

Memorandum

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CITY SECRETARY
DALLAS, TEXAS



CITY OF DALLAS

DATE January 23, 2015

TO Honorable Members of the Quality of Life & Environment Committee:
Sandy Greyson (Vice Chair), Adam Medrano, Rick Callahan, Carolyn R. Davis, Lee M. Kleinman

SUBJECT Quality of Life & Environment Committee Meeting Agenda

Monday, January 26, 2015, 9:00 a.m.

Dallas City Hall - 6ES, 1500 Marilla St., Dallas, TX 75201

The agenda for the meeting is as follows:

- | | |
|---|--|
| 1. Call to Order | Dwaine R. Caraway
Chair |
| 2. Approval of January 12, 2015 Minutes | Dwaine R. Caraway
Chair |
| 3. City of Dallas 2014 Energy Management Update | Zaida Basora
Assistant Director, Public Works |
| 4. Waste Diversion Update | Kelly High
Director, Sanitation Services |
| 5. Rest Break Ordinance Update | Forest E. Turner
Chief Wellness Officer |
| 6. Adjourn | Dwaine R. Caraway
Chair |

Please let me know if you have any questions.

A handwritten signature in blue ink, appearing to read 'Dwaine R. Caraway', written over a light blue circular stamp.

Dwaine R. Caraway
Chair

c: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager

Eric D. Campbell, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

NOTICE: A quorum of the Dallas City Council may attend this Council committee meeting.

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.

Quality of Life & Environment Committee Meeting Record

DRAFT

Meeting Date: January 12, 2015

Convended: 9:22 a.m.

Adjourned: 10:50 a.m.

Members Present:

Dwaine R. Caraway, Chair
Lee M. Kleinman
Adam Medrano
Rick Callahan
Carolyn R. Davis

Members Absent:

Sandy Greyson, Vice Chair

Briefing Presenters

Zaida Basora
Assistant Director, Public Works

Kris Sweckard
Director, Code Compliance

Staff Present:

Joey Zapata, Tammy Palomino, Ben Collins, Janette Weedon, Tom Varghese, Jesse Dillard, Eric Izuora, Priscylla Bento, Chris Soto

Special Guests:

AGENDA:

1. **Approval of December 8, 2014 Minutes**

Presenter(s):

A motion was made to approve the minutes of December 8, 2014

Action Taken/Committee Recommendation(s):

Motion made by: Adam Medrano

Motion seconded by: Lee M. Kleinman

Item passed unanimously:

Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

2. **City of Dallas 2014 Energy Management Update**

Presenter(s):

Zaida Basora

Information Only

This briefing was moved to the January 26, 2015 meeting date of the Quality of Life & Environment committee at the request of the Chair.

Action Taken/Committee Recommendation(s):

Motion made by:

Motion seconded by:

Item passed unanimously:

Item passed on a divided vote:

Item failed unanimously:

Item failed on a divided vote:

3. Department of Code Compliance

Presenter(s):

Kris Sweckard

Information Only



This briefing provided the committee an overview of Code Compliance Services. The first half of this briefing was originally heard during the December 8, 2014 committee meeting.

The committee requested for staff to provide options to strengthen the department’s ability to collect outstanding property liens.

Action Taken/Committee Recommendation(s):

Motion made by:

Motion seconded by:

Item passed unanimously:



Item passed on a divided vote:



Item failed unanimously:



Item failed on a divided vote:



Councilmember Dwaine R. Caraway
Chair

Memorandum



CITY OF DALLAS

DATE January 23, 2015

TO Honorable Members of the Quality of Life & Environment Committee:
Dwaine R. Caraway (Chair), Sandy Greyson (Vice Chair), Rick Callahan, Carolyn R. Davis, Lee M. Kleinman, Adam Medrano

SUBJECT **City of Dallas 2014 Energy Management Update**

On Monday, January 26, 2015, the Quality of Life & Environment Council Committee will be briefed on the City of Dallas 2014 Energy Management Update. The briefing materials are attached for your review.

Please feel free to contact me if you have any questions or need additional information.

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

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

Attachment

c: The Honorable Mayor and Members of the City Council
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City of Dallas 2014 Energy Management Update

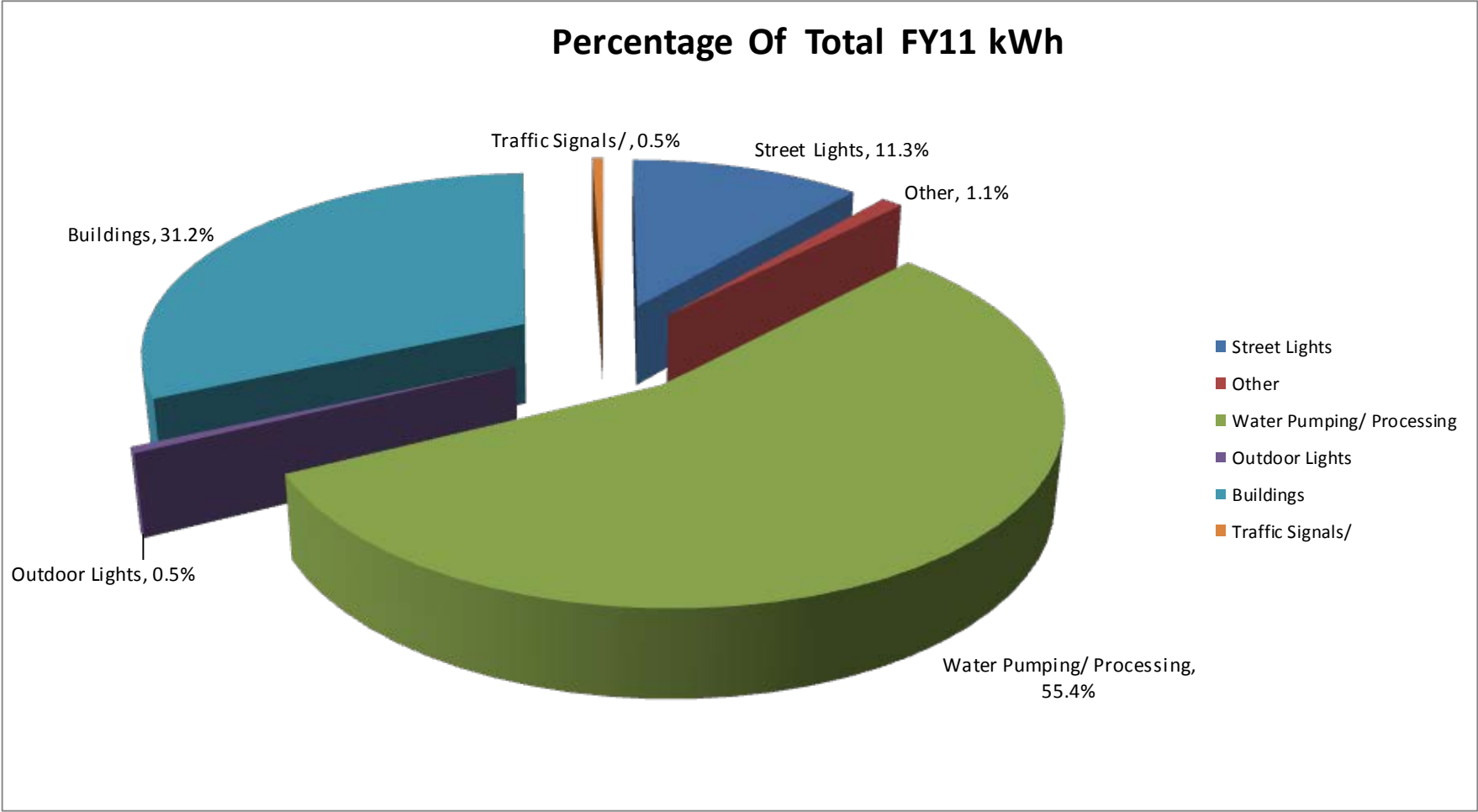
Presented to
Quality of Life & Environment Committee
January 26, 2015



Purpose

- Update on the City's Energy Management Program
 - Background
 - Goals
 - Current Projects and Initiatives
 - Future

How does Dallas consume electricity?

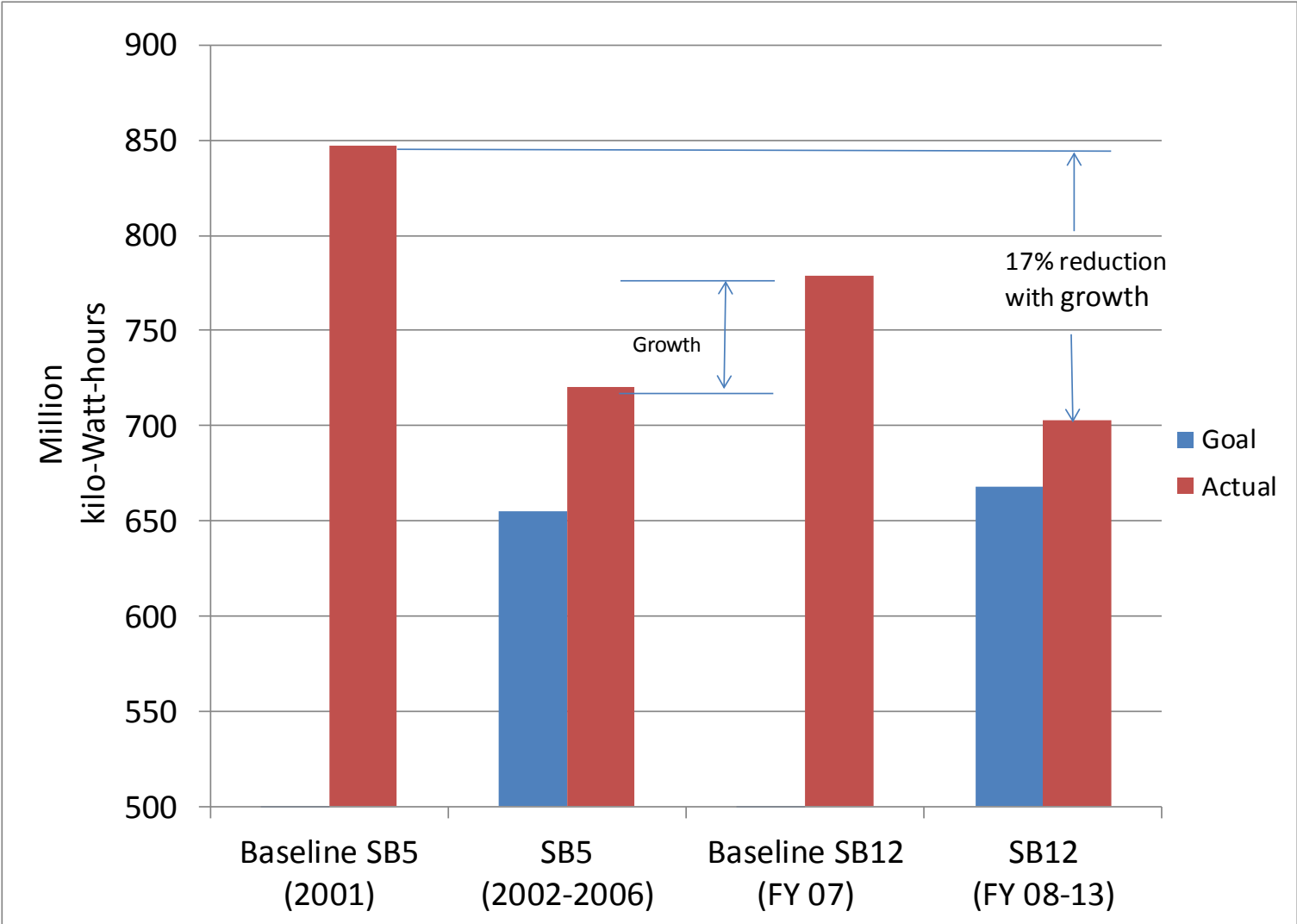


Energy Program Background

- Major Maintenance & Bond Program - HVAC Renovations since **1995**
 - Energy efficiency and indoor air quality improvements
- Management of CFC's (harmful refrigerants) since **1997**
 - Phase out of chlorofluorocarbon (CFC) refrigerants
- Supply & Demand conservation since **2000**
 - Strategic focus: energy reduction per **SB5**, **SB12** and **SB898**
- Performance Contracting since **2001**
 - Energy projects to comply with conservation goals
- LEED minimum Silver certification goal since **2003**
 - 29 LEED certified facilities to date
 - 2 existing buildings certified as LEED Existing Building Operations and Maintenance



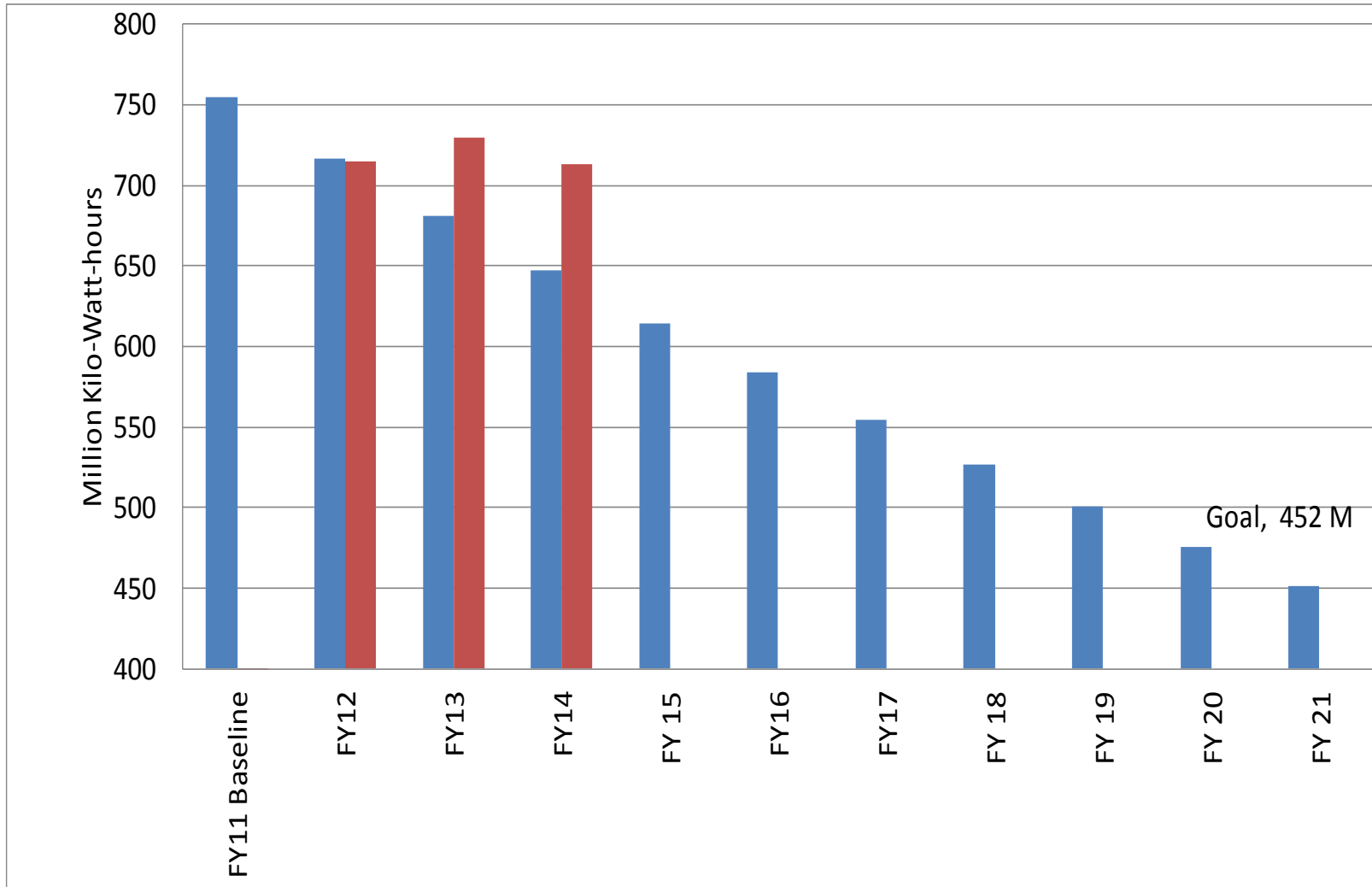
Demand Conservation Since 2001



SB 898 Energy Goals

- SB 898 requires each political subdivision, institution of higher education, or state agency shall establish a goal to reduce the electric consumption by the entity by at least five percent (5%) each state fiscal year for 10 years, beginning September 1, 2011
- As a result the City should decrease its consumption from 754 MkWh to 452 MkWh in FY 21, a 40% reduction

SB 898 Reduction Goal



The Vital Few

- The City's 3,013 electric accounts were analyzed
- 105 (4%) accounts contribute to 90% of the City total baseline load
 - 56 Enterprise
 - 49 General Fund
- Performance contracts to date on 19 of the 105 accounts have a planned to date savings of 34.6 MWh, saving of \$2.94 M (cost avoidance)

Goals Related to Building Energy Use

- Reduce 2011 energy use by 40% by 2021
- Standardized HVAC and lighting controls
- Get major facilities in the EPA Portfolio Manager by 2016
- 10% Renewable cogeneration by 2021

Building Energy Initiatives

- Setting temperature standards with standardized control systems
- Preventative maintenance
- Energy conservation projects
 - HVAC and lighting upgrades
- Shedding loads
- Changing behaviors
- Co-generation

Set Standards

Temperature

- Cooling 75F +/-2
 - Unoccupied set to 90F
- Heating 70F +/-2
 - Unoccupied set to 55F
- Hot water 120F

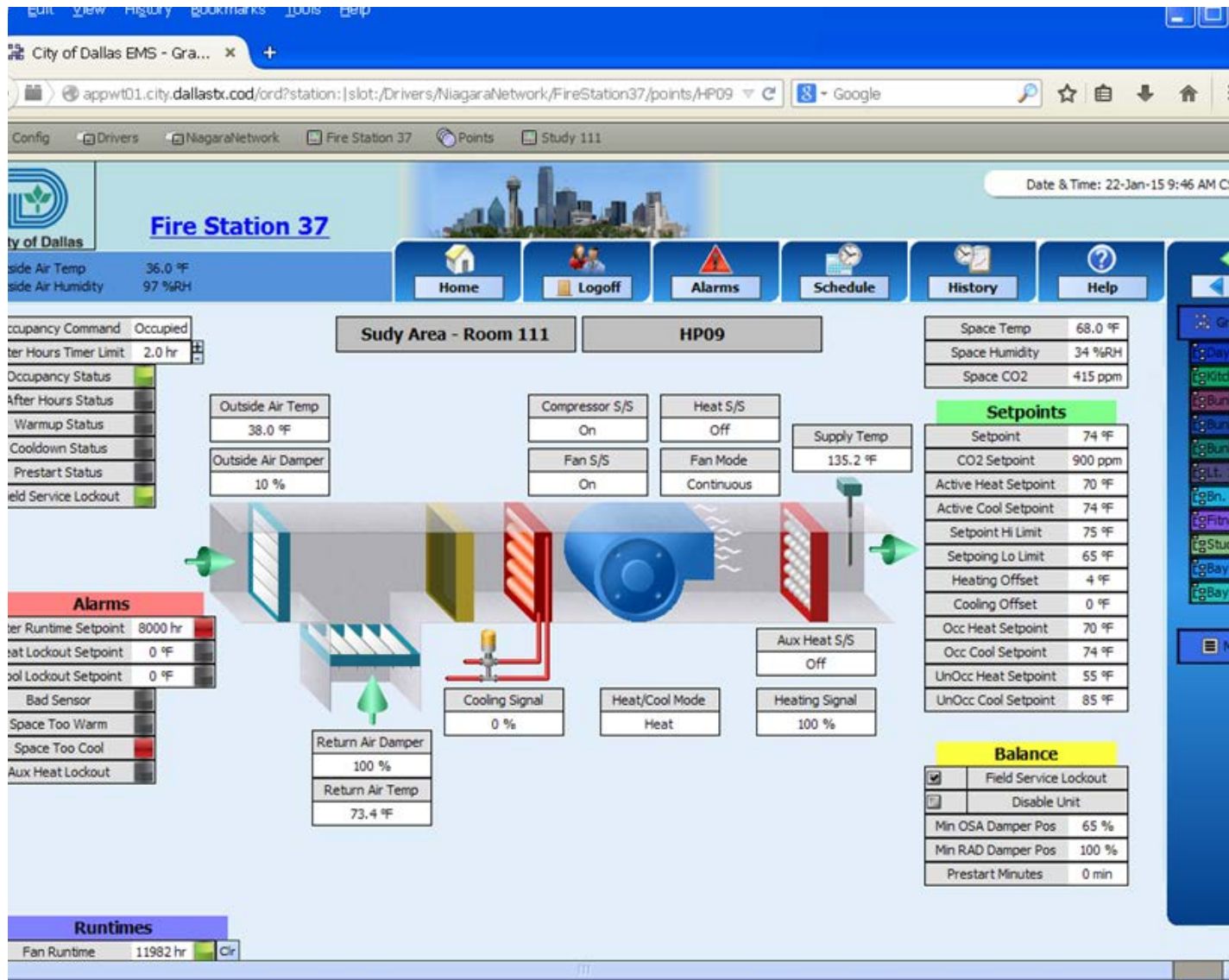
Standardized Controls

- 140 bldgs to date
- Direct digital controls automated
- Eliminate pneumatic
- Standardize graphics for diagnostic capability
- Web-enabled remote access
- Competitive bid repairs

Standard Building Floor Plan Graphics

The screenshot displays a web-based Building Automation System (BAS) interface for Fire Station 32. The browser address bar shows the URL: `appwt01.city.dallas.tx.cod/ford?station:|slot:/Drivers/NiagaraNetwork/Firestation32`. The interface includes a navigation menu with 'Config', 'Drivers', 'NiagaraNetwork', and 'Firestation32'. The main content area features a 'Building Communication Status' section with a dropdown menu set to '{unackedAlarm}'. Environmental data is shown: Outside Air Temperature is 40.2 °F, Outside Air Humidity is 90 %RH, and the system is 'Occupied'. A photograph of the station building is visible on the right. An 'Alarms' section shows 17 General alarms and 0 Critical alarms. The central part of the interface is a detailed floor plan with various rooms and temperature sensors (HP 1 through HP 10) indicated by green dots and their respective temperatures: HP 1 (69.18 °F), HP 2 (70.42 °F), HP 8 (69.70 °F), HP 9 (69.88 °F), HP 10 (69.88 °F), HP 7 (70.33 °F), and two other sensors in the sleeping quarters (69.74 °F and 69.43 °F). Rooms labeled include Office, Garage, Watch Room, Day Room, Dining, Kitchen, Captain, Lieutenant, Study, and Sleeping Quarters.

Standard Air Handling Unit Graphics



HVAC Upgrade Projects

- City Hall Law Library
- Recreation Centers –Tommy Allen, JC Phelps, Eloise Lundy, Fireside
- Libraries- Renner Frankford, Oak Lawn, Park Forest, Preston Royal, Forest Green, North Oak Cliff
- Oak Cliff Municipal Center
- Perot Museum of Natural History at Fair Park

Performance Contracts

Comprehensive electric, water, gas, behavioral projects paid through energy savings

- Equipment retrofits and commissioning;
- Renewable energy
- Partnering for financing
- International Measurement and Verification Protocol
- Independent PE review of guaranteed saving


Current Performance Contracts

1. Pepco- **City Hall and Libraries** – Council Chamber LED Lights – 9.9 MkWh (\$798K/yr)
2. Pepco City Hall Phase #2 amendment pending
3. Schneider – Joulex Automation- **Citywide** - 3.2 MkWh (\$284k/yr)
4. Texas A&M Energy Systems Lab –**Park and Recreation** –Pending Independent Review- 10.5 MkWh (\$639K/yr)
5. Pepco – **Office of Cultural Affairs** – MOU On the 1-28-15 Agenda – 10.6 MkWh (\$706/yr)

Load Shedding

- Electric Reliability Council Of Texas– Reliability & Operations Committee
- Emergency Response Service Program
 - Voluntary load reduction within 10 minutes during a grid emergency
 - Assists in preventing rolling black-outs citywide
- 4 Buildings currently included
 - City Hall
 - Central Library
 - Oak Cliff Municipal Center
 - Jack Evans Police Headquarters

Behavioral

- **SECO Low Cost Guidelines Implementation**
 - 140 initiatives for energy management
 - Department savings competition
 - EBS preventative maintenance coordination
- **Join DOE Better Buildings Program** 
 - Commitment to lead in saving energy, saving money, and showcasing the best energy saving strategies and their results. Partners commit to an energy savings pledge, a showcase building, and to share their progress
 - EPA- Portfolio Manager Benchmarking

Energy Management Committee

Led by **PBW**— includes representatives from city departments: AVI, CES, CIS, DFD, DPD, DWU, EBS, EHS, OCA, PKR and TWM

- Assists in coordination of electric procurement contract
- Monitors compliance with Environmental Management Plan energy issues
- Communicates building standards
- Develops behavioral initiatives (Training & Publications)
- Tracks annual department projects and results

Sustainable Technologies

- 50% of electricity renewable energy credits- wind energy
- DWU bio-gas - approx. 5% city total
- Geothermal HVAC
 - South Central Police, Fire Stations #32 & #37, Pleasant Grove Library
- Solar thermal water heating
 - City Hall, OCMC, Jack Evans, Central Library
- Solar photovoltaic
 - Prairie Creek Library, Hensley Field and Fire Stations #27

Planned Solar Projects

- **Rooftop Solar**

- Convention Center - pending verification of ROI and scheduling
 - Scheduling and funding challenges
- SECO LoanSTAR funding
- Oncor solar rebates

- **Solar Farms**

- Exploring RFP for site selection services
- Researched demand generation alternative to decrease solar system cost



Dallas 2030 District

- The 2030 District is a national, private sector led effort, utilizing collaboration, incentives, and shared resources to improve the performance of buildings
- The Dallas 2030 District (8th in nation) is a non-profit collaborative managed by a Leadership Council and the South Central Partnership for Energy Efficiency as a Resource (SPEER)
- The District goals include reducing the district energy and water use by 50% by 2030 and reducing transportation impacts

DALLAS 2030 DISTRICT®



City Buildings Included:

- City Hall
- Dallas Convention Center
- Central Library
- Meyerson
- Dallas Museum of Art

Financing/Budget

Conservation projects are funded through:

- Bond Program
- Major Maintenance
 - Leveraged by ONCOR incentives
- Performance Contracts
 - Low interest loans
 - State Energy Conservation Office- LoanSTAR Funds
 - Private Party
- Grants/loans- ARRA, CDBG, QECCB's, DWU

Current Actions Timeline

Action Item	Timeframe
Submit ERCOT ERS Program– Feb- May Term	Jan 2015
Notification from SECO of Solar PV Project Loan	Feb 2015
Behavioral Policy and Library Contest	Mar 2015
Join Better Buildings Program	Mar 2015
Council award PKR Performance Contract	Mar 2015
Council award Office of Cultural Affairs Performance Contract SA#1	Apr 2015
Review usage of Qualified Energy Conservation Bonds	Jul 2015
Submit SECO Performance Contract- City Hall #2	Jul 2015

Future Actions

- Decide what to do with City Hall Data Center
- Coordinate Solar PV with 2016 Electric Procurement to incorporate solar net-metering
- Develop automated commissioning into controls systems
- Monitor Oncor LED Street Lighting changes
- Develop next bond program energy projects

Questions ?

Memorandum



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Sandy Greyson (Vice Chair), Rick Callahan, Carolyn R. Davis, Lee M. Kleinman, Adam Medrano

SUBJECT **Waste Diversion Update**

Attached is a briefing that will be presented to the Quality of Life & Environment Committee on Monday, January 26, 2015. The briefing will provide an update on the City's Waste Diversion efforts.

Please feel free to contact me if you have any questions or need additional information.

A handwritten signature in black ink, appearing to read 'Mark McDaniel'.

Mark McDaniel
Assistant City Manager

Attachment

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Elsa Cantu, Assistant to the City Manager – Mayor and Council
Kelly High, Director, Sanitation Services

Waste Diversion Update

Quality of Life & Environment
Committee

January 26th 2015



Purpose

- Discuss status of Zero Waste efforts and goals
- Discuss current outreach programs, partnerships, and policies to advance our goals
- Discuss opportunities and policy matters for future consideration and development

What is the Zero Waste Plan?

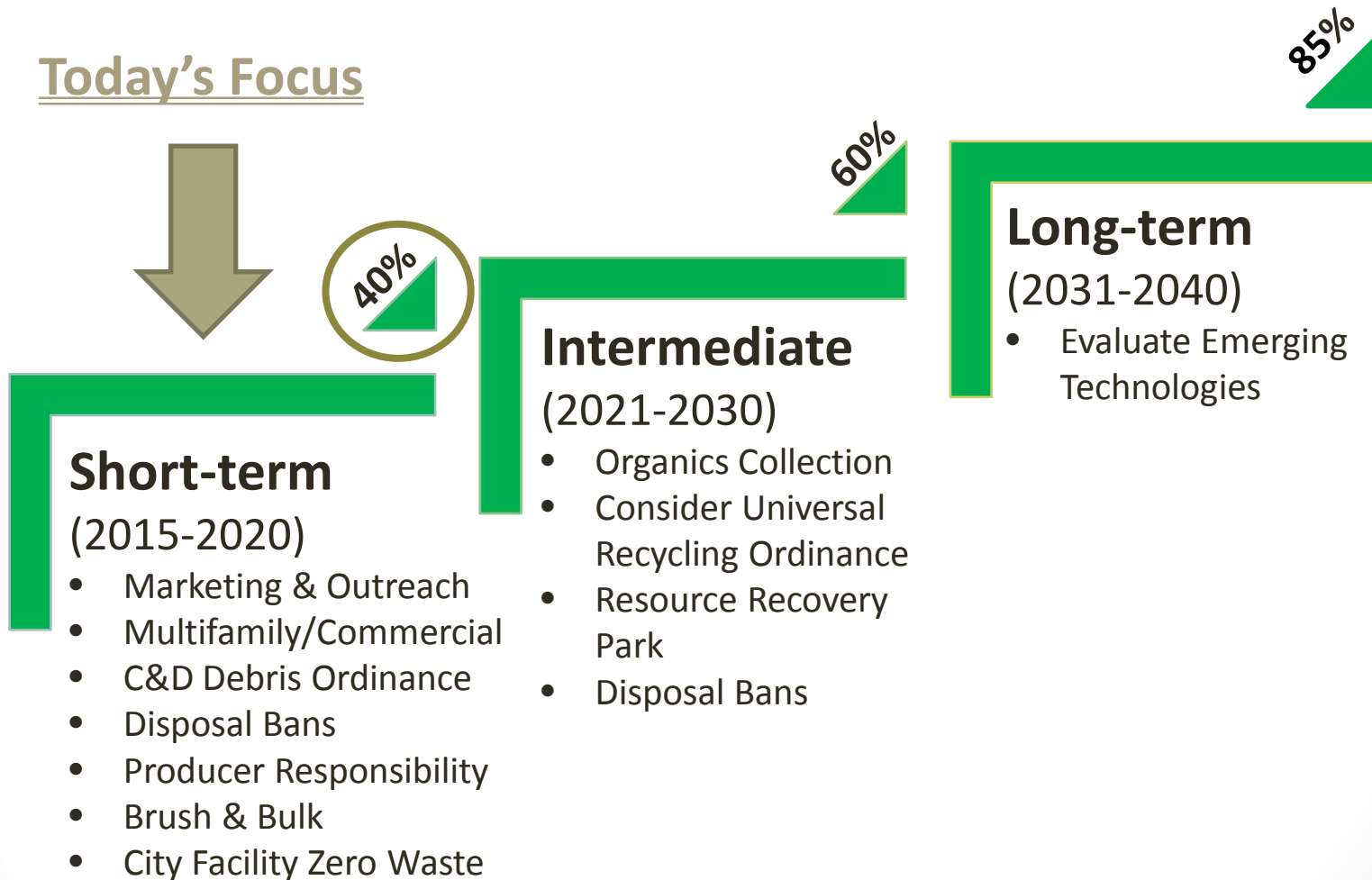
The beginning of a long-term systematic effort, with incremental goals to:

- Strive for sustainability
- Reduce waste volume and maximize diversion through reuse and recycling efforts
- Demonstrate that economic growth, environmental stewardship and fiscal responsibility are NOT mutually exclusive



Goals for Zero Waste

Today's Focus

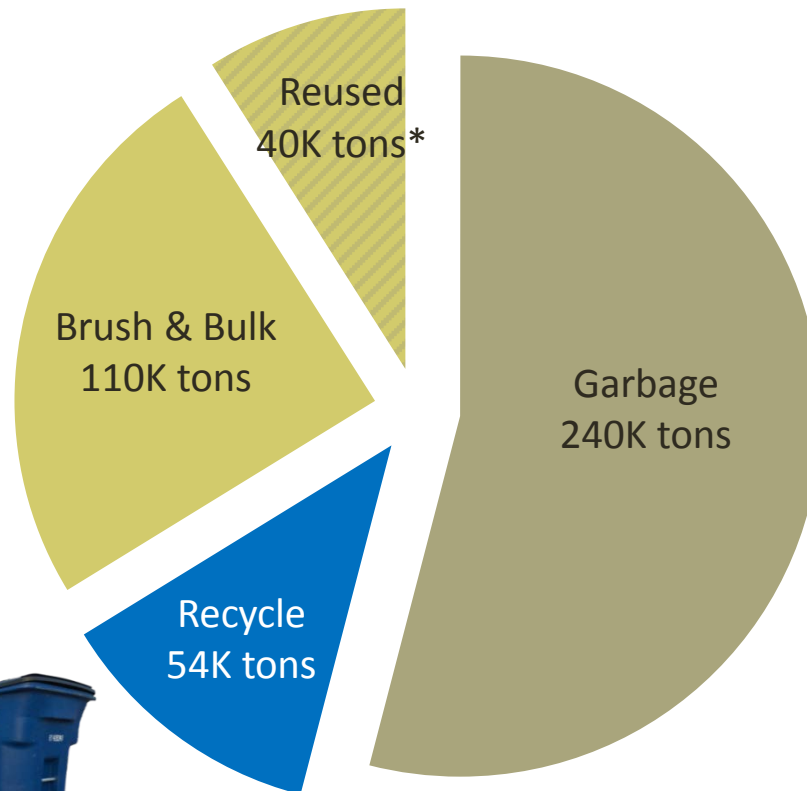


Residential: Where are we now?

Currently, the City diverts or reuses approximately **20%** of the residential waste generated.

- This involves: Garbage, Bulk & Brush and Recycling

Residential Waste Stream



* estimated

Diversion Rate Comparison

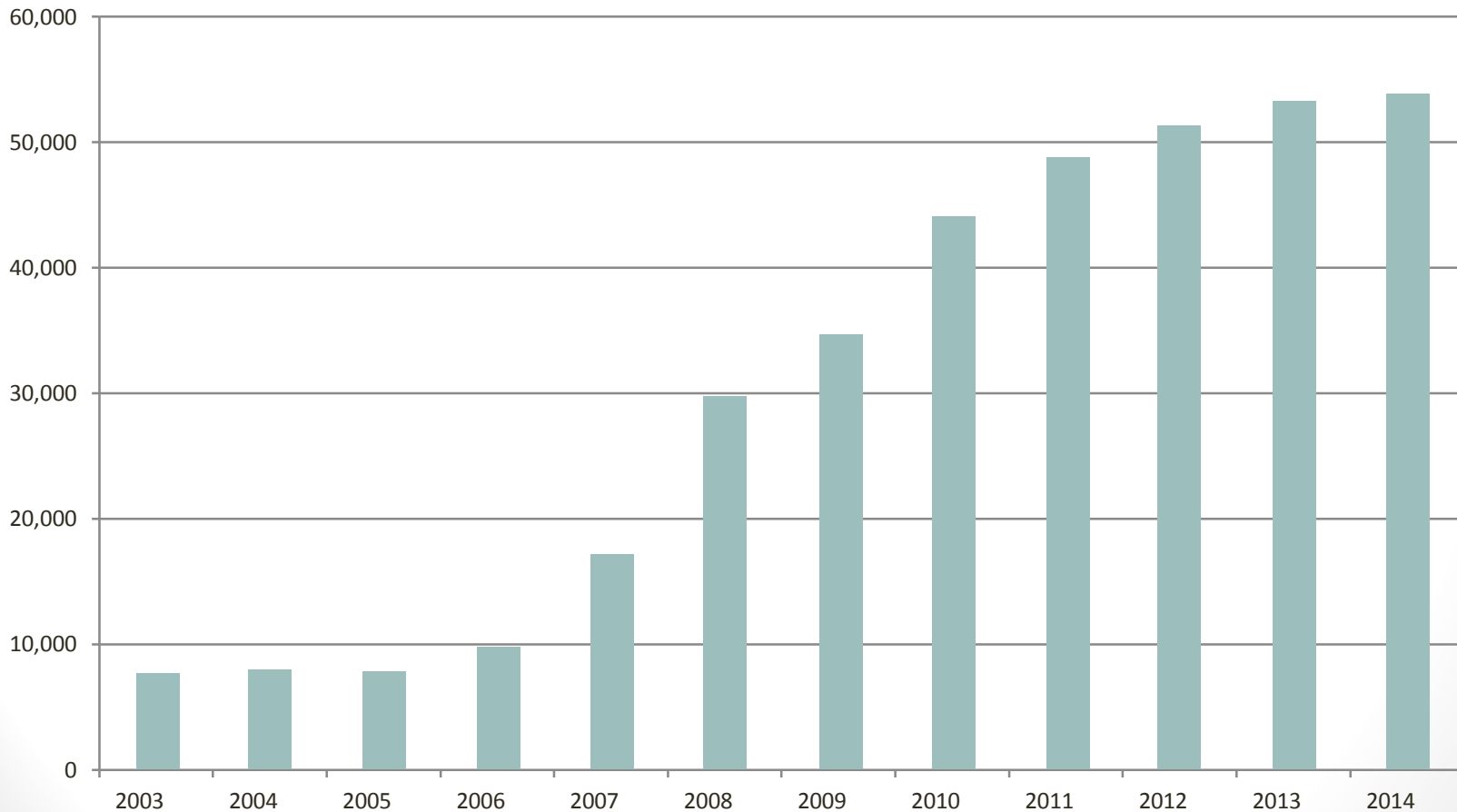
City	Diversion Rate
Dallas	20%
Fort Worth	24%
Houston	26%
San Antonio	30%
National Average*	35%
Austin	40%

*Based on the 2012 EPA MSW Study

- Factors that influence diversion rates
 - Separate collection of brush and yard waste for diversion
 - Many cities don't have their own landfills
 - High cost of transportation, disposal and acquiring land for new landfills

Residential Recycling: History

Recycling Tonnages



Recycling Comparison

- Curbside Recycling: Pounds per Household*
 - Houston – 159.7 lbs per HH/Yr
 - San Antonio – 419.5 lbs per HH/Yr
 - Fort Worth – 438.8 lbs per HH/Yr
 - **Dallas – 442.6 lbs per HH/Yr**
 - Austin – 639.6 lbs per HH/Yr



*based on best available information

Goals for Zero Waste



Short-term

(2015-2020)

- Marketing & Outreach
- Multifamily/Commercial
- C&D Debris Ordinance
- Disposal Bans
- Producer Responsibility
- Brush & Bulk
- City Facility Zero Waste

Marketing & Outreach



Marketing & Outreach

Sanitation Services has a comprehensive outreach strategy to increase customer's awareness and participation.



Marketing & Outreach




How will your family save the planet?

As you may know, the Earth's resources are declining due to population growth and the trend of throwing everything away, instead of recycling it. Together, we can change that.

Whether you're teaching your children or they're teaching you, recycling together is a great way to make a difference. By recycling the items below, you'll be saving natural resources, energy AND creating jobs for Dallas residents.

Did you know?

- Recycling one aluminum can saves enough energy to run a television for 2 hours
- Preventing one ton of paper from entering the landfill saves between 15 and 17 mature trees (Source: EPA - WasteWise)

Just imagine what you could do if you recycled at home! We could create a healthier planet for our children and future generations.

Recycle these items:








Helpful Tips

- To order your FREE recycling roll cart, please call 3-1-1 and place your order today!
- Please do not bag your recyclables. They should be placed directly in the recycling roll cart without being bagged.
- For information on what to do with hard to recycle items like plastic bags or metal hangers, go to dallasrecycles.com.

For more information about recycling at home or recycling drop-off locations, go to dallasrecycles.com or call 214-670-4475.

No, I'm not fetching! ! I'm taking this to the recycling bin.

- Max, the Cat



dallasrecycles.com





¿Cómo su familia conservaría el planeta?

Como ustedes saben, los recursos del planeta están disminuyendo debido al crecimiento de la población y la tendencia de tirar todo por la borda, en lugar de reciclarlo. Juntos, podemos cambiar eso.

Ya sea que, usted esté enseñando a sus hijos o que ellos le estén enseñando a usted, reciclando juntos es una gran manera de hacer una diferencia. Al reciclar los elementos que enseñamos abajo, usted va a conservar los recursos naturales, la energía y la creación de puestos de trabajo para los residentes de Dallas.

¿Sabía usted que?

- Reciclando una lata de aluminio ahorra suficiente energía para hacer funcionar un televisor durante 2 horas
- Prevenir de que una tonelada de papel entre en el basurero ahorra entre 15 y 17 árboles maduros (Source: EPA - WasteWise)

¡Solo imagínese lo que podría hacer si usted recicla en casa! Podríamos crear un planeta más saludable para la vida de nuestros hijos y las futuras generaciones.

Recicle estos artículos:








Consejos útiles

- Para solicitar el servicio GRATIS de contenedor azul de reciclaje, por favor llame al 3-1-1 y haga su solicitud hoy mismo!
- Por favor, no coloque los artículos reciclables en bolsas. Deben ser colocados directamente en el carro rodante de reciclaje, sin ser empacados en bolsas.
- Para obtener información sobre qué hacer con los artículos difíciles de reciclar, como, bolsas de plástico, ganchos de ropa metálicos, visite la página dallasrecycles.com.

Para obtener más información sobre cómo reciclar en casa o los sitios para entrega de artículos reciclables, visite la página dallasrecycles.com o llame al 214-670-4475.

Marketing & Outreach

Do YOU recycle right?

YES



Cartons



Mixed Paper



Cardboard & Boxboard



Glass Bottles & Jars



Plastic Containers
(#1-5, 7)



Metal Cans

NO



Plastic Bags & Plastic Film



Styrofoam & Plastic Utensils



Toys



Paper Towels & Tissue Papers



Shredded Paper



Metal Hangers




Diapers




Clothes

Santa got some new gadgets for Christmas. Did you?




If so, don't forget about your old electronics.
Electronics can be recycled at any of the following City facilities:

<u>Northwest Transfer Station</u>	<u>Southwest Transfer Station</u>
9500 Harry Hines Blvd.	4610 S. Westmoreland Road
<u>Northeast Transfer Station</u>	<u>McCommas Landfill</u>
7677 Fair Oaks Avenue	5100 Youngblood Road



For more information, visit DallasRecycles.com



Pub. 14/153



Marketing & Outreach

Sanitation Services is actively engaged with school districts in Dallas on classroom education (Grades 1 – 6).

- In FY13-14, the Environmental Education Initiative, implemented through a contract with the University of North Texas educated:
 - 11,135 students
 - 236 teachers

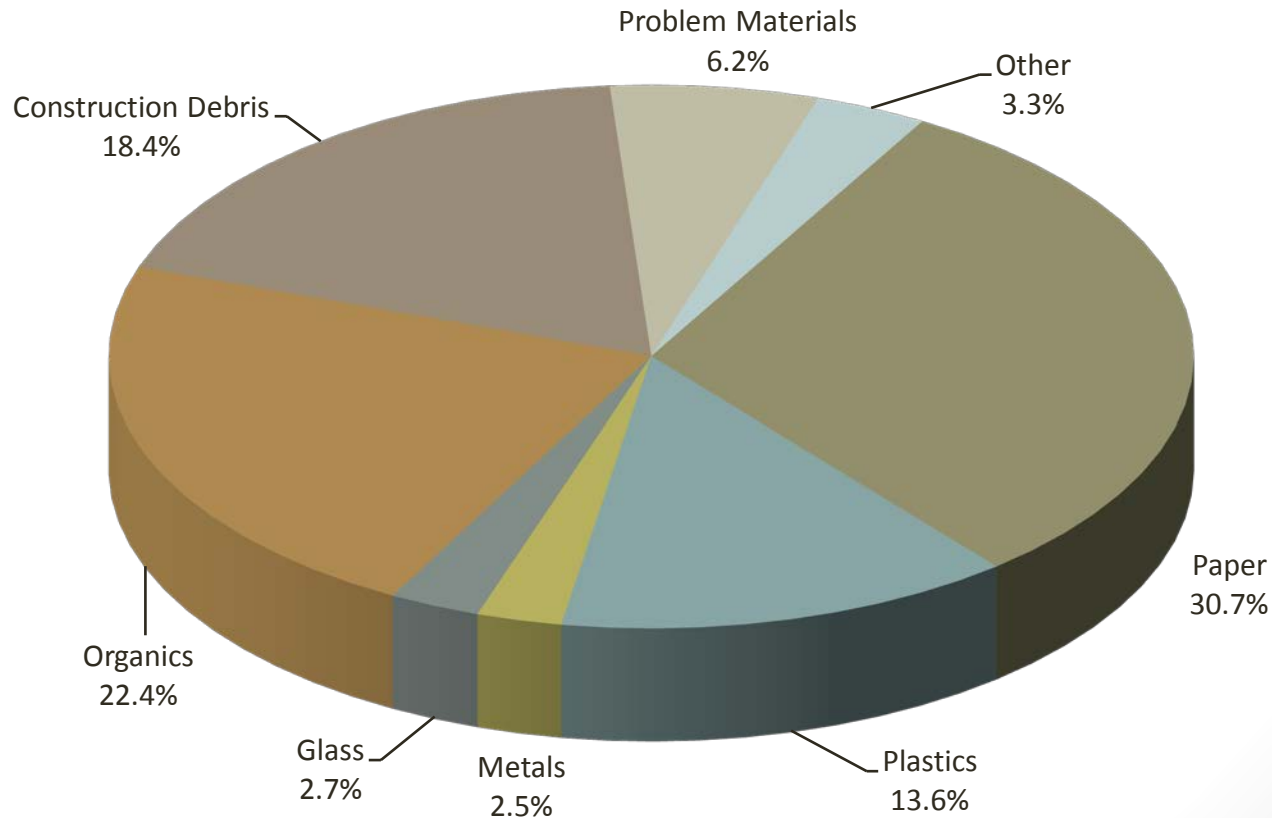


Multifamily and Commercial



Multifamily and Commercial

- Approximately 65% of the waste disposed at McCommas Bluff Landfill is derived from commercial customers
- Based on a recent Waste Characterization study of mixed commercial waste, excluding loads comprised of only C&D waste, we found the following:



Multifamily and Commercial

As outlined in the Plan, Sanitation staff has partnered with the commercial sector to:

- Host quarterly stakeholder meetings to identify strategies for maximum recycling
 - Major stakeholders include:
 - Apartment Association of Greater Dallas (AAGD)
 - Hotel Association of North Texas (HANTx)
 - Building Office Managers Association (BOMA) Dallas
 - Texas Campaign for the Environment
- Complete a survey and establish a baseline diversion rate for individual sectors
- Document voluntarily adopted recycling goals
 - Track achievement of recycling goals

Multifamily and Commercial

Commercial Survey



Multifamily and Commercial

Commercial Survey

- Sanitation staff worked with Decision Analyst Inc. and stakeholders to develop questions and distribute surveys to their members.
 - Over 1,000 surveys were sent out
 - Over 200 to BOMA members
 - Over 650 to AAGD members
 - Over 150 to hotels
 - Recipients included property owners, property managers & hotel general managers
 - The survey helped establish baselines and provided a better understanding of diversion barriers and opportunities
 - After the survey results were reviewed, goals were established



Commercial Survey: Participation and Diversion Rates

Organization	Small	Medium	Large	Overall
BOMA Recycling Participation	58%	94%	100%	84%
BOMA Diversion	11%	23%	29%	21%
HANTx Recycling Participation	14%	73%	100%	61%
HANTx Diversion	12%	7%	11%	10%
AAGD Recycling Participation	30%	35%	53%	37%
AAGD Diversion	5%	6%	8%	6%

- Among the properties that participated, the results revealed that large and medium-sized members of BOMA and HANTx have the highest recycling participation rates
- All three industries need assistance in reaching smaller properties

Commercial Survey: Obstacles to Participation

Reasons for <u>Not</u> Recycling	BOMA	AAGD	Hotel
Not enough space	50%	39%	50%
Owners/Managers have not requested it	---	41%	50%
Tenants/Guests have not requested it	---	33%	17%
Equipment/Staff training is too expensive	17%	24%	17%
Tenant/Guest education is too expensive	17%	15%	17%

- Survey respondents were able to select multiple answers from a menu of options

Multifamily and Commercial: Short-term Goals



Voluntary Short-term Goals

AAGD and HANTx leadership have established short-term participation goals:

	AAGD	HANT
Current Average Participation	37%	61%
Future Goal	50% by Jan. 1 st 2016	70% by Jan. 1 st 2016

BOMA Dallas has not set a participation goal, however; BOMA currently has a high average participation rate (84%). They believe an ordinance change allowing the city to service smaller properties with recycling roll carts would maximize the overall rate.

Increasing Awareness

As part of the voluntary goal setting, each association is taking steps to increase recycling awareness :

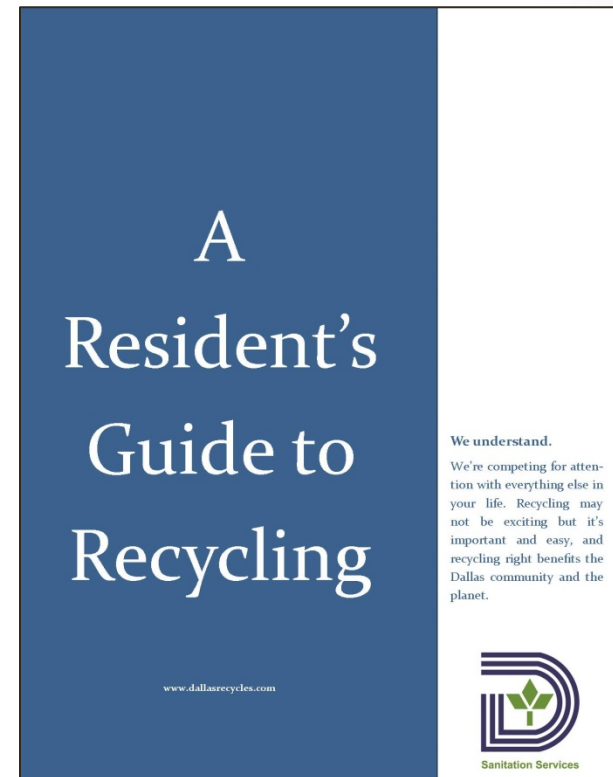
- Apartment Association of Greater Dallas
 - “Let’s Go Green in 2015!”
 - They will be developing an additional survey for their members
 - They would like to know more about their members’ recycling practices
 - Addresses recycling in their monthly magazines
- Hotel Association of North Texas
 - Established a Solid Waste Committee
 - Will be hosting education programs on sustainability issues
- BOMA Dallas
 - Providing education through newsletters, social media and events
 - Working with Sanitation to establish a recycling roll cart service for smaller properties



Stakeholder Support

Sanitation staff has been working with stakeholders to develop outreach and educational material.

- **A Resident's Guide to Recycling**
 - List of Recyclables
 - List of Contaminants
 - Hard to Recycle Materials
 - City's Collection Events
- **A Property Owner's Guide to Recycling**
 - Process for establishing recycling services
 - Tips for educating residents
 - Tips for expanding the recycling program
- **Brochure**
 - List of Recyclables
 - Community Recycling Containers
- **Posters**
 - What to recycle
 - Why recycle



New Service Opportunities

Space for a large recycling container is an obstacle for small properties.

- Based on feedback from small commercial properties, there is an interest in a recycling-only service via roll-carts
- Sanitation Services is developing an option to provide recycling-only service, targeted to small commercial properties
 - This service would be a once-a-week fee based service
 - Staff anticipates bringing forth Chapter 18 ordinance changes in the summer of 2015 and can incorporate this new program for Council consideration



Construction & Demolition

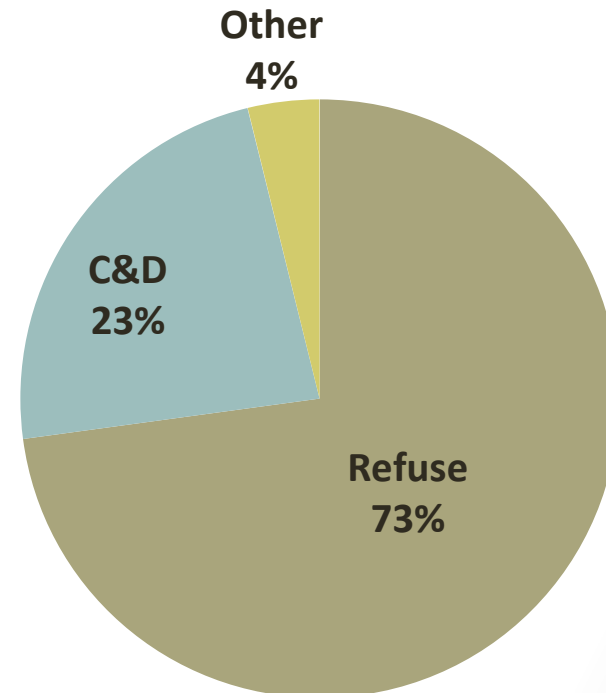


Construction & Demolition

Approximately 23% of the commercial waste disposed of at the McCommas Bluff Landfill is construction and demolition debris.

- Currently, there are regulations regarding diversion of new construction activities
- There are no diversion regulations regarding demolition or renovation projects

Commercial: Solid Waste



Construction & Demolition: Current Regulations

Currently, the City has a Green Building Ordinance that addresses waste diversion related to new construction.

Depending on the selected compliance path, it covers reduction, reuse and recycling in a number of ways.

- One of those ways is having space for recycling in the building
 - **Green Building Ordinance** – Residential & Commercial
 - Providing space for recycling is required
 - **Green Built Texas** – Multifamily
 - Providing space for recycling is required
 - **LEED for New Construction (LEED NC)** – Residential & Commercial
 - Providing space for recycling is optional

Council could make the space for recycling option a requirement for those who choose the LEED NC compliance path.

Construction & Demolition

Moving forward, Sanitation Services will be participating in the Green Building taskforce review of the 2015 Code.

- Sanitation Services will be working with the taskforce to evaluate potential diversion requirements for demolition and renovation projects
 - Any taskforce recommendations would be brought to Council for consideration



Other Short-term Initiatives



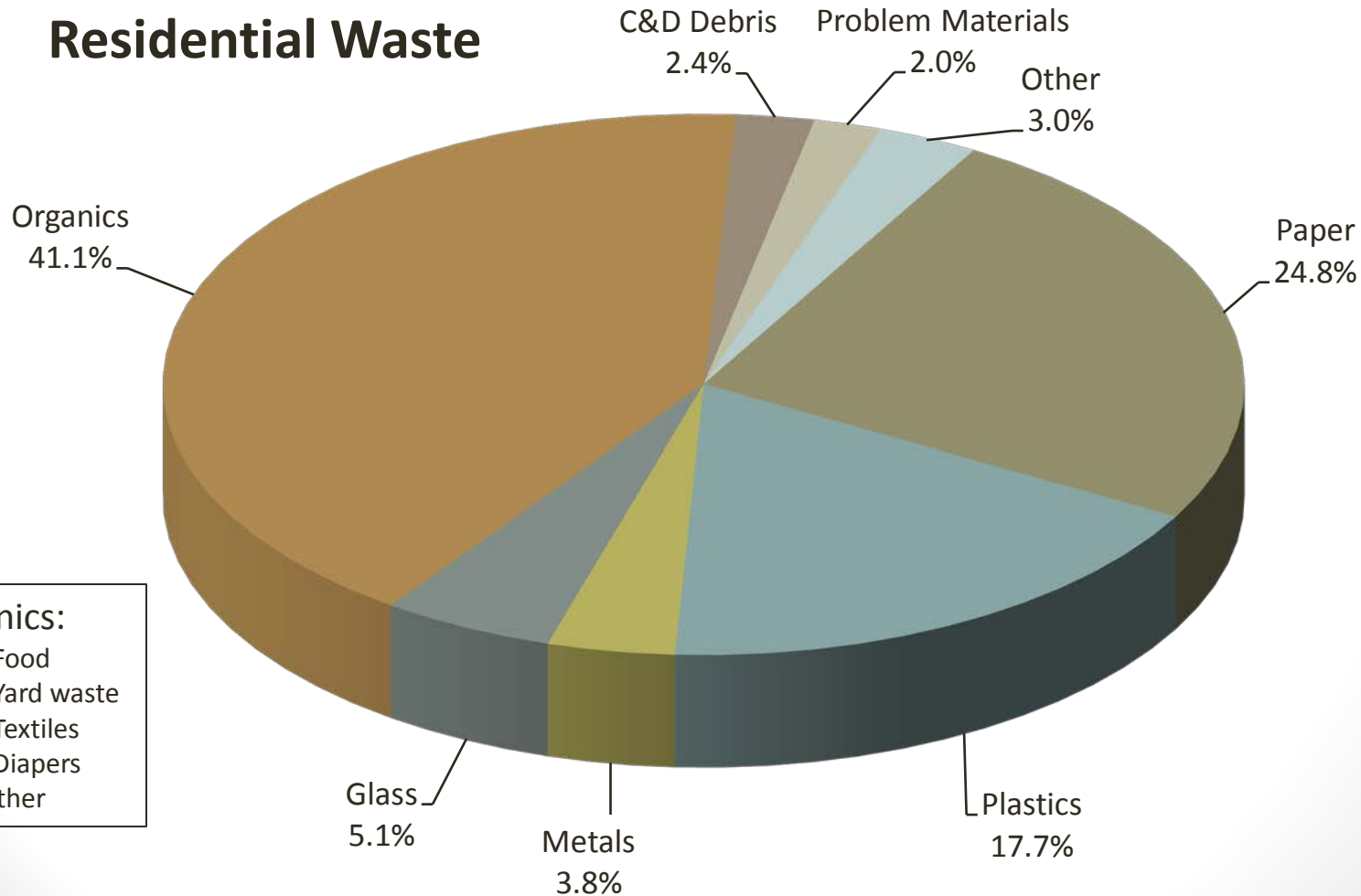
Recycling Right

Approximately 77% of Dallas residents have a recycling roll-cart.

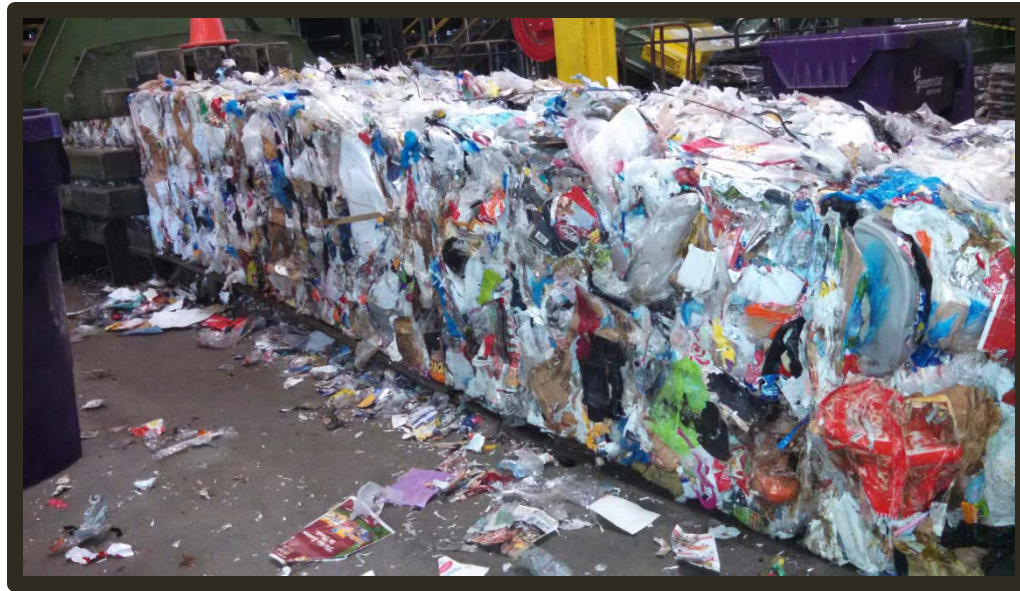
- In 2013, a waste characterization audit revealed there are approximately 75,000 tons of recyclable material being put in the grey roll cart every year
- Currently, the City's contamination rate is 16%



Recycling Right: Opportunities



Recycling Right: Contamination



Recycling Right

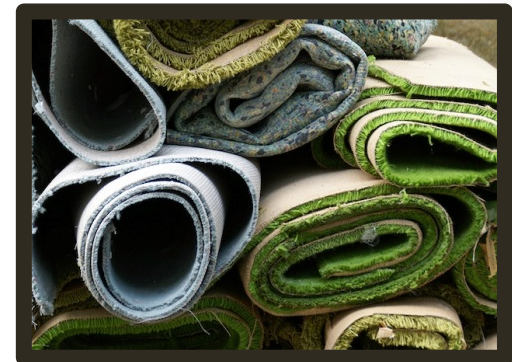
We need to continue our “Recycle Right Recycle More” campaign.

- We need to continue strengthening our education and outreach
- Inspection team may be required to reduce contamination
 - Encouraging compliance
 - Currently, San Antonio, Austin and Fort Worth have inspection programs
- Some cities and states outside of Texas, have adopted regulations requiring residents to participate in recycling and enacted a disposal ban on specific recyclable materials

Producer Responsibility

The City's Office of Environmental Quality is developing an Extended Producer Responsibility resolution.

- Some of the materials acknowledged in the resolution include electronics, tires, paint and carpet
- The Zero Waste Plan suggests adopting a resolution that supports statewide legislation for product stewardship
- OEQ and Sanitation staff continue to support the Texas Product Stewardship Council



Bulk and Brush Collection

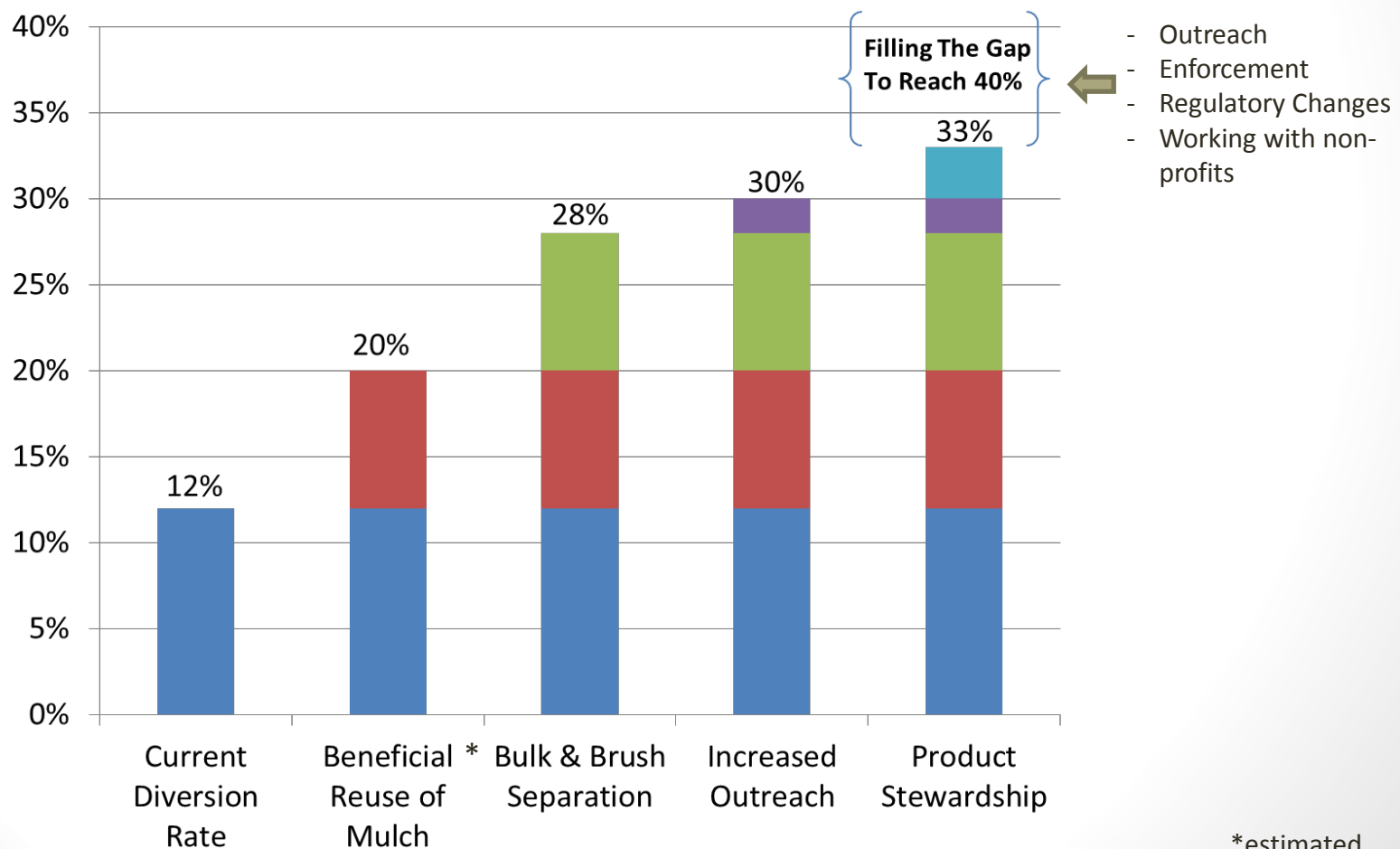
- Sanitation Services collects approximately 150K tons of bulk and brush debris annually
 - Approximately 40-60% of that material is organic (e.g., leaves, tree limbs, grass clippings)
- Organic material can be diverted for mulch, compost or be beneficially reused at the landfill
 - This would require program changes:
 - Separate collection of organic and bulk material
 - Eliminating the use of plastic bags for leaves and grass clippings

Bulk and Brush Collection

- Dallas could consider changes related to bulk & brush collection and disposal
 - Currently, all major Texas cities (except Dallas) separate brush and bulk collection and place limits on the amount of material that can be placed at the curb
 - Many have limits on the number of yearly collection cycles
 - Many cities are expanding the use of conveniently based neighborhood drop-off locations
- In February, Sanitation Services plans to brief the Quality of Life Committee on Bulk & Brush collection services and begin a discussion on potential program changes

Reaching our goals - Residential

Based on current efforts, the chart below shows the estimated progress towards our diversion goals and future opportunities to close the gap(s).



Policy Decisions for Future Consideration

Sanitation Services has identified several topics that require more research and could be briefed to the Quality of Life committee for further consideration.

- Brush & Bulk Collection Options
- Disposal Regulations & Mandates
- Construction & Demolition Diversion Requirements
- Product Stewardship Support
- Organics (Food Waste) Collection
- Landfill Fee Increases (to incentivize diversion)

Additionally, we're looking for the committee's feedback on these briefing topics and others to consider.

Summary

Sanitation Services, along with other City departments and the Commercial sector are working on multiple efforts to maximize diversion and reach 40% diversion by 2020.

- We are committed to:
 - Continued outreach & education
 - Researching and analyzing best practices
 - Implementing new technologies in our recycling efforts
 - Working with the commercial sector on diversion opportunities and gathering better diversion data
 - Looking for additional partnerships (e.g., DISD, medical districts and large food waste generators)
 - Evaluating and researching solutions for 2020 and beyond
 - Bringing policy matters to committees for further discussion and review

Questions?

Appendix

Local Solid Waste Management Plan

City of Dallas

Section III Area Recommendations

Table III.2 Implementation Tasks 2013 through 2040

Programs	Voluntary Programs			
	2013-2014	2015-2016	2017-2018	2019-2020
Voluntary Programs 2013-2020				
I. Social Marketing				
a. Surveys and focus groups				
b. Reach out to neighborhoods across the City	→	→	→	→
c. Use multiple outreach approaches, including on-line and hard copy surveys	→	→	→	→
d. Marketing plan	→			
e. Media buys	→	→	→	→
f. Volunteer training	→	→	→	→
g. Outreach materials	→	→	→	→
h. Provide Support to School, Community, and Faith Organizations, to assist with environmental stewardship, outreach and education efforts	→	→	→	→
i. Work with stakeholder community to develop recognition guidelines		→	→	→
j. Hold business recycling recognition awards event		→	→	→
k. Work with stakeholder community to develop Green restaurant guidelines		→	→	→
l. Green restaurant list published			→	→
m. Case studies published on website, newspaper, Chamber newspapers, church bulletins, etc.			→	→
n. Evaluate the effectiveness of Social Marketing Activities				→
o. Update Social Marketing tools				→
2. City Facility Zero Waste				
a. Establish City "Green Team" representing City departments	→	→	→	→
b. Department goal setting (e.g., 75% diversion)	→			
c. Increase recycling and organics collection, decrease solid waste collection	→	→	→	→
d. Quarterly report to Green Team on Department progress	→	→	→	→
e. Department technical assistance in diversion and purchasing		→	→	→
f. Program monitoring		→	→	→
g. Department recycling recognition awards event			→	→
h. Evaluate the effectiveness of City Facility Zero Waste Activities				→
i. Implement new City Facility Zero Waste tasks, as developed				→

Task initiation →

On-going activities →

Local Solid Waste Management Plan

City of Dallas

Section III Area Recommendations

Programs	Voluntary Programs			
	2013-2014	2015-2016	2017-2018	2019-2020
Voluntary Programs 2013-2020				
3. Producer Responsibility				
a. Develop Council Resolution to support Product Stewardship	→	→	→	→
b. Consider support to statewide legislation (bottle bill, e.g.)	→	→	→	→
c. Continue to provide staff support to the Texas Product Stewardship Council	→	→	→	→
d. Promote voluntary take-back efforts with local retailers	→	→	→	→
4. Commercial Technical Assistance				
a. Review status of hotel and apartment recycling pilots and evaluate for expansion	→			
b. Work with commercial generators and services providers to establish baseline diversion rate	→			
c. Facilitate quarterly meetings with commercial service providers to identify specific generators for technical assistance (such as restaurants and large generators)	→	→	→	→
d. Establish timelines and milestones for increasing commercial recycling	→			
e. Share information on priority generators	→	→		
f. Concentrate activities on generators without recycling or organics collection	→	→		
g. Evaluate the effectiveness of Commercial Technical Assistance Activities Implement new Commercial Technical Assistance tasks, as developed				→
5. Organics Collection				
a. Continue to support development of Community Gardens, on-site composting and home composting	→	→	→	→
b. Identify pilot neighborhoods for organics collection, pilot costs, and expansion opportunities				
c. Target neighborhoods throughout the City	→			
d. Consider partnering with local composters for capacity				
e. Conduct pilot project providing weekly collection of source-separated organics, including yard trimmings and food scraps	→			
f. Evaluate results of pilot and consider expansion		→	→	→
6. Bulk Item Collection				
a. Conduct pilot project providing on-call collection of bulk items for reuse and recycling	→			
b. Evaluate results of pilot and consider expansion		→	→	→

Local Solid Waste Management Plan

City of Dallas

Section III Area Recommendations

Programs	Voluntary Programs			
	2013-2014	2015-2016	2017-2018	2019-2020
Voluntary Programs 2013-2020				
7. Resource Recovery Park				
a. Identify features of Resource Recovery Park, including new composting operation, expanded self-haul drop-off facility for reuse, recycling, and organics (past fee gate, prior to tipping at landfill face), and new recyclables processing operation	→			
b. Develop basis of design	→			
c. Based on research and basis of design implement new reuse, recycling and composting activities		→	→	→
8. Construction & Demolition Debris Ordinance				
a. Consider new C&D ordinance		→		
b. Consider developing new non-exclusive C&D franchise agreements		→		
c. Develop C&D ordinance		→	→	→
d. Evaluate the effectiveness of C&D ordinance changes			→	
9. Commercial Service Provider Requirements				
a. Review compliance with existing permit system, enforce existing standards for reporting diversion and disposal tonnages, identify opportunities for enhancement of existing non-exclusive franchise ordinance	→			
b. Hold stakeholder meetings		→	→	→
Mandatory Programs (initial action steps)				
10. Universal Recycling Ordinance				
a. Conduct stakeholder meetings to identify strategies for "maximal feasible recycle" at all multifamily buildings and commercial establishments	→	→	→	→
b. Identify thresholds and milestones for participation in recycling programs (e.g., 50%, 75%, 80%)	→			
c. Evaluate status of voluntary achievement of recycling goals		→	→	
d. Monitor status of recycling program implementation		→	→	
e. Design elements of future universal ordinance			→	
f. If participation rates fall below established milestones, consider adoption of universal recycling ordinance (in phases, over time, based on generator size or type)				→
11. Disposal Bans				
a. Conduct research on materials appropriate for disposal bans (e.g., yard trimmings, cardboard, metal, C&D)	→			
b. Monitor diversion and disposal levels of targeted materials		→	→	

Local Solid Waste Management Plan

City of Dallas

Section III Area Recommendations

Programs	Voluntary Programs			
	2013-2014	2015-2016	2017-2018	2019-2020
Voluntary Programs 2013-2020				
c. Conduct stakeholder meetings to identify material types appropriate for disposal bans				
d. Ensure that infrastructure is in place for banned materials				
Programs	Mandatory Programs	Plan Update	Plan Update Implementation	
	2021-2025	2026-2030	2031-2040	
Mandatory Programs 2021-2030				
10. Universal Recycling Ordinance (cont.)				
a. Continue implementation of universal recycling and composting requirements (if approved and based on timelines developed through stakeholder process)				
b. Complete implementation of new universal recycling ordinance (if approved and based on timelines developed through stakeholder process)				
c. Continue stakeholder meetings				
d. Consider changes to the non-exclusive franchise ordinance				
11. Disposal Bans (cont.)				
a. Consider implementation of disposal bans, such as yard trimmings and cardboard (based on timelines developed through stakeholder process)				
b. Conduct research on bans or requirements applicable to the City				
c. Continue stakeholder meetings				
d. Report to City Council				
Plan Update 2026-2030				
12. Mixed Waste Processing				
a. Conduct research on new residual waste processing technologies (on-going, as appropriate)				
13. Plan Update				
a. Review regional and state priorities				
b. Evaluate the Plan elements and identify modifications and updates				
c. Identify improvements to recycling, organics, bulk item, technical assistance, and social marketing programs				
Plan Update Implementation 2031-2040				
14. New Recycling and Organics Collection Activities				
15. New Social Marketing Activities				
16. New Technical Assistance Activities				
17. New Materials Processing Activities				

History

1997: Single-family recycling begins. Accepted materials were newspapers, aluminum & tin cans, and plastics.

2000: The City Council authorized a contract for the implementation of an expanded citywide residential recycling service.

- Paper products were bundled and placed next to commingled blue bag recyclables.
- Residents also had the option of utilizing community drop-off sites (also known as “recycling igloos”).



History

2003: Mayor's Recycling Task Force – established recycling goals for the City and proposed changes to collection (e.g. single-stream recycling, blue roll cart collection, etc.)

2005: City Council authorized a contract renewal for citywide residential recycling.

- It introduced single-stream recycling and expanded the list of accepted recyclables.

Early 2006: City Council approved the usage of the blue recycling roll carts for collection. The blue bag program continued in the interim.



History

Late 2006: The City's first order of recycling roll carts were delivered. Each cart was delivered with an educational kit.

2006/2007: Sanitation Services crews began the collection of the City's single-stream recyclables.

Late 2007: The City Council authorized a contract for a company to process the City's recyclables.



History

2008: Community recycling containers were placed around the City to create recycling drop-off sites.



March 2008: Phase 1 of OneDAY Dallas began

February 2009: Phase 2 of OneDAY Dallas

March 2010: Phase 3 of OneDAY Dallas



History

February 2013: The City Council passed the Local Solid Waste Management Plan

The Plan describes the policies and programs that could be implemented to achieve the City's goal of Zero Waste by 2040, with interim steps of 40% diversion by 2020 and 60% by 2030.

Marketing & Outreach

The current strategy includes:

- Facebook & Twitter
- Website improvements
- Community Events & Neighborhood meetings
- Print Ads
- Online Ads
- Email Blasts
- Radio
- Working with school districts

Future improvements include:

- Videos: YouTube & Vimeo
- Website Tool & App
- Nextdoor.com
- Blogging
- Canvassing
- Collaborating with Churches
- Sanitation Truck Signage

Marketing & Outreach

- **FY 12**
 - 14,753 students
 - 250 teachers
- **FY 13**
 - 14,846 students
 - 298 teachers
- **FY 14**
 - 11,135 students
 - 236 teachers



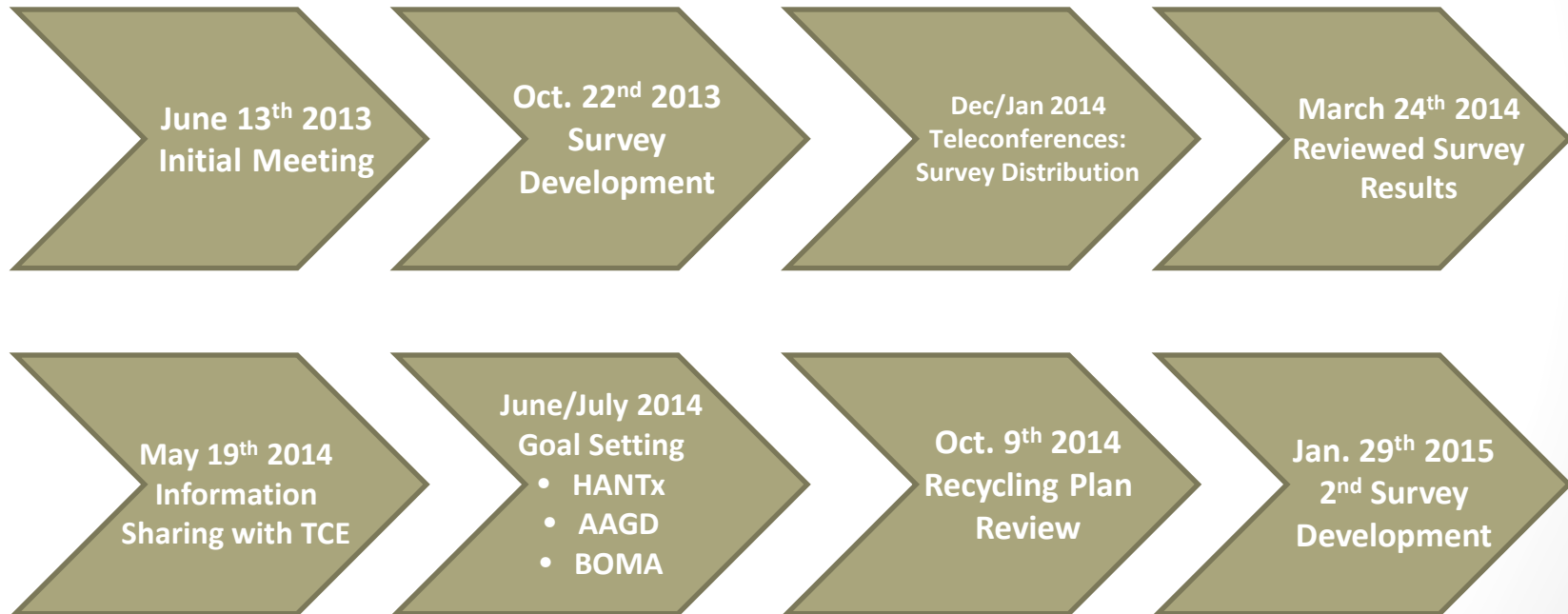
In the past three years:

Total number of students: 40,734

Total number of teachers: 784

Multifamily and Commercial

Quarterly Meetings



Commercial Survey: Participants

	Definition of Property Size	Number of Properties	Number of Properties that Responded
BOMA			
Small Property	0 to 249,999 sq. ft.	unkn.	12
Midsized property	250,000 to 999,999 sq. ft.	unkn.	17
Large Property	1,000,000 + sq. ft.	unkn.	9
AAGD			
Small Property	0 to 199 units	463	53
Midsized property	200 to 399 units	394	72
Large Property	400+ units	89	32
Hotels			
Small Property	0 to 150 rooms	149	7
Midsized property	151 to 500 rooms	51	11
Large Property	501 + rooms	9	5

Multifamily and Commercial: Baseline

- Apartment Association of Greater Dallas
 - Diversion rate: 6%
 - Participation rate: 37%
- Hotel Association of North Texas
 - Diversion rate: 10%
 - Participation rate: 61%
- BOMA Dallas
 - Diversion rate: 21%
 - Participation rate: 84%



Commercial Survey and Initiatives



Based on 1st survey:

- Diversion rate: **6%**
 - Properties that offer recycling: **37%**
 - Goal: 50% participation by January 1st 2016
-
- The AAGD Board of Directors has approved the “Let’s Go Green in 2015” recycling initiative
 - A meeting was held with the trash and recycling haulers to ask for their cooperation in servicing multifamily properties (MFPs) at a reasonable rate
 - The AAGD will provide a booth for Sanitation at their upcoming March tradeshow
 - The AAGD is utilizing online outreach materials created by Sanitation
 - Working with Sanitation to establish a recycling roll cart service for smaller properties
 - The AAGD is learning more about large vendors that habitually recycle bulky items from apartments
 - Identifying carpet mills that collect carpet and padding from our flooring vendors
 - Similar research is being done on appliances and hot water heaters

Commercial Survey and Initiatives



- Diversion Rate: **10%**
- Properties that offer recycling: **61%**
- Goal: 70% participation by January 1st 2016
 - HANTx established a Solid Waste Committee
 - Many hotels have best practices already in place, that could be helpful and educational for other hotel properties
 - HANTx has started setting up meetings
 - HANTx will begin hosting regular education programs on sustainability issues for hoteliers
 - HANTx will work with Sanitation Services to set up classes and seminars

Multifamily and Commercial



- Diversion Rate: **21%**
- Properties that offer recycling: **84%**
 - BOMA Dallas will be working with Sanitation Services to determine if smaller containers (collected by the City) will be feasible for properties that lack space
 - BOMA is working to provide education through newsletters, events, website, social media & monthly luncheons
 - Sanitation presented at BOMA's October luncheon

Efforts to Increase Multifamily Recycling

Currently, there are 140 community containers throughout the city for people that do not have access to recycling such as apartment residents.

- **Recipients**

- Any apartment within 0.5 miles of a recycling drop-off site
 - 38 apartments
 - Over 7,000 Dallas residents

- **Postcards mailed:** September 2014

- 171.91 tons of recyclables collected in October 2014
- 26% tonnage increase vs. October 2013

- **Continued Outreach**

- Biannual

RECYCLE RIGHT. RECYCLE MORE!
Drop Off Your Recyclables, Today!

Cartons Mixed Paper Plastic Containers (#1-5, 7) Aluminum, Steel & Tin Cans Glass Bottles & Containers Cardboard & Boxboard

Living Waters Worship Center

You Are Here!

Your Drop-Off Location

dallasrecycles.com 214-670-4475

Fellow Citizen,

As you may know, the Earth's resources are declining due to population growth and the trend to throw everything away, instead of recycling it.

The City of Dallas needs **YOUR** help.

By recycling the items on the front of this postcard, not only are you saving natural resources and energy but you're creating jobs for Dallas residents.

Did you know?

- Recycling just one aluminum can saves enough energy to run a television for 2 hours
- Preventing one ton of paper from entering the landfill saves between 15 and 17 mature trees

To create a healthier planet for us and our children, we will need **YOUR** support. Please take your recyclables to the drop-off container behind the Veterans of Foreign Wars Facility.

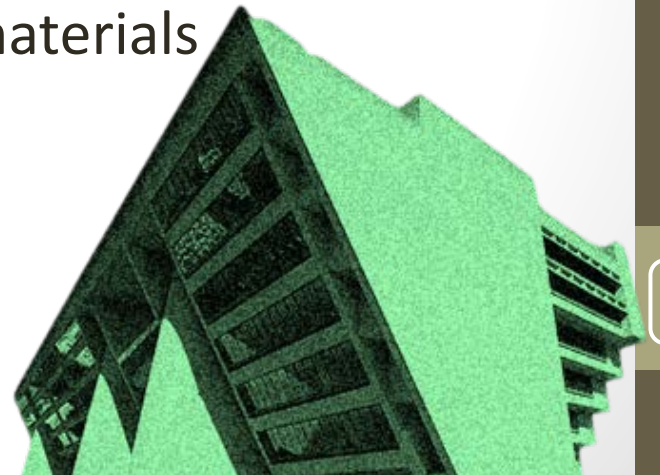
For more information, please see the contact info on the front of this card.

Remember: every can, every piece of paper and every bottle matters. It all adds up! **THANK YOU**

Setting the Example

Currently, all City facilities offer recycling and are achieving a 17% diversion rate (single-stream).

- In FY14, City facilities recycled approximately 960 tons of recyclables
- In the next year, Sanitation Services will begin implementation of a Citywide Green Team
 - All departments included
 - Establish facility recycling champions
 - Develop programs and outreach materials
 - Create Recycling Competitions
 - Provide waste audits
 - Establish facility goals



Memorandum



CITY OF DALLAS

DATE January 23, 2015

TO Honorable Members of the Quality of Life & Environment Committee: Dwaine R. Caraway (Chair)
Sandy Greyson (Vice Chair), Adam Medrano, Rick Callahan, Carolyn R. Davis, Lee M. Kleinman

SUBJECT Rest Break Ordinance Update

On City Council discussed a Rest Break Ordinance on November 12, 2014. Council directed staff to take the topic to both the Economic Development committee and the Quality of Life & Environment committee in order to prepare an ordinance to present to City Council for consideration.

On December 1, 2014, staff updated members of the two committees on the status of the rest break ordinance: staff met separately with both representatives from Texas Workers Defense Project and the construction industry, and arranged for the two parties to meet together to find a solution for Dallas. At that time, staff reported that the meetings were productive; however, a consensus had not been reached. Since then, the two sides have not been able to reach a compromise.

Attached are questions that arose throughout the discussion of this topic.

A handwritten signature in black ink, appearing to read 'Ry - S' followed by a long horizontal stroke.

Ryan S. Evans
First Assistant City Manager

Attachment

c: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Eric D. Campbell, Assistant City Manager

Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Forest E. Turner, Chief Wellness Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

QUESTION 1: Who regulates health issues?

ANSWER 1: OSHA regulates workplace health standards.

QUESTION 2: Which federal agency is in charge of worker safety?

ANSWER 2: OSHA, Occupational Safety and Health Administration, which is part of the United States Department of Labor. There are ten OSHA regions in the U.S. Texas is located in Region 6.

QUESTION 3: How would OSHA and City of Dallas intersect?

ANSWER 3: OSHA requires that water be provided at construction sites when working in hot environments. OSHA does not have firm requirements regarding rest breaks. OSHA simply recommends that workers should take adequate breaks when working in the heat. The City of Dallas may choose to notify OSHA of complaints received, and recommend that construction workers call OSHA to file complaints.

QUESTION 4: What will be the cost of the ordinance, if passed?

ANSWER 4: If passed, the City of Dallas would need at least one FTE at an average salary of \$50,000. Each violation of the ordinance could potentially cost industry \$100 to \$500 per day of violation.

QUESTION 5: Does this ordinance mean that employees have to take a break?

ANSWER 5: No. However, if an employee asks for a break, an employer cannot deny that request.

QUESTION 6: Does this ordinance mean that the employers have to give employees breaks at specific times?

ANSWER 6: No. The recommendation is for employees to be able to take a 10-15 minute break within 3.5 hours of a scheduled 4 hour work shift.

QUESTION 7: Does the construction industry support the requirements of the ordinance?

ANSWER 7: No. Staff met with industry representatives and no consensus was reached.

QUESTION 8: How many other cities have similar ordinances?

ANSWER 8: In Texas, Austin is the only city that has an ordinance.

QUESTION 9: What has been the City of Austin's experience since passing their ordinance?

ANSWER 9: A total of 70-80 sites were investigated in Austin. Forty-six notices of violations and 0 citations have been issued. All sites came into compliance after the notice was given.

QUESTION 10: How many heat related deaths have occurred in Dallas?

ANSWER 10: Dallas County tracks all heat related illnesses and deaths. This past year, no deaths were reported. However, there were 229 heat related illnesses. Dallas County does not differentiate whether the person was a construction worker or not. In the state of Texas, between 2008 and 2014, there were 16 heat related deaths, 8 of which were construction workers. No deaths were reported from the DFW region. 2 deaths were from highway construction workers, which is outside the jurisdiction of the City of Dallas.

Memorandum

RECEIVED

2015 JAN 23 PM 4: 09

CITY SECRETARY
DALLAS, TEXAS



CITY OF DALLAS

DATE 01/23/2015

TO Quality of Life Committee Members

SUBJECT **Revised Rest Break Ordinance**

Councilmembers,

Enclosed please find the draft version of the Rest Break Ordinance prepared by the Worker's Defense Project. A motion will be made on Monday, January 26th, 2015, to move forward with this version. We recommend that this item go before full council for a vote.

Thank you for your attention to this matter.

Sandy Greyson
Sandy Greyson, Councilmember *N.K.*

Adam Medrano
Adam Medrano, Councilmember

c: A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
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Elsa Cantu, Assistant to the City Manager – Mayor & Council

An ordinance amending CHAPTER __, " _____," of the Dallas City Code, as amended; defining terms: establishing requirements, procedures, penalties, and remedies for working conditions on construction sites; requiring rest breaks for every four hours of work; providing for signs explaining rest break requirements on construction sites; providing a criminal penalty of a class C misdemeanor; providing a penalty not to exceed \$500; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the Occupational Health and Safety Commission recommends a work/rest cycle to prevent heat-related illness; and

WHEREAS, the city has heard testimony on the negative health effects of workers who do not receive rest breaks on construction sites, not allowing them needed rest and water; and

WHEREAS, the average number of days in the city with one hundred degrees or more is eighteen days; and

WHEREAS, the Occupational Health and Safety Commission, under 29 CFR 1926.51, requires that drinking water be available and toilets be accessible on or near a work site; and

WHEREAS, the Occupational Health and Safety Commission recommends a rest area be in full shade; and

WHEREAS, the Centers for Disease Control recommends scheduling and encouraging frequent rest and water breaks to prevent heat stress; and

WHEREAS, the city has an interest in the health and safety of the workers in the city; Now, Therefore,

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

SECTION 1: That Chapter __, " _____," of the Dallas City Code, as amended, is amended to read as follows:

CHAPTER __ “ _____ ”

ARTICLE I.

GENERAL.

SEC. __. PURPOSE.

The purpose of this chapter is to protect workers on construction sites from heat-related illnesses caused by a lack of adequate rest breaks and water on the site.

SEC. __. DEFINITIONS.

In this chapter:

(1) CONSTRUCTION SITE means a site or structure for which a building permit or site plan has been approved or issued under Chapter 51, the Dallas Land Development Code, for an existing or proposed use.

(2) CONSTRUCTION ACTIVITY means all work associated with construction, including but not limited to work involving the alteration, demolition, building, excavation, maintenance, and renovation of structures or sites.

(3) DEPARTMENT means the Sustainable Development and Construction Department of the City of Dallas.

(4) WORKER means any individuals completing Construction Activities, whether on a contract basis or as employees, for any Prime Contractor or Subcontractor.

(5) PRIME CONTRACTOR means an individual, firm, partnership, owner operator, corporation, or combination thereof, including joint ventures, which is an independent business enterprise and has entered into a contract or agreement with respect to performance of any Construction Activity.

(6) SUBCONTRACTOR means an individual firm, partnership, owner operator, corporation, or combination thereof, including joint ventures, which is an independent business enterprise and has entered into a contract or agreement with a Prime Contractor or another Subcontractor with respect to the performance of any Construction Activity.

(7) ESTABLISHMENT means a single physical location to which workers report each day.

(8) HOURS WORKED means the time during which a worker is subject to the control of a Prime Contractor or Subcontractor and includes all the time the worker is required or permitted to work, whether or not required to do so.

(9) REST BREAK means a break from work within working hours, during which a worker may not work and during which a worker can access water and toilet facilities. The term excludes any regular meal period provided by the employer, prime contractor, or subcontractor.

ARTICLE II.

REQUIREMENT OF REST BREAKS ON CONSTRUCTION SITES.

SEC. __. REST BREAK REQUIRED.

(a) Except as provided in Subsection (b), a worker performing construction activity at a construction site is entitled to a rest break of not less than ten (10) minutes for every four (4) hours worked. This break must occur within the first 3.5 hours of each four (4) hour shift.

(b) A worker is not entitled to rest breaks under Subsection (a) of this section on any day that the worker works less than 3.5 hours.

(c) Prime Contractors and Subcontractors shall provide rest breaks in accordance with the requirements of this section. A rest break shall be scheduled as near as possible to the midpoint of the work period.

SEC. __. SIGNAGE REQUIRED.

(a) A sign describing the requirements of Section ____ (*Rest Break Required*) in English and Spanish shall be posted in each establishment subject to Section ____ above, in a conspicuous place or places where notices to employees are customarily posted. Prime Contractors and Subcontractors must inform workers of their right to rest breaks prior to initiating work on the project.

(b) The department shall prescribe by rule the size, content, and location of signs required under Subsection (a) of this section such that the information is readable, except that the sign must include:

(1) information on how to make a confidential complaint of failure to provide rest breaks;

(2) OSHA requirements that there be an adequate supply of potable water and access to toilets per 29 CFR 1926.51; and

(3) contact information for OSHA to report failure to comply with any OSHA requirements.

(c) The department shall include on its investigation documents additional investigation requirements to ensure

(1) that workers are being given rest breaks according to this Section ___(*Rest Break Required*); and

(2) that signage is posted as required by this Section ____ (*Rest Break Required*).

ARTICLE III.

PENALTIES AND REMEDIES.

SEC. __. **CRIMINAL PENALTY.**

(a) A person commits a Class C misdemeanor if the person:

(1) fails to provide a rest break as required under Section ___ (*Rest Break Required*); or

(2) fails to post signage required under Section ___ (*Signage Requirements*).

(b) Proof of a culpable mental state is not required to prove an offense under this chapter.

(c) Each day that a violation occurs or continues is a separate offense.

Sec. __. **CIVIL REMEDIES.**

(a) The city council has determined that this chapter is necessary to protect health, life, and property and to preserve the good government, order, and security of the City and its inhabitants.

(b) A person who continues to violate this chapter after being notified of the offense in writing by an authorized City representative is subject to a civil penalty of not less than \$100 or more than \$500 for each day the violation occurs.

(c) Any Prime Contractor or Subcontractor working on a construction site is jointly and severably liable for any penalties assessed for failure to comply with this chapter.

(d) The City may file suit to enforce this chapter or collect a civil penalty.

(e) The City may seek to enjoin violations of this chapter.

SEC. __. **CUMULATIVE REMEDIES.**

The remedies authorized under this article are cumulative. If the City files a civil or criminal action, it is not precluded from pursuing any other action or remedy.

SECTION 2. That CHAPTER __ of the Dallas City Code, as amended, will remain in full force and effect, save and except as amended by this ordinance. Any proceeding civil or criminal, based upon events that occurred prior to the effective date of this ordinance are saved, and the former law is continued in effect for that purpose.

SECTION 3. 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 4. That this ordinance will take effect on March 30, and it is accordingly so ordained.