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RESPONSE TO GRAND JURY REPORT FORM

Report Title: *Holding the Bag*

Report Date: May 1, 2013

Public Release Date: May 7, 2013

Response by: August 7, 2013

FINDINGS

- I (we) agree with the findings numbered: 1 through 4
- I (we) disagree wholly or partially with the findings numbered: N/A

(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered N/A have been implemented.

(Attach a summary describing the implemented actions.)

- Recommendations numbered 1 through 3 have not yet been implemented, but will be implemented in the future.

(Attach a timeframe for the implementation.)

- Recommendations numbered N/A require further analysis.

(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)

- Recommendations numbered N/A will not be implemented because they are not warranted or are not reasonable.

(Attach an explanation.)

Date: 7/16/13 Signed: _____

Number of pages attached 2



THE CITY OF
NOVATO
CALIFORNIA

DATE: July 16, 2013

TO: Grand Jury

FROM: City of Novato

SUBJECT: **RESPONSE TO THE GRAND JURY REPORT: HOLDING THE BAG**

75 Rowland Way #200
Novato, CA 94945-3232
(415) 899-8900
FAX (415) 899-8213
www.ci.novato.ca.us

FINDINGS

F1. Single-use plastic carry-out bags cause harm to the environment and wildlife.

Response: The City agrees with this finding.

F2. Reduction or ban of single-use plastic carry-out bags will help Marin County reach its zero waste goal.

Response: The City agrees with this finding.

F3. Reduction or ban of single-use plastic carry-out bags will help keep the land and waters of the County cleaner.

Response: The City agrees with this finding.

F4. Most Marin County governments do not currently have bans against single-use plastic carry-out bags. However, most are responsive to enacting policies against single-use plastic carry-out bags.

Response: The City agrees with this finding. On April 23, 2013 the Novato City Council enacted an ordinance banning the use of expanded polystyrene foam take-out food containers. The City was also a participant in the Single Use Plastics Advisory Committee (SUPAC) process in 2011 to develop a uniform ordinance banning plastic carry-out bags.

RECOMMENDATIONS

R1. The Marin Hazardous and Solid Waste Joint Powers Authority (JPA) prepare the Model Single-Use Bag Ordinance to implement the strictest rules possible and encourage all agencies to adopt the Ordinance with minimal changes. A ban on single-use plastic carry-out bags should be

imposed in all grocery stores, convenience stores, pharmacies and restaurants within the County and apply to all establishments, no matter how large or small.

Response: The City agrees with this recommendation and looks forward to review of the proposed Model Ordinance and associated EIR being prepared by the JPA which should be completed in late 2013/early 2014. The previous recommendations from the SUPAC process included an exemption for restaurants from the plastic bag ban as has been done in many other jurisdictions due to potential difficulties of transporting hot and liquid food items in either paper or reusable bags. The City will consider this recommendation in detail when the Model Ordinance and EIR are released.

R2. Marin county and the Marin Hazardous and Solid Waste Joint Powers Authority (JPA) Members educate the public on the benefits of reusable bags. Marin County and the Marin Hazardous and Solid Waste Joint Powers Authority (JPA) develop standardized educational guides for all public schools showing the environmental harm done by plastic single-use carry-out bags. Marin County and the Marin Hazardous and Solid Waste Joint Powers Authority (JPA) develop educational materials and distribute them at public events such as farmers' markets and street fairs.

Response: The City agrees with this recommendation and will coordinate with the JPA and other Cities and Towns to participate in a well-designed, comprehensive education campaign to schools, stores, farmers' markets and other public venues to inform the public about impacts of single-use bags, the model ordinance and the benefits of reusable bags.

R3. Marin Towns and Cities adopt an ordinance to ban all single-use plastic carry-out bags using the Model Single-Use-Bag Ordinance with minimal, or no, changes, in order to create a true County-wide ordinance.

Response: The City agrees with this recommendation and looks forward to review of the proposed Model Ordinance and associated EIR being prepared by the JPA which should be completed in late 2013/early 2014.



THE CITY OF
NOVATO
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Mayor
Pat Eklund
Mayor Pro Tem
Eric Lucan
Councilmembers
Denise Athas
Madeline Kellner
Jeanne MacLeamy

City Manager
Michael S. Frank

July 16, 2013

Rich Treadgold, Foreperson
Marin County Grand Jury
3501 Civic Center Drive, Room #275
San Rafael, CA 94903

Dear Foreperson Treadgold:

The Novato City Council has received a copy of the May 7, 2013, Grand Jury Report: *Holding the Bag*

As required, I have enclosed a copy of the City of Novato's response to Recommendations R1, R2 and R3, along with Resolution No. 52-13 approving our response and adopted by the City Council on July 9, 2013.

Please do not hesitate to contact me should you require additional information or clarification.

Respectfully,

Sheri Hartz
City Clerk

enclosures

RESPONSE TO GRAND JURY REPORT FORM

Report Title: *Holding the Bag*
Report Date: May 8, 2013
Public Release Date: May 14, 2013
Response by: August 7, 2013

FINDINGS

We agree with the findings numbered: F1, F2, F3 and F4.

F1. Single-use plastic carry-out bags cause harm to the environment and wildlife.

Response: The City agrees with this finding.

F2. Reduction or ban of single-use plastic carry-out bags will help Marin County reach its zero waste goal.

Response: The City agrees with this finding.

F3. Reduction or ban of single-use plastic carry-out bags will help keep the land and waters of the County cleaner.

Response: The City agrees with this finding.

F4. Most Marin County governments do not currently have bans against single-use plastic carry-out bags. However, most are responsive to enacting policies against single-use plastic carry-out bags.

Response: The City agrees with this finding. On April 23, 2013 the Novato City Council enacted an ordinance banning the use of expanded polystyrene foam take-out food containers. The City was also a participant in the Single Use Plastics Advisory Committee (SUPAC) process in 2011 to develop a uniform ordinance banning plastic carry-out bags.

RECOMMENDATIONS

Recommendations numbered R1, R2, and R3 have not yet been implemented, but will be implemented in the future.

R1. The Marin Hazardous and Solid Waste Joint Powers Authority (JPA) prepare the Model Single-Use Bag Ordinance to implement the strictest rules possible and encourage all agencies to adopt the Ordinance with minimal changes. A ban on single-use plastic carry-out bags should be imposed in all grocery stores, convenience stores, pharmacies and restaurants within the County and apply to all establishments, no matter how large or small.


Response: The City agrees with this recommendation and looks forward to review of the proposed Model Ordinance and associated EIR being prepared by the JPA which should be completed in late 2013/early 2014. The previous recommendations from the SUPAC process included an exemption for restaurants from the plastic bag ban as has been done in many other jurisdictions due to potential difficulties of transporting hot and liquid food items in either paper or reusable bags. The City will consider this recommendation in detail when the Model Ordinance and EIR are released.

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Response: The City agrees with this recommendation and will coordinate with the JPA and other Cities and Towns to participate in a well-designed, comprehensive education campaign to schools, stores, farmers' markets and other public venues to inform the public about impacts of single-use bags, the model ordinance and the benefits of reusable bags.

R3. Marin Towns and Cities adopt an ordinance to ban all single-use plastic carry-out bags using the Model Single-Use Bag Ordinance with minimal, or no, changes, in order to create a true County-wide ordinance.

Response: The City agrees with this recommendation and looks forward to review of the proposed Model Ordinance and associated EIR being prepared by the JPA which should be completed in late 2013/early 2014.

Date: 7/16/13 Signed: 

CITY COUNCIL OF THE CITY OF NOVATO

RESOLUTION NO. 52-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NOVATO APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE CITY OF NOVATO RESPONSE TO THE 2011-2012 MARIN COUNTY GRAND JURY REPORT ENTITLED "HOLDING THE BAG"

WHEREAS, pursuant to Penal Code section 933, a public agency which receives a Grand Jury Report addressing aspects of the public agency's operations, must comment on the Report's findings and recommendations contained in the Report in writing within ninety (90) days to the Presiding Judge of the Superior Court with a copy to the Foreperson of the Grand Jury; and

WHEREAS, Penal Code section 933 specifically requires that the "governing body" of the public agency provide said response and, in order to lawfully comply, the governing body must consider and adopt the response at a noticed public meeting pursuant to the Brown Act; and

WHEREAS, the City Council of the City of Novato has received and reviewed the 2012-2013 Marin County Grand Jury Report, dated May 1, 2013, entitled "Holding the Bag" and has agendized it at this meeting for a response.

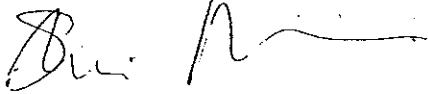
NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Novato hereby:

1. Approves and authorizes the Mayor to execute the City of Novato's response to the 2012-2013 Marin County Grand Jury Report entitled "Holding the Bag," *copy attached hereto.*
2. Directs the City Clerk to forward the City's Grand Jury Report response to the Presiding Judge of the Marin County Superior Court and to the Foreperson of the Marin County Grand Jury.

* * * * *

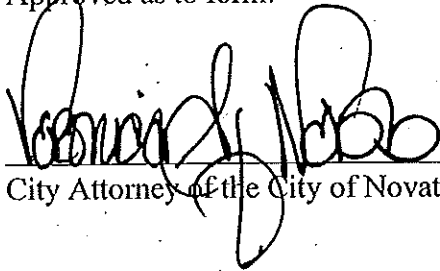
I HEREBY CERTIFY that the foregoing resolution was duly and regularly adopted by the City Council of the City of Novato, Marin County, California, at a meeting thereof, held on the 9th day of July, 2013, by the following vote, to wit:

AYES:	Councilmembers	Athas, Kellner, Lucan, MacLeamy, Eklund
NOES:	Councilmembers	None
ABSTAIN:	Councilmembers	None
ABSENT:	Councilmembers	None



Sheri Hartz, City Clerk

Approved as to form:



City Attorney of the City of Novato