout bags, whether or not certified in Green Star Program, shall register with the Solid Waste Department prior to collecting fees required under ordinance.
- Each business shall make an election of either the per bag fee or the per transaction fee at the time of registration. If no election is made, the per bag fee will apply. Businesses may request to change collection election in writing with conditions.
- Fees shall be paid by the customer and collected by the business at the time of purchase. Total amount of any fees charged for plastic checkout bags will be reflected on the customer receipt.

# CORPUS CHRISTI: DRAFT PLASTIC CHECKOUT BAGS (continued)

- Fees collected during each calendar month shall be remitted to the Solid Waste Department by the 20<sup>th</sup> day of the following calendar month unless that business collects less than \$250 each month and elects to file quarterly at which time such fees will be remitted by the 20<sup>th</sup> day of the month following the calendar quarter.
  - businesses may deduct and retain an administrative fee equal to 5% of the fees collected to offset the costs incurred under the program
  - each remittance shall be accompanied by a report in the form required by the City stating the total number of plastic checkout bags sold or the total number of transactions if fee assessed per transaction, the volume of plastic checkout bags purchased, and the number of reusable bags sold during the period
  - a late fee of \$100 shall be assessed for each month the fees are unremitted past the due date
- Fees remitted to the City under this ordinance may be used for:
  - giveaways of free reusable bags; public education on reducing plastic checkout bag use; hiring of more code enforcement officers and other City employees to enforce City ordinances; cleanup programs of shorelines, storm drains, streets, parks, and dumping areas; reduction of residential solid waste/garbage pickup charges; payment of the administrative fee to participating retailers; and any other use approved by the City Council.
- Any violations shall be subject to punishment as follows:
  - first violation: written warning shall be issued, no fine;
  - subsequent violations: \$100 first violation in a calendar year; \$200 for second violation in the same calendar year; or, \$500 for each additional violation in the same calendar year;
  - no more than one citation shall be issued to a business within a 7-day period; and
  - a violation under this subsection is a Class C misdemeanor.



# WASHINGTON, DC: BAG LAW

- 2009: “Anacostia River Cleanup and Protection Act of 2009” (“Bag Law”) passed.
  - resulted from a trash study done on the Anacostia River that indicated that disposable plastic bags were one of the largest sources of litter in the Anacostia River; and,
  - aims to reduce pollution in District of Columbia waterways while raising funds to clean and protect them.
- 2009: “Anacostia River Cleanup and Protection Clarification Emergency Amendment Act of 2009” passed.
  - allowed retail establishments a grace period to deplete existing stock of nonconforming plastic and paper disposable carryout bags
- 2010, January: “Skip the Bag, Save the River” campaign goes into effect.

# WASHINGTON, DC: BAG LAW (continued)

- Disposable carryout bags made of plastic must:
  - be 100% recyclable;
  - be made from high-density polyethylene code 2 or low-density polyethylene code 4; and,
  - display language to the effect of “please recycle this bag” in a highly visible manner on the bag exterior.
- Disposable carryout bags made of paper must:
  - be 100% recyclable;
  - contain a minimum of 40% post-consumer recycled content; and,
  - display language to the effect of “please recycle this bag” in a highly visible manner on the bag exterior.
- A consumer making a purchase from a retail establishment shall pay at the time of purchase a fee of 5¢ for each disposable carryout bag. Fees retained shall not be classified as revenue and shall be tax-exempt.
- Retailers shall keep 1¢ of the 5¢ fee; provided the establishment offers a reusable bag credit to consumers (of no less than 5¢ per bag), it shall retain an additional 1¢. Remaining amount of each fee shall be paid to the Office of Tax and Revenue and deposited in the Anacostia River Cleanup and Protection Fund.
- Bags exempted from this Ordinance include:
  - laundry bags; door hangers; newspaper bags; garbage bags; pet waste bags; yard waste bags; prescription and medical supply bags; paper bags at restaurants; reusable carryout bags; bags for carrying a partially consumed bottle of wine

<http://green.dc.gov/bags>

# COUNTY OF LOS ANGELES: PLASTIC & RECYCLABLE PAPER CARRYOUT BAG LAW

- Ordinance revised by the Board of Supervisors of the County of Los Angeles on November 16, 2010, and effective for all on January 1, 2012.
- Ordinance adds a chapter to Los Angeles County Code and regulates the use of plastic carryout bags and recyclable paper carryout bags and promotes the use of reusable bags within unincorporated areas of the County of Los Angeles at:
  - full-line self-service retail stores with gross annual sales of \$2,000,000 or more that sells a line of dry grocery, canned goods, or non-food items and some perishable items; stores of at least 10,000 square feet of retail space that generates sales or use tax and that has a pharmacy licensed pursuant to Chapter 9 of Division 2 of the Business and Professions Code; or, a drug store, pharmacy, supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.
- Plastic carryout bags, as defined, may not be distributed and recyclable paper carryout bags carry a 10¢ charge.
- Plastic carryout bags are defined as any bag made predominantly from petroleum or biologically based sources like corn or other plant sources.
  - includes compostable and biodegradable bags but **does not include** reusable bags, and produce or product bags (any bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a store or to prevent such foods from coming into direct contact with other purchased items)
- Recyclable paper carryout bags are defined as any bag meeting the following requirements:
  - contains no old growth fiber; 100% recyclable and contains a minimum of 40% post-consumer recycled material; capable of composting per American Society of Testing and Materials (ASTM) standard D6400; acceptable in curbside programs in the County; displays the name of the manufacturer, the country of manufacture, and percentage of post-consumer recycled material used; and, displays the word “Recyclable” in a highly visible manner on the outside of the bag.

# COUNTY OF LOS ANGELES: PLASTIC & RECYCLABLE PAPER CARRYOUT BAG LAW (continued)

- Reusable carryout bags must:
  - have handles and be manufactured for multiple reuse and has a minimum lifetime of 125 uses meaning capable of carrying 22 pounds 125 times over a distance of 175 feet; has a minimum volume of 15 liters; is machine washable or made from material that can be cleaned or disinfected; does not contain lead, cadmium, or any other heavy metal in toxic amounts as defined by state and federal laws; has printed on the bag or a tag permanently affixed the name of the manufacturer, the country of manufacture, a statement that the bag does not have lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used; and, if made of plastic is at least 2.25 mil (0.00225 inch) in thickness.
- Any store that provides a recyclable paper carryout bag to a customer must charge the customer 10¢ for each bag provided, except as otherwise provided in the chapter.
- No store shall rebate or otherwise reimburse a customer any portion of the 10¢ charge, except as otherwise provided in the chapter.
- All stores must indicate on the customer receipt the number of recyclable paper carryout bags provided and the total amount charged for the bags.
- All monies collected by a store will be retained by the store and may be used only for any of the following:
  - costs associated with complying with the requirements of the chapter; actual costs of providing recyclable paper carryout bags; or, costs associated with a store's educational materials or educational campaign encouraging the use of reusable bags, if any.
- All stores must report quarterly to the Director of Public Works 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 the store has undertaken to promote the use of reusable bags in the prior quarter. Fines may apply if reporting is not done timely.

# COUNTY OF LOS ANGELES: PLASTIC & RECYCLABLE PAPER CARRYOUT BAG LAW (continued)

- All stores must provide reusable bags to customers either for sale or at no charge.
- No part of the chapter prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag in lieu of using bags provided by the store.
- Each store is encouraged to educate its staff to promote reusable bags and to post signs encouraging customers to use reusable bags.
- All stores must provide at point of sale, free of charge, either reusable bags or recyclable paper carryout bags or both, at the store's option, to any customer participating in either the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code or in the Supplemental Food Program pursuant to Chapter 10 of Part 3 of Division 9 of the Welfare and Institutions Code.
- The Director of Public Works has primary responsibility for enforcement of this chapter. The Director is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this chapter, including, but not limited to, investigating violations, issuing fines and entering the premises of any store during business hours. The Director of the Department of Agricultural Commissioner/Weights and Measures and the Director of Public Health may assist with this enforcement responsibility by entering the premises of a store as part of their regular inspection functions and reporting any alleged violations to the Director of Public Works.
- Stores that violate or fail to comply after a written warning notice has been issued for that violation shall be guilty of an infraction. If a store has subsequent violations that are similar in kind to the violation addressed in the written warning notice, the following penalties will be imposed:
  - a fine not exceeding \$100 for the first violation; a fine not exceeding \$200 for the second violation; or a fine not exceeding \$300 for the third and subsequent violations after the written warning notice is given.

[http://ladpw.org/epd/aboutthebag/pdf/BagOrdinance\\_final.pdf](http://ladpw.org/epd/aboutthebag/pdf/BagOrdinance_final.pdf)

# LOS ANGELES: PLASTIC & RECYCLABLE PAPER CARRYOUT BAG LAW

- Ordinance passed on June 25, 2013 by the Council of the City of Los Angeles applying to retail establishments within the City of Los Angeles and shall become operative on January 1, 2014 for full-line self-service retail stores with gross annual sales of \$2,000,000 or more that sells a line of dry grocery, canned goods, or non-food items and some perishable items and, stores of at least 10,000 square feet of retail space that generates sales or use tax and that has a pharmacy licensed pursuant to Chapter 9 of Division 2 of the Business and Professions Code; and operative on July 1, 2014 for any drug store, pharmacy, supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.
- Ordinance seeks to increase waste diversion from landfills, promote recycling, and reduce litter.
- Plastic carryout bags, as defined, may not be distributed and recyclable paper carryout bags carry a 10¢ charge.
- Plastic carryout bags are defined as any bag made predominantly from petroleum or biologically based sources like corn or other plant sources.
  - includes compostable and biodegradable bags but does not include reusable bags, and produce or product bags (any bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a store or to prevent such foods from coming into direct contact with other purchased items)
- Recyclable paper carryout bags are defined as any bag meeting the following requirements:
  - contains no old growth fiber; 100% recyclable and contains a minimum of 40% post-consumer recycled material; displays the name of the manufacturer, the country of manufacture, and percentage of post-consumer recycled material used; and, displays the word “Recyclable” in minimum 14-point type. 01-15-2014 APPENDIX A (continued)

# LOS ANGELES: PLASTIC & RECYCLABLE PAPER CARRYOUT BAG LAW (continued)

- Reusable carryout bags must:
  - have handles and be manufactured for multiple reuse and has a minimum lifetime of 125 uses meaning capable of carrying 22 pounds 125 times over a distance of 175 feet; has a minimum volume of 15 liters; is machine washable or made from material that can be cleaned or disinfected; does not contain lead in an amount greater than 89 ppm nor total heavy metals (lead, hexavalent chromium, cadmium, and mercury) in any amount greater than 99 ppm, unless lower heavy metal limits are imposed by state and federal laws; has printed on the bag or a tag permanently affixed the name of the manufacturer, the country of manufacture, a statement that the bag does not have lead, cadmium, or any other heavy metal in toxic amounts, the percentage of postconsumer recycled material used, if any, and bag care and washing instructions; and, if made of plastic is at least 2.25 mil (0.00225 inch) in thickness.
- Any store that provides a recyclable paper carryout bag to a customer must charge the customer 10¢ for each bag provided, except as otherwise provided in the article.
- All stores must indicate on the customer receipt the number of recyclable paper carryout bags provided and the total amount charged for the bags.
- All monies collected by a store will be retained by the store and may be used only for any of the following:
  - costs associated with complying with the requirements of the article; actual costs of providing recyclable paper carryout bags; and, costs associated with a store's educational materials or educational campaign encouraging the use of reusable bags, if any.
- All stores must report quarterly to the Director of Public Works 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 the store has undertaken to promote the use of reusable bags in the prior quarter. Quarterly reports must be filed no later than thirty days from the end of the quarter for which the report is made.

# LOS ANGELES: PLASTIC & RECYCLABLE PAPER CARRYOUT BAG LAW (continued)

- All stores must provide reusable bags to customers either for sale or at no charge.
- No part of the article prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag in lieu of using bags provided by the store.
- Each store is urged to educate staff to promote reusable bags and to post signs encouraging customers to use reusable bags.
- All stores must provide at point of sale, free of charge, either reusable bags or recyclable paper carryout bags or both, at the store's option, to any customer participating in either the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code or in the Supplemental Food Program pursuant to Chapter 10 of Part 3 of Division 9 of the Welfare and Institutions Code.
- The Department of Public Works has primary responsibility for enforcement of this article. The Department is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this article, including, but not limited to, investigating violations, issuing fines and entering the premises of any store during business hours. If the Department determines that a violation has occurred, it will issue a written notice that a violation has occurred and the potential penalties that will apply for future violations.
- Stores that violate any requirement of the article after a written warning notice has been issued the following penalties will be imposed:
  - a fine not exceeding \$100 for the first violation; a fine not exceeding \$200 for the second violation; or a fine not exceeding \$500 for the third and subsequent violations after the written warning notice is given.

[http://clkrep.lacity.org/onlinedocs/2011/11-1531\\_ord\\_182604.pdf](http://clkrep.lacity.org/onlinedocs/2011/11-1531_ord_182604.pdf)



**Plastic Bag “Reduce – Reuse – Recycle” Initiative**

**Proposal Options**

**Voluntary “Reduce-Reuse-Recycle” Program**

TRA Code of Best Practices

**For Grocery Stores/Supermarkets of greater than 30,000 sq. feet**

Reduce

- Train sales associates to ask if customer needs a bag
- Train sales associates to ask if a customer wants a reusable bag
- Train sales associates in efficient bagging techniques
- Provide prominent in-store “Reduce-Reuse-Recycle” signage

Reuse

- Offer reusable bags for sale, near check-out stations
- Train sales associates to offer to sell reusable bags
- Provide parking lot signage promoting reusable bag use
- Provide periodic PA announcements supporting the use of reusable bags
- Periodically conduct and promote reusable bag sales

Recycle

- Offer only complimentary plastic bags with at least 25% recycled content
- Print on any complimentary plastic bag offered to customers the following message, or message of similar content: “Please Return this Bag to a Participating Retailer for Recycling”
- Provide canisters in prominent storefront location, with signage
- Train sales associates to remind customers to recycle bags and films in storefront canisters
- Place park bench or other product near canister to illustrate secondary use products made from recycled plastic bags
- Provide periodic PA announcements supporting recycling

General

- Adopt and post TRA Code of Best Practices in Store
- Participate in “A Bag’s Life” and publish its website
- Participate in public school education programs and recycling competitions
- Participate with City of Dallas in public education efforts

## Plastic Bag “Reduce – Reuse – Recycle” Initiative

### Proposal Options

### Voluntary “Reduce-Reuse-Recycle” Program

#### TRA Code of Best Practices

#### For Retailers other than Grocery Stores/Supermarkets of greater than 30,000 sq. feet

##### Reduce

- Train sales associates to ask if customer needs a bag
- Train sales associates to ask if customer wants a reusable bag

##### Reuse

- Offer reusable bags for sale, near check-out stations
- Train sales associates to offer to sell reusable bags
- Provide parking lot signage promoting reusable bag use
- Periodically conduct and promote reusable bag sales

##### Recycle

- Offer only complimentary plastic bags with at least 25% recycled content
- Print on any complimentary plastic bag offered to customers the following message, or message of similar content: “Please Return this Bag to a Participating Retailer for Recycling”
- Train sales associates to remind customer to recycle complimentary bags and films at participating retailers

##### General

- Adopt and post TRA Code of Best Practices in store
- Participate with City of Dallas in public education efforts

## Plastic Bag “Reduce – Reuse – Recycle” Initiative

### Proposal Options

#### **Mandatory “Reduce-Reuse-Recycle” Program**

Taken from TRA Code of Best Practices.

Additions proposed by City staff are in ***bold italics***.

#### **For Grocery Stores/Supermarkets of greater than 30,000 sq. feet**

##### Reduce

- Train sales associates to ask if customer needs a bag
- Train sales associates to ask if a customer wants a reusable bag
- Train sales associates in efficient bagging techniques
- Provide prominent in-store “Reduce-Reuse-Recycle” signage

##### Reuse

- Offer reusable bags for sale, near check-out stations
- Provide parking lot signage promoting reusable bag use
- Provide periodic PA announcements supporting the use of reusable bags
- Periodically conduct and promote reusable bag sales
- ***Provide signage on entrance doors reminding customers to bring reusable bags***

##### Recycle

- ***Any bags that are provided to customers at the point of sale, either free or sold, must:***
  - ***Be made with a minimum of 25% recycled content in the first year, increasing to a minimum of 40% by year five***
  - ***Identify the store by name***
  - ***Identify the bag manufacturer by name***
  - ***List the recycled content of the bag***
  - ***Have language, in English and Spanish, encouraging recycling or reuse of the bag, as applicable.***
- Print on any complimentary plastic bag offered to customers the following message, or message of similar content: “Please Return this Bag to a Participating Retailer for Recycling”
- Provide ***recycling*** canisters in prominent storefront location, with signage
- Train sales associates to remind customers to recycle bags and films in storefront canisters
- Place park bench or other product near canister to illustrate secondary use products made from recycled plastic bags
- Provide periodic PA announcements supporting recycling

## APPENDIX C (continued)

### General

- Adopt and post TRA Code of Best Practices in Store
- Participate in “A Bag’s Life” and publish its website
- Participate in public school education programs and recycling competitions
- Participate with City of Dallas in public education efforts **or conduct own**
- **Provide in-store and parking lot signage that promotes anti-littering**
- **Annually submit data on pounds of plastic bags distributed and collected for recycling**

### **For ALL other retail establishments in Dallas**

#### Reduce

- Train sales associates to ask if customer needs a bag
- Train sales associates to ask if customer wants a reusable bag
- **Train sales associates in efficient bagging techniques**
- **Provide prominent in-store “Reduce-Reuse-Recycle” signage**

#### Reuse

- Offer reusable bags for sale, near check-out stations
- Provide parking lot signage promoting reusable bag use
- Periodically conduct and promote reusable bag sales
- **Provide signage on entrance doors reminding customers to bring reusable bags**

#### Recycle

- **Any bags that are provided to customers at the point of sale, either free or sold, must be made with a minimum of 25% recycled content in the first year, increasing to a minimum of 40% by year five.**
- Print on any complimentary plastic bag offered to customers the following message, or message of similar content: “Please Return this Bag to a Participating Retailer for Recycling”
- Train sales associates to remind customer to recycle complimentary bags and films at participating retailers

### General

- Adopt and post TRA Code of Best Practices in store
- Participate with City of Dallas in public education efforts **or conduct own**

# Memorandum



CITY OF DALLAS

DATE January 10, 2014

TO The Honorable Mayor and Members of the City Council

SUBJECT Purchasing Process Overview

On January 15, 2014, the City Council will be briefed on the Purchasing Process Overview. The briefing material is attached for your review.

Please contact me if you need additional information.

A handwritten signature in blue ink, reading "Jeanne Chipperfield".

Jeanne Chipperfield  
Chief Financial Officer

## Attachment

c: A.C. Gonzalez, Interim City Manager  
Warren M. S. Ernst, City Attorney  
Daniel F. Solis, Administrative Judge  
Rosa A. Rios, City Secretary  
Craig D. Kinton, City Auditor  
Ryan S. Evans, Interim First Assistant City Manager  
Jill A. Jordan, P. E., Assistant City Manager  
Forest E. Turner, Assistant City Manager  
Joey Zapata, Assistant City Manager  
Charles M. Cato, Interim Assistant City Manager  
Theresa O'Donnell, Interim Assistant City Manager  
Frank Libro, Public Information Officer  
Elsa Cantu, Assistant to the City Manager

# Purchasing Process Overview

## Dallas City Council

### January 15, 2014



# Purpose

- Provide review of highlighted projects
- Provide an overview of the City's purchasing process
- Provide Council with overview of the Business Inclusion and Development (BID) plan and efforts made to inform and educate the community
- Provide overview and update on Local Preference

# Goals

- Get best value for City
- Help stimulate local economy
  - \$600-\$800m in annual spend
- Provide opportunity for entire community
  - Open, fair and transparent processes



# Strategies

- Aggressively recruit vending community
- Develop business relationships
- Build local capacity through education and unbundling projects

# Purchasing Highlights

# Business Development and Procurement Services (BDPS) FY12-13 Facts

- Agenda items processed for goods/services – 162 for \$389m
- Business Inclusion and Development compliance agenda items - 382
- Requisitions processed – 6,500
- Active Master Agreements – 765
- City vendor training events – 28
- Vendors registered with Dallas – 27,000

# Enhanced Quality and Access

- Public bid openings
  - Live Webcast and Cable
- E-procurement website
- Social Media pages
- QR codes
- Online calendar of events



# Departmental Recognitions

## Contractors Associations:

### **Asian American Contractors Association of Texas:**

Moon Award: Public Agency for extensive outreach and MBE programs

Star Award : Agency individual who did the most outstanding

Mercury Award: MBE advocating individual

### **Black Contractors Association:**

Achievement and Commitment to Excellence

Public Sector Advocate of the Year

### **Regional Hispanic Contractors Association:**

Supporting Partner Certification Award

Safety Award

Commitment Award

Luna Award : Outstanding Professional

## Agency Awards:

### **D/FW Minority Supplier Development Council:**

Public Sector Entity Award

Best Practices Award

Certificate of Appreciation

### **Minority Business Development Agency:**

Pacesetter Award

\$1Million Dollar Roundtable Award

### **National Inst. of Govt. Purchasing:**

Outstanding Agency Accreditation Award

### **National Purchasing Inst:**

Achievement of Excellence in Procurement

SBA Emerging Partnership

## Chambers of Commerce:

### **Greater Dallas Asian Chamber of Commerce:**

Partners in Service Award

### **DFW Native American Chamber of Commerce:**

Public Sector Agency Award

### **Greater Dallas Hispanic Chamber of Commerce:**

BAC Partnership Award

Partnership in Service Award

Public Sector Partnership Award

### **Unites States Hispanic Chamber of Commerce:**

\$1Million Dollar Club Award



# Omni Hotel

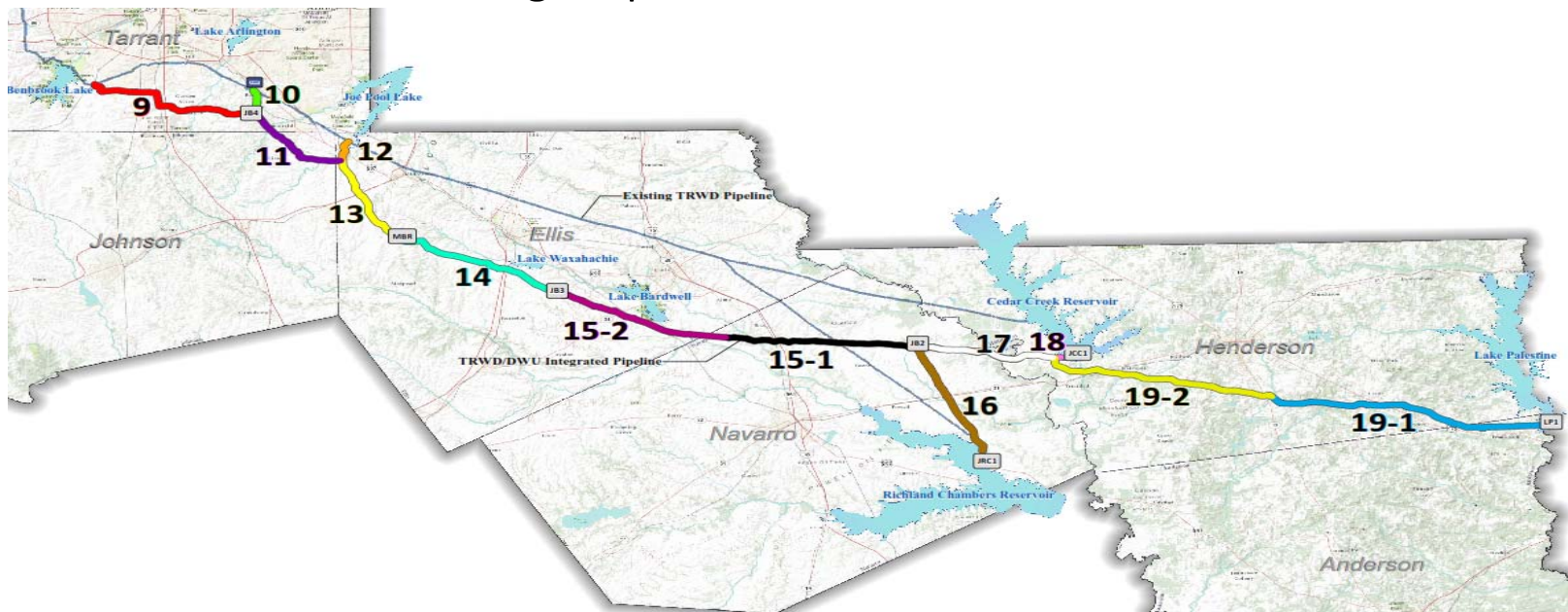
- Opened November 11, 2011
- 9 – Capacity building workshops
  - 1,500 attendees



Hotel Construction	Hotel Operating
Significant joint venture between Balfour Beatty and two M/WBE firms: Pegasus Texas and H.J. Russell Co. (BRPJV)	
Exceeded goal of 30% at 37.9% of the project value	Exceeding 25% goal at 32.7%
Resulted in 163 separate contracts to M/WBE firms	21 existing contracts with M/WBE firms



- City of Dallas & Tarrant Regional Water District
- City of Dallas \$400M
- 150 miles of pipeline and 6 pump stations
- Spans 6 Counties
- Currently exceeding M/WBE & HUB goal at 74% on the design phase
  - Project overall goal of 25%
- Construction set to begin April 2014



# Love Field Concessions



## **Results – 110 proposals received**

Goal for Minority and DBE participation 23.5%

Food and beverage participation – 64%

Retail participation – 31%



# Green Purchasing

- Dallas has been widely recognized as having one of the largest and most diverse alternative fuel vehicle (AFV) fleets in the country representing over 38% of EBS vehicles
- AFV fleet consists of nearly 2,000 units that are either electric, hybrid-electric, or run on bio-diesel or compressed natural gas (CNG)
- Currently purchasing energy credits representing 40% of our electricity usage
- Increased the number of approved “green” products by 25% since 2009



# BDPS ISO Certified – May 2010



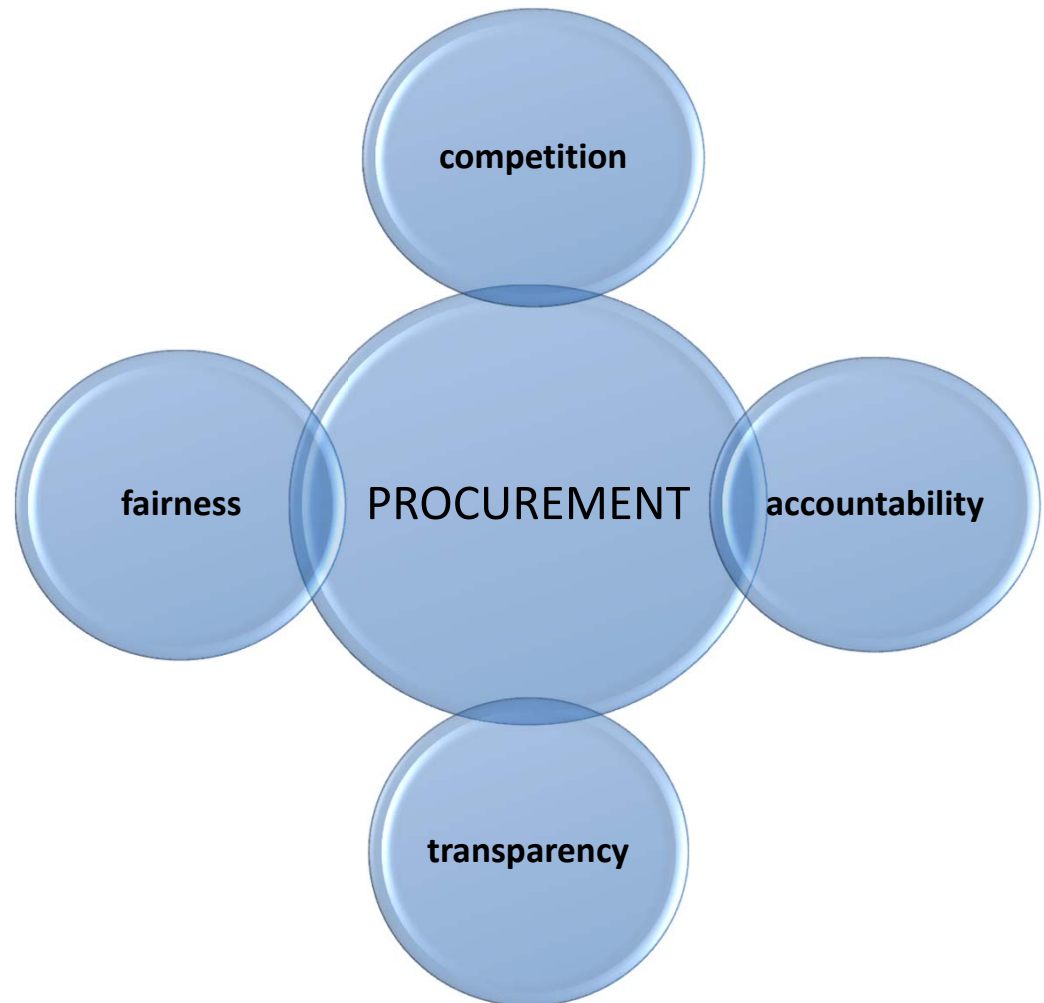
- **11 City Departments certified**
- **Standardization**
- **Improve Quality**
- **Efficiency**
- **Increase Productivity**
- **Enhance Customer Service**
- **Promotes Continued Improvement**

**First public procurement office to receive certification in United States**

# Procurement Overview

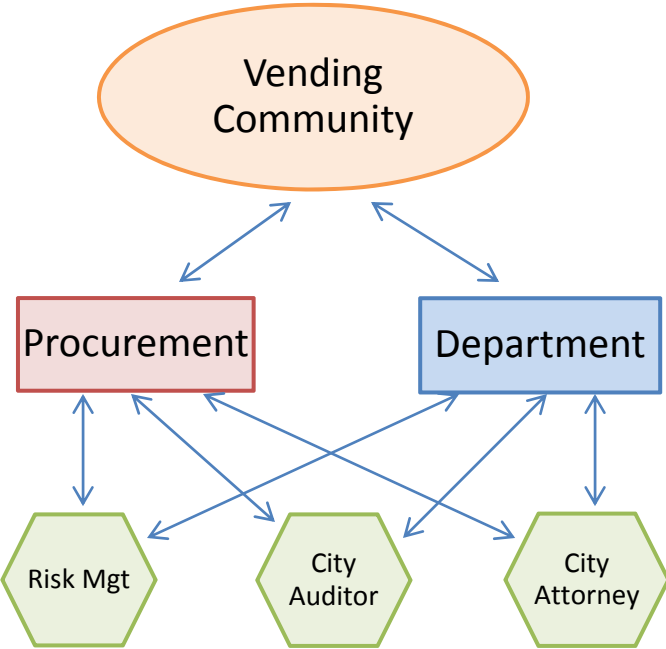
The City must comply with all local, state and federal procurement laws

- State Laws of Texas
- Dallas City Charter
- Dallas City Code
- City Administrative Directives
- Business Inclusion and Development policies and procedures

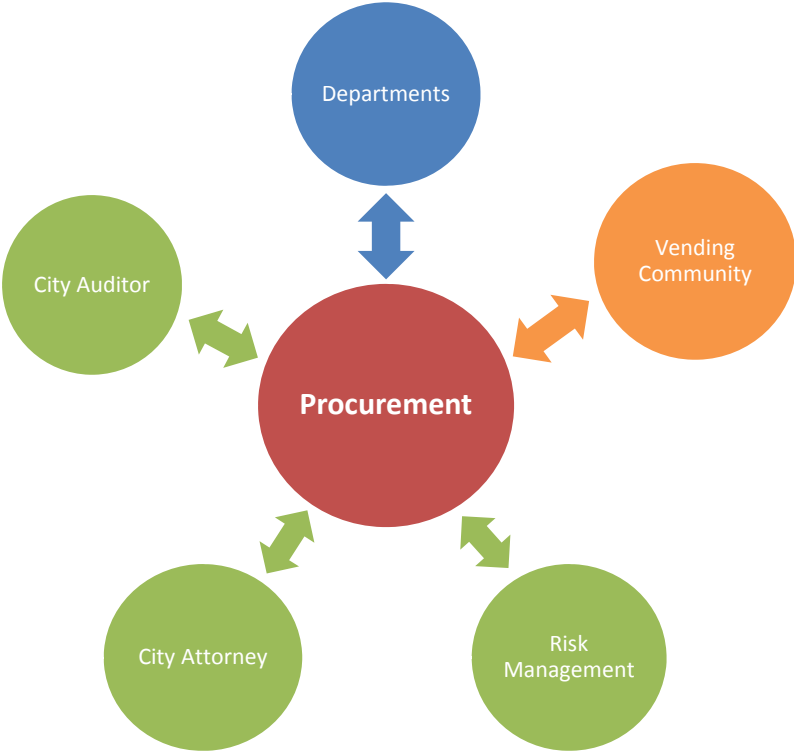


# Decentralized vs. Centralized

## Decentralized



## Centralized



# Procurement Methods

## INFORMAL SOLICITATIONS

- Less than \$50K
- Bid posted on City’s website
- Bid closes after 3 days
- Low bid recommended
- No Council action required – approval authority delegated to City Manager

## FORMAL SOLICITATIONS

- Request for Bid or Proposal - procurements exceeding \$50,000
- Formally advertised in DMN
- Chambers of commerce and advocacy groups (25) notified
- Placed on City’s procurement website

## SOLE SOURCE

- Items that are available from only one source because of patents, copy rights, secret processes, or natural monopolies
- City Auditor’s Office reviews all items over \$50k prior to Council consideration

## COOPERATIVE AGREEMENTS

- Contracts have been bid by another public agency and are available to all governmental agencies at the pre-established pricing
- Leverages aggregate purchasing power to lower cost

## EMERGENCY PROCUREMENTS

- Exempted from formal competitive bidding
- Procurement made due to a public calamity that requires immediate relief to preserve public property; protect the public health or safety of the residents
- Items over \$50k require Council action to ratify

# All Competitive Methods

## Solicitation

- Develop and publish specifications as required by State Law
- Closing time/date published followed by public bid opening
- Minimum two consecutive weeks

## Evaluation

- Meets minimum specification (bids)
- Committee evaluation (proposal)
- Negotiations (proposal) on price/terms, etc.

## Recommendation

- Concurrence on low bidder or advantageous proposer
- Final verification on recommended bidder's information
- Contract requested (if necessary) - City Attorney's Office

## Council Consideration

- Provide background, purpose and description of the procurement, history of item
- Submit completed agenda item to City Council for consideration

# Sample Timeline

Request for Bid 11-14 Weeks			
January	February	March	April
<b>Solicitation</b> <ul style="list-style-type: none"> <li>• 4 weeks</li> </ul>			
	<b>Evaluation</b> <ul style="list-style-type: none"> <li>• 2-4 weeks</li> </ul>		
		<b>Recommendation</b> <ul style="list-style-type: none"> <li>• 1-2 weeks</li> </ul>	
			<b>Council</b> <ul style="list-style-type: none"> <li>• 4 weeks</li> </ul>

Request for Proposal 13-22 Weeks					
January	February	March	April	May	June
<b>Solicitation</b> <ul style="list-style-type: none"> <li>• 4 weeks</li> </ul>					
	<b>Evaluation</b> <ul style="list-style-type: none"> <li>• 4-11 weeks</li> </ul>				
			<b>Recommendation</b> <ul style="list-style-type: none"> <li>• 1-3 weeks</li> </ul>		
				<b>Council</b> <ul style="list-style-type: none"> <li>• 4 weeks</li> </ul>	

# **VENDOR COMMUNICATION**



# Vendor Communication Guidelines

- During competitive procurement processes, vendors are instructed under the bids/proposals terms and conditions to direct all communications to the designated City representative (Buyer) for the specific solicitation

- Dallas City Code Section 12 A-15.8 (g) provides:

*“Lobbying by bidders and proposers on city contracts. A person responding to a request for bids or request for proposals on a city contract shall not (either personally or through a representative, employee, or agent) lobby a city council member from the time the advertisement or public notification of the request for bids or request proposals is made until the time the contract is awarded by the city council. This subsection does not prohibit a bidder or proposer from speaking at the city council meeting where the award of the contract is considered.”*

# ResourceLink Outreach Team



# ResourceLink Outreach Team

- Connects businesses with resources to do business with the City
- Provides training and informational seminars to help vendors
- Compile scope specific M/WBE subcontractor lists from the certifying agencies' databases
- FY 12-13 Team attended 102 events
- Conducted 28 training sessions (3,840 vendors attended)

# ResourceLink Team Highlights

- Held Vendor Symposium at Dallas Executive Airport (Jan. 2013)
- Connected primes and MWBE subs for one-on-one sessions
- 20 firms attended
- New relationships created



# **BUSINESS INCLUSION AND DEVELOPMENT**

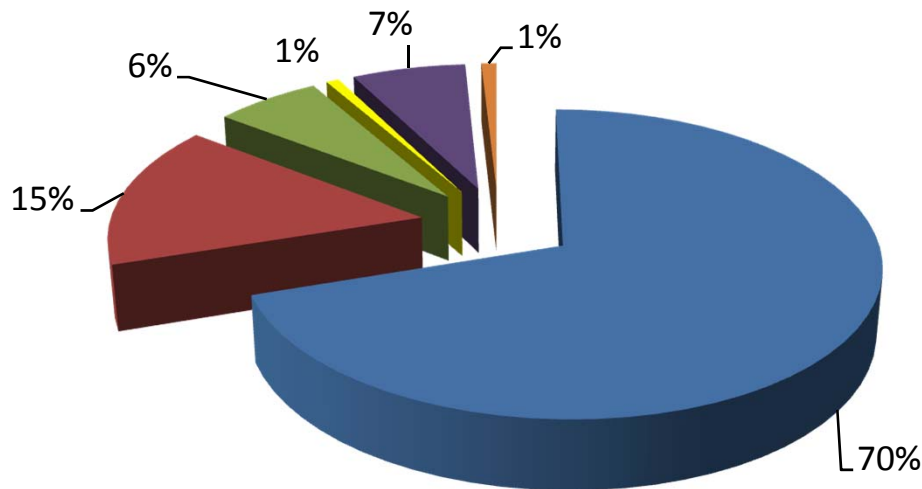
# Business Inclusion and Development (BID)

<p style="text-align: center;"><b>POLICY</b></p> <ul style="list-style-type: none"> <li>Encourages certified M/WBEs utilization to the greatest extent feasible on all contracts</li> </ul>	<p style="text-align: center;"><b>BACKGROUND</b></p> <ul style="list-style-type: none"> <li>October 2008 Amendments</li> <li>Changed from Good Faith Effort to Business Inclusion and Development</li> <li>Added 15 points in evaluation criteria for items over \$250K</li> <li>Encouraged Joint Ventures</li> </ul>	<p style="text-align: center;"><b>ADMINISTRATION</b></p> <ul style="list-style-type: none"> <li>BDPS Contract Compliance Team</li> <li>Centralized location for contractors and subcontractors</li> <li>Evaluation of large contracts prior to advertising to identify unbundling opportunities</li> </ul>
<p style="text-align: center;"><b>PROCESS</b></p> <ul style="list-style-type: none"> <li>BID forms completed by respondent</li> <li>Planned M/WBE participation verified</li> <li>Participation monitored</li> <li>15 point M/WBE evaluation (if applicable)</li> </ul>	<p style="text-align: center;"><b>GOALS</b></p> <ul style="list-style-type: none"> <li>Utilizes local (Dallas County) M/WBEs</li> <li>Compliance based on the good-faith efforts</li> <li>Construction: 25.00%</li> <li>A &amp; E: 25.66%</li> <li>Professional Services: 36.30%</li> <li>Other Services: 23.80%</li> <li>Goods: 18.00%</li> </ul>	<p style="text-align: center;"><b>PROGRAM SUCCESS</b></p> <p>FY 2011 – 2012</p> <ul style="list-style-type: none"> <li>Local dollars spent: \$335.8M</li> <li>Local dollars awarded to M/WBEs: \$116.3M (34.6%)</li> </ul> <p>FY 2012 – 2013</p> <ul style="list-style-type: none"> <li>Local dollars spent: \$408.8M</li> <li>Local dollars awarded to M/WBEs: \$122.8M (30.1%)</li> </ul>

# Business Inclusion and Development (BID)

**FY 2012 - 2013 Participation by Service**

■ Non-M/WBE ■ Construction ■ A&E ■ Professional ■ Other ■ Goods



## FY 2012 – 2013

- Local dollars spent: \$408.8M
- Local dollars awarded to M/WBEs: \$122.8M (30.1%)

# **LOCAL PREFERENCE**



# Local Preference

- On June 27, 2012, the City of Dallas passed the Local Preference Ordinance
- Local preference applied on one (1) procurement in FY 12-13 – Fuel – May 1, 2013
- All bids are reviewed for local preference

<b>Contract Amount (Low Bids Only)</b>	<b>Goods</b>	<b>General Services</b>	<b>Construction Services and Facility Construction</b>
\$0 - \$50,000	No preference	No preference	No preference
\$50,001 - to under \$100,000	5% preference	5% preference	5% preference
\$100,000 – to under \$500,000	5% preference	5% preference	No preference
\$500,000 plus	3% preference	No preference	No preference

# Local Preference

## DEFINITION

- Principal Place of Business within the City of Dallas
- Headquarters or admin. office
  - Established office
  - Majority of the business' operations and transactions are conducted
  - Does not include message centers, P.O. Box, or mail drops

## BENEFITS

- Encourages local businesses to do business with the City
- Increases competition
- Promotes a stronger economy for Dallas residents and businesses
- Allows staff to recommend for Council approval

## EXEMPTIONS

- Competitive sealed proposals
- Informal solicitations
- Federal grant funds
- Sole Source contracts
- Emergency procurements
- Cooperative agreements
- Telecommunication and Information services
- Construction contracts greater than \$100,000

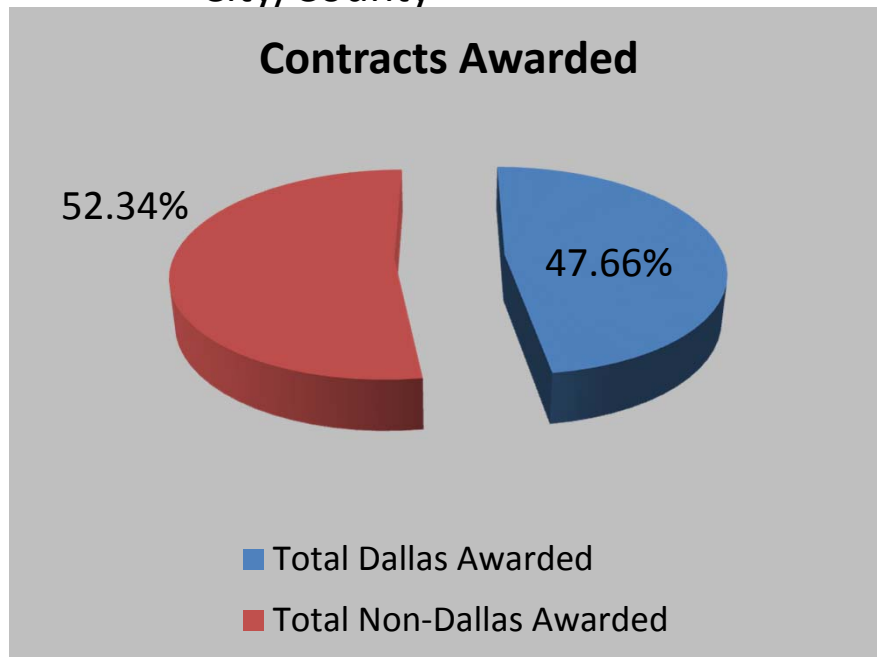
## PROCESS

- Is the procurement a competitive (low) bid contract?
- Is the lowest bid not a local vendor?
- Was a bid received from a vendor with a principal place of business in Dallas and is within the local preference respective threshold?
- Does awarding the contract provide an economic benefit to the City?

# FY 12-13 Local vs Non Comparison

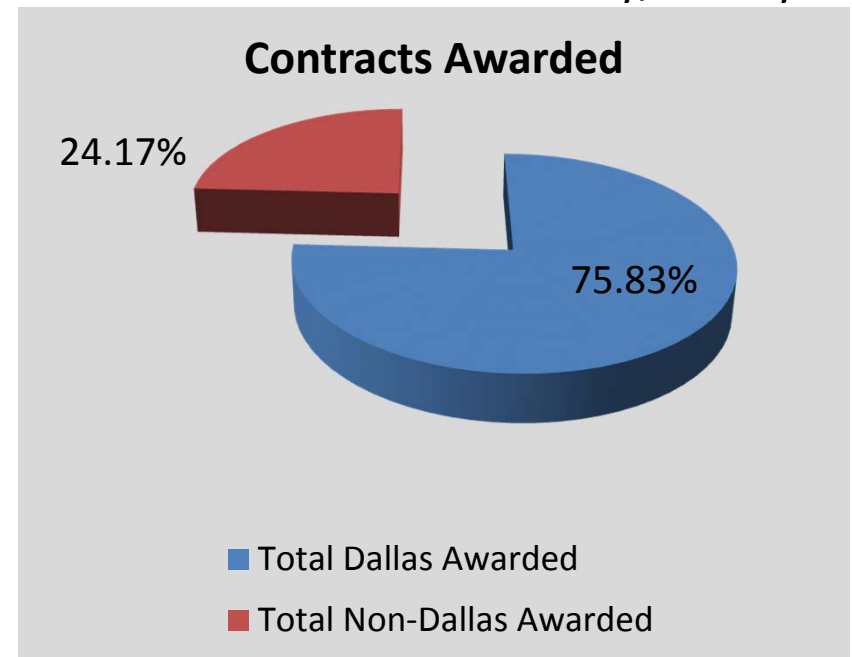
## Goods and Services

- 256 contracts Awarded
  - 122 or 47.66% - Dallas City/County



## Construction, A & E

- 120 Awarded (excludes change orders and supplemental agreements)
  - 91 or 75.83% - Dallas City/County



# More to Continue

As we look to the future, we will continue to look for opportunities to improve processes to meet the ever changing needs of the City.

The review of processes with the goal of:

- Simplification
- Faster turnaround
- Increased Transparency



# APPENDIX

# Additional Resources

## BDPS Main City Page

[http://www.dallascityhall.com/business\\_development/business\\_links.html](http://www.dallascityhall.com/business_development/business_links.html)

Welcome to the City of Dallas, Texas - Business Development & Procurement - Windows Internet Explorer

http://www.dallascityhall.com/business\_development/business\_links.html

Home | 311 Info & Services | Community & Culture | Business | Government | Visitors | About | Dallas Kids | Search

### Business Development & Procurement Services Related Links

**Business Development Services (BDS)**

- Bill J. Priest Institute for Economic Development
- Dallas/Ft. Worth Minority Business Council (DFWMBC)
- North Central Texas Regional Certification Agency (NCTRCA)
- Women's Business Council - Southwest
- U.S. Small Business Administration

**Other Links**

- City Unveils CityLINKCD
- Convention Center Hotel
- Dallas joins other public agencies to form Dallas Alliance for Business Development
- Business Inclusion and Development Plan
- Historically Underutilized Business (HUB)
- Licenses
- Master Agreement by Description
- Webcasting Bid Openings
- PCard Transactions
- Comprehensive Plan RFOs
- Texas Emissions Reduction Program (TERP) for more information, please contact Kimberly Affat at (214) 670-6971
- Trinity River Corridor Project

**Executed Administrative Actions and Change Orders**

- November 2013
- October 2013
- September 2013
- August 2013
- July 2013
- June 2013
- May 2013
- April 2013
- March 2013
- February 2013
- January 2013
- December 2012
- November 2012
- September 2012
- August 2012
- July 2012
- June 2012
- May 2012

**Business Development**

- City Store
- BDPS Calendar
- Construction Notices
- IPL Project
- Business Dev. Services
- BID Plan
- BID Forms
- Proposal Forms Over 250k
- M/WBE
- Certification
- Obtaining a List
- Vendor How To
- General Conditions
- Related Links
- Staff/Contacts

# Additional Resources

## Calendar of procurement events

[http://www.dallascityhall.com/business\\_development/calendar\\_bdps.html](http://www.dallascityhall.com/business_development/calendar_bdps.html)

The screenshot shows a web browser window displaying the City of Dallas website. The page title is "Business Development & Procurement Services Calendar" and it lists "Upcoming Pre-Bid / Pre-Solicitations". The page includes a navigation menu, a sidebar with links to various services, and a table of events. The table has columns for DATE, TIME, LOCATION, TITLE, TYPE, and BUYER/DEPT. Below the table, there is a note about contacting the Resource Link Team for more information.

**Business Development & Procurement Services Calendar**  
Upcoming Pre-Bid / Pre-Solicitations

DATE	TIME	LOCATION	TITLE	TYPE	BUYER/DEPT
1/6/2014	10am	1500 Marilla St., Dallas, TX 75201 (L1FN-B)	BHZ1404 - Court & Detention Collection Services	RFP	Judy Levin-Simmons
1/7/2014	10am	320 E. Jefferson Blvd., Dallas, TX 75203 (Rm. 303)	Riverfront-Continental Street Reconstruction Phase I&II	RFB	Public Works
1/8/2014	9am	1500 Marilla St., Dallas, TX 75201 (3FS)	BUZ1407 - Toner and Printer Cartridges	RFP	Kent Brown
1/9/2014	10am	1500 Marilla St., Dallas, TX 75201 (3FN)	BA1403 Animal Bedding - Wood Shavings	RFB	Alejandra Rios
1/10/2014	10am	1500 Marilla St., Dallas, TX 75201 (3FS)	BAZ1401 Veterinary Service, Canine & Equine	RFP	Alejandra Rios
1/10/2014	11Am	1500 Marilla St., Dallas, TX 75201 (3FS)	BP1411 - E36 Liquid and NAAC Runway Deicer Bulk	RFB	Farouk Hashem
1/15/2014	10am	1500 Marilla St., Dallas, TX 75201 (3FS)	BT1404 - Emergency & Non-Emergency Medical Supplies & Medical Gloves	RFB	Eva Poon

Please contact a member of the City of Dallas Resource Link Team for more information about any of these events via email at [resourcelinkteam@dallascityhall.com](mailto:resourcelinkteam@dallascityhall.com) or by phone at 214-670-3326.

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# Additional Resources

City's Vendor Self Service – e-Procurement website

<https://bids.dallascityhall.com/webapp/VSSPROD/Advantage>

Welcome City of Dallas Vendor Self Service: LOGIN - Windows Internet Explorer

<https://bids.dallascityhall.com/webapp/VSSPROD/Advantage>

Welcome City of Dallas Vendor Self Service: LOGIN

**AMS** VENDOR SELF SERVICE

**Welcome to the City of Dallas  
Vendor Self Service**

**Registered Users**

- . Account Maintenance
- . Respond to Solicitations

User Name :

Password :

**Login**

[Forgot Your Password? Click Here](#)

**New Users**

**Register**

- . Add my company
- . Add my location to existing account
- . Create User ID for existing account

**Public Access**

- . View Posted Solicitations
- . View Award Notices
- . View vendor to vendor solicitation comments

[Click here for history](#)

[Click here for CityBOTS](#)

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Trusted sites | Protected Mode: Off

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# Additional Resources

## (8) Business Assistance Centers

<http://www.dallas-ecodev.org/business/small-business/bacs/>

The screenshot displays a web browser window showing the Dallas Economic Development website. The page title is "Business Assistance Centers | Dallas OED - Windows Internet Explorer". The address bar shows the URL: <http://www.dallas-ecodev.org/business/small-business/bacs/>. The website header includes the Dallas Economic Development logo, navigation links (HOME, BUSINESS, INTERNATIONAL, REDEVELOPMENT, INCENTIVES, CULTURE & LIFESTYLE, RESOURCES), and a search bar. The main content area is titled "Microenterprise Technical Assistance: Business Assistance Center Program". It provides information about the Business Assistance Center Program (BAC) and lists various areas of technical assistance provided by the BAC. A sidebar on the right contains sections for "Tools for Small Businesses", "Stay Informed", and "Resources for Starting a New Business".

**DALLAS ECONOMIC DEVELOPMENT**  
dallas-ecodev.org

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Search

HOME BUSINESS INTERNATIONAL REDEVELOPMENT INCENTIVES CULTURE & LIFESTYLE RESOURCES

You are here: [Business](#) / [Small Business](#) / Business Assistance Centers

Print Share Directory

### Microenterprise Technical Assistance: Business Assistance Center Program

The Business Assistance Center Program (BAC) is administered by the Office of Economic Development (OED) and is funded by a federal grant (Community Development Block Grant-CDBG) from the U.S. Department of Housing and Urban Development (HUD).

The BAC Program is intended to provide benefit for low-moderate income persons in the City by promoting entrepreneurship and **microenterprise\*** development by providing technical assistance to those who are interested in developing new microenterprise businesses and capacity building to those who already own microenterprises.

Areas of technical assistance provided by the Business Assistance Centers (BAC) may include but are not limited to various business development topics such as:

- Different structures of for-profit businesses
- State registration requirements
- Tax implications
- Business plan development
- Strategic plan development
- Industry and marketing research
- Marketing plan/campaign development and branding
- Different funding mechanisms and assistance in understanding loan applications
- Budget development and accounting
- Staffing/payroll, worker's compensation, health benefits and pension
- M/WBE-DBE-HUB certifications, contracts and sub-contracting, bonds and insurance, and
- Others as pertinent and in compliance with eligibility and the applicable federal/state/local governing regulations.

#### Tools for Small Businesses

- [Small Business Main Page](#)
- [Business Assistance Centers](#)
- [Grants & Funds](#)
- [Minority & Woman Owned Businesses](#)

[Map to All Business Assistance Centers](#)

#### Stay Informed

Get the monthly newsletter, latest publications, and announcements.

Email

#### Resources for Starting a New Business

- [Small Business Guide to Starting a Business in Dallas](#)
- [Assumed Name Procedure, Dallas County Clerk](#)
- [Corporations New to Texas](#)
- [IRS Businesses Employer Tax ID Number](#)
- [State of Texas Sales Tax ID Number](#)

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