

Thursday, June 21, 2007

Regular Meeting

Members:

Jane Seleznow	District 1	Mike Petouhoff	At Large
Louise Bedsworth	District 2	Parin Shah (Chair)	Mayor
Ian Kim (Vice Chair)	District 3	Thomas Radulavich	Mayor
James Lutz	District 4	Richard Heinberg	Mayor
Shannon Graham	District 5	Patrick Tang, Esq.	Deputy City Attorney
David Room	District 6	Alice Glasner	Public Works Legislative Analyst
Richard Register	District 7		

**BUSINESS MEETING: 6:00 pm to 9:00 pm**

Hearing Room 1, City Hall, One Frank H. Ogawa Plaza

AGENDA\*

1. Roll Call and Establishment of Quorum
2. Open Forum
3. Approval of Draft Minutes of May 17, 2007 meeting (A)
4. Election of Chair and Vice-Chair (A)
5. Presentation by Prof. Peter V. Schwartz, Cal Poly Physics Dept.,  
*Navigating The Way Out of Fossil Fuel Dependence* (I/A)
6. Staff Report Regarding Quantity of Regular Asphalt and Rubberized Asphalt  
Installed by the City of Oakland in Roads and Public Rights-of -Way (I/A)
7. Presentation by Ian Kim Regarding Green Jobs and Eco-Equity (I/A)
8. Discussion of the Process and Metrics to be Utilized by the OIO Task Force  
to Prioritize Recommendations to Council (I/A)
9. Working Group Status Reports and Recommendations:
  - a. Transportation Working Group (I/A)
  - b. Land Use and Infrastructure Working Group (I/A)
  - c. Food and Materials Working Group (I/A)
  - d. Port of Oakland Working Group (I/A)
10. Report and Recommendation Regarding Proposed Plastic Bag Ban Ordinance (A)
11. Informational Report Regarding Resolution No. 80605, C.M.S., Extending  
the Term of the OIO Task Force to December 31, 2007 (I)

12. Future Agenda Items (A)

13. Announcements (I)

14. Adjournment.

\*The order of the items on the Agenda may be changed by the Chair.

I = Informational Item

A = Action Item

Persons may speak on any item appearing on the agenda; however, a Speaker Card must be filled out and given to the City Administrator representative before that item is called. Multiple agenda items cannot be listed on one speaker card. If a speaker signs up to speak on multiple items listed on the agenda, the Chairperson may rule that the speaker be given an appropriate allocation of time to address all issues at one time (cumulative) before the items are called. All speakers will be allotted 3 minutes or less – unless the Chairperson allots additional time.

This meeting is wheelchair accessible. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meetings of the Oil Independent Oakland By 2020 Task Force, please contact the Office of the City Administrator at (510) 238-3301. Notification two full business days prior to the meeting will enable the City of Oakland to make reasonable arrangements to ensure accessibility. In compliance with Oakland's policy for people with chemical sensitivities, please refrain from wearing strongly scented products to events.

If you have questions or concerns regarding this agenda, or to review any agenda-related materials, please contact the Oil Independent Oakland (OIO) By 2020 Task Force at (510) 238-7031.

## **Oil Independent Oakland (OIO) By 2020 Task Force**

## **Regular Meeting**

Thursday, May 17, 2007, 6:00 pm to 9:00 pm  
Hearing Room 1, City Hall, One Frank H. Ogawa Plaza

## **Draft Minutes**

### Members:

Jane Seleznow	District 1	Richard Register	District 7
Louise Bedsworth	District 2	Mike Petouhoff	At Large
Ian Kim, Vice Chair	District 3	Parin Shah, Chair	Mayor
James Lutz	District 4	Richard Heinberg	Mayor
Shannon Graham	District 5	Thomas Radulavich	Mayor
David Room	District 6	Patrick Tang, Esq.	City Attorney
		Kimberly Jones	City Administrator

Task Force Members Present: Seleznow, Kim, Lutz, Graham, Room, Register, Petouhoff, Shah, Radulavich, Heinberg

Task Force Members Excused: Louise Bedsworth

Staff Members Present: Kimberly Jones, City Administrator's Office; Patrick Tang, City Attorney's Office; Marisa Arrona, Councilmember Nadel's Office; Scott Wentworth, Public Works Agency; Alice Glasner, Public Works Committee Legislative Analyst

### Business Meeting

1. Roll Call and Establishment of Quorum.
  - a. Meeting was called to order at 6:07 pm. After roll call, a quorum was established.
2. Open Forum.
  - a. There were no speakers for Open Forum
3. Approval of Draft Minutes of April 5, 2007 meeting.
  - a. The Minutes were approved as amended.
4. Approval of Amendments to Resolution No. 80305, C.M.S.
  - a. Marisa Arrona presented the proposed amendments to the Enacting Resolution, which would extend the duration of the Task Force ("OIO"). The extension was deemed necessary by staff and the task force due to the April start of meetings of the OIO and the summer recess of the Council in August.
  - b. Task Force Members comments were:
    - i. TFM Petouhoff suggested that the recommendations be put in the staff report for the amendments.
    - ii. TFM Graham asked what the new date of termination would be.
    - iii. TFM Radulavich suggested that rather than ask for an extension not to exceed four months that a date certain be provided, such as December 2007
    - iv. TFM Petouhoff added that the recommendation be for the end of the calendar year.
  - c. Motion to recommend the amendments as revised was made by TFM Seleznow, and seconded by TFM Heinberg. Motion passed by unanimous vote.

- d. Marisa Arrona stated that the action plan would then be due by October 2007 in order to go to the Public Works Committee and proceed to the full Council for a vote.
  - e. Kimberly Jones reminded the OIO that the bylaws will have to be amended to conform with the amended resolution.
5. City of Oakland Uses and Sources of Oil/CO2 – Report from Public Works Agency.
- a. Scott Wentworth of the Public Works Agency made a report to supplement the information provided in the May 3, 2007 meeting to respond the TFM questions and requests. His report provided additional information about refineries, but there was no other information he could provide at the time. His report did convert CO2 gases in gallons of petroleum. Questions were either outside of the purview of his work or under investigation by his department. He also stated that ICLEI has information on petroleum, but it would be an ongoing effort to find that information.
  - b. TFM comments were:
    - i. TFM Graham asked if there were attempts to capture Port information also, and if that would require addition rows on a chart to show that information?:
    - ii. TFM Petouhoff asked whether the report contained information on petroleum uses that are non-energy, or embedded oil, such as plastic bags, asphalt, concrete, miles traveled for consumer products.
    - iii. TFM Lutz stated that this road of inquiry should be approached carefully.
    - iv. TFM Heinberg stated that embedded oil would need to be considered if discussing petroleum reduction.
    - v. TFM Radulavich stated that there would be a need for consistent methodology in approaching this issue, both internally and in terms of other jurisdictions.
    - vi. Scott Wentworth told the OIO that the ICLEI figures are consistent with 11 cities in the Bay Area, other than San Francisco, so there is at least regional consistency.
    - vii. TFM Graham suggested the formation of a subcommittee to establish a baseline understanding of what other jurisdictions are doing.
    - viii. TFM Register asked what the comparison is between petroleum burned and embedded petroleum?
    - ix. TFM Heinberg stated that the difference is about 12%.
    - x. Open discussion about emission allocation, embedded oil, idling, city accountability for transportation and the scope of city control.

*At this point, TFM members Richard Register and Tom Radulavich introduced themselves.*

- xi. TFM asked about the Plastic Bag Ordinance to be considered by Council.
- xii. Marisa Arrona stated that the proposed resolution has been moved to the June 26 meeting, but it doesn't deal with the issue of embedded oil. She stated there was a need for clarification.
- xiii. TFM Radulavich stated it is difficult to determine the amount of petroleum used in the manufacture of plastic or biodegradable products.
- xiv. TFM Heinberg reminded the OIO that its mandate is to examine petroleum reduction. Embedded oil in plastic is difficult to determine. However, it is easier to ascertain figures for asphalt and roads.
- xv. The OIO instructions to staff were to provide:
  - Information on highway related transportation fuels
  - Information on Port-related transportation fuels
  - Non-fuel uses of asphalt in road building and maintenance
  - The quantity of asphalt and concrete that goes into Oakland roads annually

*The Green Economy Report was pushed back to later in the Agenda by consensus of the OIO.*

**6. Ad Hoc Group Report of Scope and Process**

- a.** This report covered the scope, principles, metrics, timeline and working groups
- i. TFM Graham pointed out that according to TFM Seleznow's timeline, the letter to other groups should go out next month.
  - ii. TFM Petouhoff stated that there are three types of meetings, which included a new category, public outreach meetings
  - iii. TFM Shah stated that the report followed the model of Portland and Sweden.
  - iv. Open discussion among TFM which included concern about metrics, targets and social justice.
  - v. TFM Petouhoff suggested that "environmental justice impacts" should be added where appropriate for metrics; and that targets should be adopted, and provisions should be made in the action plan for targets.
  - vi. TFM Heinberg stated that a 2.5% reduction annually would be appropriate.
  - vii. It was suggested that a framework with targets should be set up or the rest of the mandate won't be achieved
  - viii. TFM Graham suggested that the 2.5% target should be considered, but she wanted to see analytics to substantiate the recommendation.
  - ix. TFM Petouhoff stated that there should be factual quantitative rationales for target setting.
  - x. TFM Radulavich listed concerns, which included:
    1. Policy changes
    2. Standards and practices
    3. Hearing from the City of Oakland
    4. what to tell the City to do and how to know if the City has compiled
  - xi. TFM Kim stated that the challenge is in what can be recommended and what the City can implement, but that he wanted to establish targets as a category.
  - xii. TFM Register stated that an educational campaign is needed where a declaration of emergency or priority would be stated.
  - xiii. TFM Shah suggested that an Ad Hoc group generate targets
  - xiv. TFM Lutz suggested that the OIO stick with 2.5% as a recommended target.
  - xv. TFM Radulavich stated that there are state imposed targets for reduction, the OIO should be cognizant of these CO2 emissions reductions targets.
  - xvi. TFM Petouhoff suggested that the OIO examine the infrastructure, and then advocate for responsible infrastructure policies.
  - xvii. TFM Graham suggested that "intended outputs" should also be included.
- b.** There were four public speakers on this item:
- George Nesbitt
  - Gerald Greene
  - Celeste Edshoken
  - Elizabeth Douherty, Ph.D

*Additional open discussion among TFM members*

- c.** Meeting Types
- i. TFM Lutz suggested that outside groups should be brought in to have the opportunity to address the community.
  - ii. TFM Graham suggested that the wording should be adjusted to reflect the OIO's objective.
  - iii. TFM Seleznow stated that the OIO wants to hear from the community and community experts. Also the form of the recommendations should be considered. There should be an effort to ensure that the public understands the recommendations.

- iv. TFM Graham stated that TFM Seleznow's concept could go under Intended Outputs, but asked whether that suggestion would mean that the public outreach meeting would be deleted?
- v. TFM Petouhoff stated that there is a need to consider the time commitment that many types of meetings would have on the TFM.
- vi. Working Groups:
  1. TFM Radulavich suggested that the working groups be organized according to how the City is organized, which would create different groups than the ones suggested.
  2. TFM Lutz suggested making a recommendation to the City related to negotiating with BART and ACTransit.

*Open discussion among TFM members*

- d. Final Structure of the working groups included the following groups:
  - i. Land Use and Infrastructure
  - ii. Port of Oakland
  - iii. Transportation
  - iv. Food, Materials, Water, etc. which would be cross-referenced with:
    - Equity
    - Engagement
    - Economy
    - Environmental

Motion to accept working group structure was made by TFM Radulavich, seconded by TFM Heinberg. Motion passed unanimously

Motion to accept the first half of the report, as amended, was made by TFM Kim, seconded by TFM Radulavich. Motion passed unanimously.

- e. Letter to outside organizations
    - i. TFM Seleznow didn't want to attach a large number of documents to the letter, which should be sent via email.
    - ii. TFM Lutz asked if the letter would be going out in a week, which the OIO agreed to by consensus.
    - iii. TFM Graham suggested sending Marisa Arrona the potential recipients for the generation of a distribution list.
    - iv. Motion to send a letter to an aggregated list of recipients was made by TFM Kim, Seconded by TFM Seleznow. Motion passed unanimously.
7. Green Economy Task Force Report  
(See attached report)
  8. Public Meeting Training/Presentation  
(See attached power point presentation)
  9. Future Agenda Items
    - a. Per the discussion at the April 5, 2007 meeting, wherein Parin Shah and Ian Kim were elected as Interim Chair and Vice-Chair, respectively, with the understanding that the Task Force would hold another election for these positions at a later meeting, the election of Chair and Vice-Chair will take place at the next meeting.
    - b. The Task Force requested a Staff Report (Informational Only) regarding the quantity of Regular Asphalt versus Rubberized Asphalt installed by the City of Oakland in roads and public rights-of-way in the past five years.

- c. Discussion of Methodology and Metrics regarding the ‘Four E’s’ (Environmental Enhancement, Economic Prosperity, Social Equity, and Engagement (Outreach)) to be used by the Task Force and the Working Groups.
  - d. Presentation by Ian Kim regarding Green Jobs and Eco-Equity.
  - e. Status Report from each Working Group.
  - f. Report and Recommendation regarding the proposed Plastic Bag Ban Ordinance co-sponsored by Councilmembers Nancy Nadel and Jean Quan, which will be heard at the June 26<sup>th</sup> Public Works Committee meeting.
- 10. Announcements.**
- a. Any and all agenda items and their supporting documentation must be submitted to Marisa Arrona 10 days prior to the meeting for the timely creation and posting of the agenda packet.
  - b. Councilmember Kernighan filled the District 2 vacant seat by appointing Dr. Louise Bedsworth, who will be a valuable addition to the OIO. Dr. Bedsworth was just appointed last week and her travel schedule prevented her from attending tonight’s meeting.
  - c. This meeting is Kimberly Jones’ last since she is returning to New York to complete her fellowship program and studies for a Masters degree in Public Administration.
- 11. Adjournment at 9:55 pm**

## Oil Independent Oakland (OIO) By 2020 Task Force

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June 21, 2007

Office of the City Clerk  
One Frank H. Ogawa Plaza  
City Hall  
Oakland, California 94612

Subject: Election of a Chairperson and Vice Chairperson of the Oil Independent  
Oakland (OIO) By 2020 Task Force

Madame City Clerk:

City of Oakland Resolution No. 80305 C.M.S., adopted on October 17, 2006, and amended by Resolution No. 80605, C.M.S., adopted June 5, 2007, provide that the Oil Independent Oakland (OIO) By 2020 Task Force shall elect a Chairperson and a Vice-Chairperson who shall serve for a six-month term, or until the Task Force is dissolved.

At its Regular Meeting on June 21, 2007, the Members of the Oil Independent Oakland By 2020 Task Force elected the individuals named below to serve as Chairperson and Vice Chairperson respectively, pursuant to Resolution Nos. 80305 and 80605.

Chairperson: \_\_\_\_\_

Vice Chairperson: \_\_\_\_\_

Respectfully submitted,

\_\_\_\_\_  
Marisa Arrona  
Policy Aide to Councilmember Nancy J. Nadel and  
OIO Task Force Coordinator

Presentation by Prof. Peter V. Schwartz,  
Cal Poly Physics Dept. San Luis Obispo:  
*Navigating The Way Out of Fossil Fuel Dependence.*

See attached Abstract  
and Power Point Presentation.

## **Santa Barbara County, Fossil Free by 2033: Technical and Economic Analysis**

Peter V. Schwartz, *Cal Poly Physics Dept. San Luis Obispo*

The goal of Santa Barbara's Community Environmental Council is a net zero consumption of fossil fuel in the county by 2033 (see [www.fossilfreeby33.org](http://www.fossilfreeby33.org)), and therefore zero net CO<sub>2</sub> emissions. This nonprofit organization has sponsored numerous technical studies exploring renewable energy production and energy conservation, and most recently our present economic study. This presentation brings together the information of the technical studies, exploring the future mix of tangible energy sources that can render the central coast carbon neutral. Wind power plays pivotally into the production of renewable energy, replacing both natural gas and transportation petroleum. Methods of controlling and adapting to the variability of renewable energy are discussed. GREET is used to estimate vehicle turnover rates and future fleet mileage as well as alternate fuel penetration. Lastly, we estimate the amortized savings to the consumer, which is substantial.

Santa Barbara constitutes approximately 1% of California's population and energy consumption. The analysis is in progress and will hopefully be extended to San Luis Obispo and Ventura counties, and displayed as an example/challenge for other communities.

## Oil Independent Oakland (OIO) By 2020 Task Force

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### Oil Based Materials Usage, in Tons For The City of Oakland, 2002 - 2007

Description	FY 02-03	FY 03-04	FY 04-05	FY 05-06	FY 06-07	TOTAL
Asphalt Concrete (AC)- CIP Overlays	30,098	17,165	42,377	10,205	14,032	113,877
AC for Pothole crew	2,400	2,400	2,400	2,400	2,400	12,000
AC for Base Repair/Speed Bumps	5,000	5,000	5,000	5,000	5,000	25,000
Rubberized AC	24,869	17,388	12,850	0	0	55,107
Cold Patch AC	112	90	90	135	158	5858
Slurry Seal	127	180	0	0	0	307
Parks, Streetscape, and Sewer	6709	8174	6508	6242	6,000	33,633
<b>TOTAL</b>	<b>69,315</b>	<b>50,397</b>	<b>69,225</b>	<b>23,982</b>	<b>27,590</b>	<b>240,509</b>

**NOTE:** In FY04-05, the Public Works Agency began the Street Resurfacing ACTIA Project, which accounts for the higher AC Overlay quantities.

Michael Neary, P.E.  
Assistant Director  
Design & Construction Services Department  
City of Oakland  
Public Works Agency

Prepared By:  
Jaime Heredia, P.E.  
Supervising Civil Engineer  
City of Oakland  
Public Works Agency  
Engineering Design & Right of Way Management  
Division

Presentation by Task Force Member Ian Kim,  
Reclaim The Future Policy Director,  
Ella Baker Center for Human Rights:  
*Green Jobs and Eco-Equity.*

See attached Power Point Presentation.

Discussion of the Process and Metrics  
to be Utilized by the OIO Task Force  
to Prioritize Recommendations to Council.

(There is no written report for this item  
as no specific decision-making models  
are being considered at this time.)

## Working Group Status Reports and Recommendations.

Working Group	Members
Transportation	David Room Louise Bedsworth Richard Heinberg Shannon Graham
Land Use and Infrastructure	Richard Register Mike Petouhoff Tom Radulavich Jane Seleznow
Food and Materials	David Room Richard Heinberg Shannon Graham Louise Bedsworth
Port of Oakland	Jim Lutz Ian Kim Parin Shah

See attached Status Reports from:

- a. Transportation Working Group
- b. Land Use and Infrastructure Working Group
- c. Food and Materials Working Group
- d. Port of Oakland Working Group

## Oil Independent Oakland (OIO) By 2020 Task Force

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### Transportation Working Group

Notes: June 15, 2007

Items discussed and tasks:

- **Letter (see attachment):**
  - Louise will send draft list of contacts
  - Send contacts to Louise by COB Tuesday
  - Alice will send out letter to final list of contacts
  
- **Volunteer activity:**
  - Shannon to prepare message (some pieces from the letter, provide motivation for volunteer, types of efforts, what able to offer in terms of time, level of effort, expertise) and reach out to graduate students at Berkeley & Stanford (list serves)
  - David to reach out to LBNL + look at web sites with volunteer sites (eg volunteer masters)
  
- **Other resources?**
  - Highway data from Scott: may be able to get this into the agenda; we can ask Scott verbally to discuss the issues; we can follow-up with him about the data; Bay Air Quality Management District (may be from )
  
- **Possible metrics**
  - Shannon to summarize process/methodology in PPT, get PPT template from Marisa.
  - First level screen (qualitative):
    - Petroleum reduction
    - GHG offset
    - Viability (political, cost, time)
  - Second level screen (quantitative; could have some quantitative aspects):
    - Petroleum reduction
    - GHG offset
    - Viability (political)
    - Jobs & economic impact
    - Net energy
    - Viability
    - Cost
    - Time to implement
    - Air/health
  
- **Indicators**
  - David to look at MTC and Kenworth report as starting point to develop set of indicators
  
- **Food and Materials Report:** Richard working on; will circulate soon.

## **Transportation Working Group (cont'd)**

### **LETTER REQUESTING INPUT**

To whom it may concern:

This request is being sent to you from the Transportation Working Group of the Oil Independent Oakland 2020 (OIO2020) Task Force because you have been identified as someone who might be interested in providing input to our work either as an individual or as a representative of a group.

The OIO2020 was formed this year by the Oakland Mayor and City Council to develop an action plan that provides strategies, actions, and tools for the City of Oakland to reduce its consumption of oil. As the Task Force develops ideas and recommendations, we are inviting input from a broad range and diverse group of interested parties. For more detailed information about the OIO2020 Task Force, including a list of its members, please visit our website at <http://www.oaklandnet.com/Oil/default.html>.

The goal of the Transportation Working Group is to identify opportunities for the City of Oakland to reduce petroleum use from the transportation sector. We are interested in identifying programs and policies that can help Oakland to reduce petroleum use in the long-term, but also to alleviate short-term, acute oil shortages. In our analysis, we will consider both light- and heavy-duty vehicles in private use as well as in public fleets. We will also work with other working groups to understand transportation impacts under their purview (e.g., transportation impacts of land use decisions and port activities).

The Transportation Working Group's work plan includes the following elements, to be completed by October, 2007:

1. Synthesize information on transportation-oriented indicators (e.g. vehicle miles traveled, public transit miles, emissions, petroleum use, etc.) to place Oakland in the context of other major cities.
2. Develop criteria and methodology for prioritizing actions that will be considered, including primary metrics (e.g. petroleum saving, GHG reduction) as well as other considerations (e.g. air pollution or health impacts).
3. Collect information on what is currently being done in Oakland (e.g., regional Spare the Air program), future plans (e.g., bus rapid transit), and historical information (e.g., history of street cars).
4. Research programs that are being pursued in other cities, both in the Bay Area and elsewhere.
5. Prepare a list of actions to consider based on information collected in items 2 and 3.
6. Apply evaluation criteria, prepare a qualitative analysis, and develop a list of priority items to be considered by the entire task force.
7. Refine list of priority items and identify areas for further study.

To help us complete these steps in our work plan, we are seeking input from local organizations and other interested parties. We welcome suggestions in any of the areas listed above. In particular, we are seeking:

- Recommendations for actions to consider (please note that it is important that any recommendations submitted be tangible and actionable by the City of Oakland),
- Suggestions on data sources and existing analysis,
- Input on policies and programs in other areas, especially implementation and evaluation data,
- Volunteers and experts who can help to synthesize and collect information.

For any actions that you recommend, we would appreciate if you could provide as much of the following information as possible:

1. The amount of oil reduction expected from this recommendation.
2. The number of jobs the recommendation may create, if applicable.
3. Metrics related to the impact of the recommendation on the following:
  - a. Economy
  - b. Environment
  - c. Social Equity

As you can see, the Task Force and our working group have an important, yet ambitious, job ahead of them. We appreciate any suggestions or guidance that you can offer, either to our working group or the Task Force as a whole.

Please submit responses to Alice Glasner, Public Works Legislative Analyst, either electronically at [AGlasner@oaklandnet.com](mailto:AGlasner@oaklandnet.com) or by mail at 1 Frank H. Ogawa Plaza, Eleventh Floor, Oakland, CA 94612.

Sincerely,

## **Oil Independent Oakland (OIO) By 2020 Task Force**

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### **Land Use and Infrastructure Working Group**

**Notes: June 13, 2007**

(Agenda Items for the full Task Force underlined below)

#### Report on Land Use Infrastructure Working Group Scope

We decided on four main elements defining our scope of work:

1. Review the current Land Use and Transportation Element (LUTE) of the Oakland General Plan, (1998) with view towards how an update might make Oakland more pedestrian and transit friendly, partially by way of producing an “ecocity map.” The map is designed to assist in finding centers of vitality to act as magnets for higher density and diversity of land uses while also designating areas especially beneficial to remove development to save energy, restore open space and facilitate urban agriculture and natural restoration. The “de-development areas” would generally be those farthest from the centers and those preventing the restoration of important natural elements like creeks and those where expansion of community gardens, parks and sports areas are needed.
2. Propose architectural design standards for high density development, public open spaces and streetscapes similar to what the city of Oakland recently produced in their “Design Review Manual for One and Two Unit Residences” but also including multi-family and mixed use development, and including novel features to make new construction simultaneously energy conserving and people friendly.
3. Explore the full range of infrastructure support for less automobile dependence, and more transit-oriented, pedestrian friendly, bicycle friendly, energy conserving car and cart mobility solutions, including car-free by contract housing, car-free streets and car-free districts.
4. Explore the potential of transfer of development rights and more direct means, such as simply investing public money, to accomplish energy and land saving density shifts delineated by the ecocity map toward developing future pedestrian transit centers.

#### Richard Register offer to provide a 20 minute slide show on ecocity design as relates to oil and climate change

The conviction in Ecocity Builders, the non-profit of which Richard is President, is that cities can run on one-tenth the energy presently required for any particular population in the typical American city. Thus the ecologically informed land use and correlating infrastructure of architecture, networks like streets, rails, elevators, bridges and waterway are the primary source of demand – either small or large demand – and constitute the armature for best arrangement of best technologies and practices leading toward very low energy living in cities, towns and even villages. His presentations have been shown in 24 countries and 28 states and feature specific land use patterns and particular urban design features and technologies from around the world. Since he will be in Montana during the July meeting, he is suggesting this presentation be scheduled for the August meeting of the full Task Force.

### Emergency Consensus Recommendations:

Whereas:

The very ambitious and important charge for our Task Force to establish oil independence requires bold, decisive and speedy action,

Therefore:

We feel the need to recommend to the City Council and Mayor to make statements and initiative policies that assist in leading the city toward oil independence. A means to accomplish rapid and effective change is for our Task Force to help with both public education and new policy simultaneously by recommending statements and policies where the whole Task Force has consensus as to the importance of helping initiate policies that contribute to oil independence or criticizing policies that impede oil independence.

Two immediate policy statements recommended, perhaps stated as emergency findings of the Task Force:

1. Support of plastic bag ban
2. Opposition to Fourth Bore of the Caldecott Tunnel

## Oil Independent Oakland (OIO) By 2020 Task Force

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### Food and Materials Working Group

Notes: June 15, 2007

The Food and Materials Work Group decided, in view of time limitations, not to pursue detailed research and development of recommendations, but rather to draft a brief overview of this subject for the final report (Action Plan). Richard Heinberg is in the process of drafting that overview, which will be discussed by the Work Group and then submitted to the Task Force at the *July* meeting.

## Oil Independent Oakland (OIO) By 2020 Task Force

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### Port of Oakland Working Group

Notes: June 13, 2007

**Present:** Parin Shah, Ian Kim, Tom Mullarkey (IBEW 595, attended the two recent City/Port Liaison Committees)

1. State of the Port, existing opportunities and needs
  - a. Need to get baseline info of use
    - i. Two strategies (amt purchased or use VMT model)
2. Map of existing structures/avenues and ways to access information and have impact.
  - a. Port Commission, Port Staff, Liaison Committee
  - b. WOEIP (Brian Beveridge), Margaret Gordon (Pacific Institute), John Brauer, Coalition for Clean & Safe Ports (Doug Bloch),
3. What data and people are we missing
  - Need baseline emissions data for the port:
    - Purchasing? Any centralized data?
      - How much fuel are they using per year
      - How much bunker fuel
      - What kind of diesel are they using
      - Other petrol purchases
      - Chevron is providing 40% of fuel that's used in Oakland Airport (Parin's research)
    - Trip Info
      - How many ships are coming into the port, staying for how long, burning how much fuel
      - How many trucks coming into the port, burning how much fuel
      - How many planes coming into the airport, burning how much fuel
    - Ask Timothy Burroughs, formerly of ICLEI

To-do before June 21 meeting and report out to OIO Taskforce:

- Ian will reach out to community groups
- Parin will reach out to Port people, Scott Wentworth, Timothy Burroughs

## Report and Recommendation Regarding Proposed Plastic Bag Ban Ordinance

The Staff Report, draft Ordinance, and FAQ Sheet are attached, and can be viewed on-line at:

<http://clerkwebsvr1.oaklandnet.com/attachments/16659.pdf>.

The proposed plastic bag ban Ordinance, sponsored by Councilmembers Nancy Nadel and Jean Quan, will be heard at the Special Public Works Committee meeting on Tuesday, June 26, 2007, beginning at 10:30 am.

The plastic bag ban is ITEM NO. 5 on the Public Works Committee Agenda, which can be viewed on-line at:

[http://clerkwebsvr1.oaklandnet.com/meetings/2007/6/5144\\_A\\_Special\\_Public\\_Works\\_Committee\\_07-06-26\\_Meeting\\_Agenda.html](http://clerkwebsvr1.oaklandnet.com/meetings/2007/6/5144_A_Special_Public_Works_Committee_07-06-26_Meeting_Agenda.html).

# CITY OF OAKLAND

NANCY J. NADEL  
Councilmember  
District 3  
Contact: Marisa Arrona, (510) 238-7031

JEAN QUAN  
Councilmember  
District 4  
Contact: Richard Cowan, (510) 238-7041

## Plastic Bag Legislation FAQ

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### SUMMARY – WHAT THIS ORDINANCE WILL DO

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To address the negative environmental impacts of single-use plastic bags and the low rate of plastic bag recycling opportunities, **this Ordinance bans the use of non-biodegradable carry-out plastic bags provided at the point of sale at affected retail establishments.** Produce bags are not affected.

To promote the most environmentally preferable alternative, **the Ordinance encourages affected Retail Establishments to offer education about and incentives for the use of reusable bags.**

To address the negative environmental implications of single-use paper bags, while acknowledging the availability of meaningful recycling opportunities for them, **the Ordinance allows the use of paper bags as an alternative to plastic bags, but stipulates that the paper for them must come from environmentally preferable sources, must be 100% recyclable, and must contain a minimum of 40% recycled content.**

Due to the uncertainties surrounding the environmental implications of “biodegradable” or “compostable” bags, the Ordinance neither supports nor discourages their use, although they are an allowed alternative to non-biodegradable plastic bags.

### BACKGROUND

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Globally, 500 billion to one trillion single-use disposable plastic bags are used each year, the production of which requires over 12 million barrels of oil and results in the deaths of thousands of marine animals through ingestion and entanglement. Californians alone use 19 billion such bags each year, and throw away 600 per second.

The high cost of litter cleanup is borne by the City and its residents. Littered plastic bags are carried by wind and storm water into City storm drains that lead to creeks, Lake Merritt, the Oakland estuary and the Bay.

In 2006, the Council established an “Oil Independent Oakland by 2020” Task Force charged with developing a plan to reduce Oakland’s reliance on oil. Almost 10 percent of U.S. oil consumption is used to make plastic, including single-use plastic bags, so discouraging their use advances the mission of this City task force.

### ENVIRONMENTAL IMPACT

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Plastic bags don’t biodegrade, they photodegrade—breaking down into small toxic bits contaminating soil and waterways and entering the food web when animals mistake them for food.

Millions of seabirds and fish, and hundreds of thousands of sea turtles, whales, and other marine mammals die every year from eating discarded plastic bags and other plastics.

### NEED FOR LEGISLATION

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**Q: Why do we need a Ban and a Surcharge? Why not an education campaign aimed at shoppers?**

A: A ban and surcharge are simply more effective. While public education is moderately effective at raising general awareness, it is *not* effective at actually changing shopper behavior. The plastic bag ban and surcharge are tried and tested solutions, producing the dramatic results we need if we are to tackle the climate change issue *and* meet our Zero Waste and climate protection goals effectively.

**Q: But won’t it be difficult to replace plastic bags?**

A: NO. Alternatives to plastic bags are readily available, for as little as 99-cents, the most environmentally preferable of which are reusable cloth bags. There are numerous sources and vendors for these bags, both online and at check-out counters in some grocery stores.

**Q: Can’t we just recycle plastic bags?**

A: NO. Less than 5% of plastic bags are recycled because plastic bags contaminate recycling operations and are otherwise difficult to recycle due to the logistics of sorting, contamination of inks, and the low quality of the plastic used. Moreover, Oakland’s residential recycling program does not accept plastic bags for recycling. Many of the plastic bags which are now dropped off for “recycling” at grocery stores are actually shipped to China and other countries where less stringent air quality laws permit their incineration or toxic recycling procedures. Exposure to the toxic by-products of those procedures is borne by the people of these countries.

# CITY OF OAKLAND

## AGENDA REPORT

TO : Public Works Committee  
CC : Office of the City Administrator  
FROM : Councilmembers Nancy Nadel (District 3) and Jean Quan (District 4)  
DATE : June 26, 2007  
RE : **ORDINANCE BANNING THE USE OF NON-BIODEGRADABLE PLASTIC CARRY-OUT BAGS AT POINT OF SALE BY RETAIL ESTABLISHMENTS IN THE CITY OF OAKLAND THAT GROSS ONE MILLION DOLLARS OR MORE ANNUALLY, AND PROVIDING EDUCATION AND INCENTIVES FOR SHOPPERS TO USE REUSEABLE BAGS AT AFFECTED RETAIL ESTABLISHMENTS IN THE CITY**

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### SUMMARY

Globally, 500 billion to 1 trillion single-use disposable plastic bags are used each year, which is over one million per minute, the production of which requires over 12 million barrels of oil and results in the deaths of thousands of marine animals through ingestion and entanglement.<sup>1</sup> Californians alone use 19 billion such bags each year, and throw away 600 per second. The resulting litter and 147,000 tons of waste is costly to the State and to Cities.<sup>2</sup> In Oakland, littered plastic bags are carried by wind and storm water into City storm drains that lead to Oakland's creeks, Lake Merritt, the Oakland estuary, and into the Bay.

Numerous governments around the world, including, in April 2007, the City of San Francisco, have banned or otherwise discouraged the use of single-use plastic bags. The attached Ordinance ("Ordinance") follows the lead of these efforts and bans the use of plastic carry-out bags at affected retail establishments. The Ordinance also establishes a minimum recycled content requirement for single use carry-out paper bags and urges retailers to promote the use of reusable shopping bags through education and incentives such as credits, rebates, or tokens for individuals who use reusable bags.

### FISCAL IMPACT

There will be some staff time and costs associated with promotion of the program and the complaint-based enforcement of this Ordinance by the City Administrator.

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<sup>1</sup> California Assembly Bill No. 2449 (Levine), Section 1

<sup>2</sup> Californians against Waste, [http://www.cawrecycles.org/issues/plastic\\_campaign/plastic\\_bags](http://www.cawrecycles.org/issues/plastic_campaign/plastic_bags)

## BACKGROUND

Since the 1970s, marine debris has been widely recognized as a threat to the marine environment. Despite global treaties to prevent dumping at sea and to minimize land-based sources of such debris, the quantity of marine debris is increasing. According to the California Coastal Commission, up to 80% of marine debris is plastic and quantities of plastics in the ocean are increasing significantly. Plastics in the North Pacific have tripled during the last decade alone.<sup>3</sup> The Ocean Protection Council notes that 80% of marine debris comes from land-based sources, while only 20% comes from sea-based sources like shipping and boating.<sup>4</sup>

Petroleum-based plastic bags do not biodegrade, but instead persist in the environment for hundreds or thousands of years, slowly breaking down through abrasion, tearing, and photo-degradation into toxic plastic bits that enter the food chain when animals mistake those materials for food.<sup>5</sup> The environmental persistence of plastic has resulted in its presence across the planet, from urban centers to the most remote arctic beaches, including the North Pacific Gyre, which is now home to a floating island of plastic and Styrofoam that is twice the size of Texas.<sup>6</sup>

Governments in several countries have banned or otherwise discouraged the use of plastic bags, including the Republic of Ireland, which has achieved a 90% decrease in the use of plastic bags.<sup>7</sup> In February 2007, the California Ocean Protection Council unanimously adopted a plastics reduction resolution that includes a directive to promote “innovative methods to reduce plastic waste.”<sup>8</sup> On March 27, 2007, the City of San Francisco became the first City in the U.S. to ban the use of plastic shopping bags in grocery stores and pharmacies.<sup>9</sup>

Alternatives to plastic bags are readily available, the most environmentally preferable of which are reusable cloth bags. There are numerous sources and vendors for these bags including [www.reusablebags.com](http://www.reusablebags.com), [www.papernorplastic.com](http://www.papernorplastic.com), and [www.earthwisebags.com](http://www.earthwisebags.com), as well as check-out counters at many local grocery stores. The California Legislature, in enacting Chapter 5.1 (commencing with Section 42250) Part 3 of Division 30 of the Public Resources Code, publicly encourages the use of reusable bags by consumers and retailers to reduce the consumption of single-use bags.

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<sup>3</sup> California Coastal Commission, “Eliminating Land-Based Discharges of Marine Debris in California: A Plan of Action from The Plastic Debris Project,” (June 2006) pp. 15, 16, *available at* [http://www.plasticdebris.org/CA\\_Action\\_Plan\\_2006.pdf](http://www.plasticdebris.org/CA_Action_Plan_2006.pdf).

<sup>4</sup> Ocean Protection Council Resolution on Reducing and Preventing Marine Debris, adopted February 8, 2007, *available at* [http://resources.ca.gov/copc/02-08-07\\_meeting/Adopted\\_Marine\\_Debris\\_Res\\_0207.pdf](http://resources.ca.gov/copc/02-08-07_meeting/Adopted_Marine_Debris_Res_0207.pdf).

<sup>5</sup> C. Moore, “Pelagic Plastics,” Algalita Marine Research Foundation, Long Beach, CA, [www.algalita.org/research.html](http://www.algalita.org/research.html).

<sup>6</sup> S. Casey, “Our oceans are turning into plastic...are we?” (November 2006) *BestLife Magazine*:103-109.

<sup>7</sup> R. Lamb & M. Thompson, “Plastic Bags Policy in Ireland and Australia” (September 22, 2005), *available at* <http://www.scottish.parliament.uk/business/research/briefings-05/SB05-53.pdf>.

<sup>8</sup> Ocean Protection Council Resolution on Reducing and Preventing Marine Debris, adopted February 8, 2007, *available at* [http://resources.ca.gov/copc/02-08-07\\_meeting/Adopted\\_Marine\\_Debris\\_Res\\_0207.pdf](http://resources.ca.gov/copc/02-08-07_meeting/Adopted_Marine_Debris_Res_0207.pdf).

<sup>9</sup> C. Goodyear, Chronicle Staff Writer, “S.F. First City to Ban Plastic Shopping Bags”, March 28, 2007, *at* [www.sfgate.com](http://www.sfgate.com).

## KEY ISSUES AND IMPACTS

**Solid Waste and Recycling:** The California Integrated Waste Management Act of 1989 requires that all California jurisdictions achieve and maintain a landfill diversion rate of 50% beginning in 2000. In 2002, the City adopted a goal of 75% reduction of waste going to landfills by 2010. In March 2006, the Oakland City Council adopted a goal of Zero Waste by 2020. Zero Waste principals include pursuing “upstream” strategies to reduce the volume and toxicity of discarded materials and promoting reduced consumption lifestyles. Oakland achieved a landfill diversion rate of 55% in 2004. The greatest opportunity for additional solid waste diversion is related to targeting waste reduction in the commercial sector.<sup>10</sup>

The economics of recycling plastic bags are poor due to the logistics of sorting, contamination of inks, and the overall low quality of the plastic used in plastic bags, resulting in an extremely low estimated rate of 1-3% of all plastic bags being recycled in any way.<sup>11</sup>

The negative environmental impacts from single-use paper bags made with non-recycled content are approximately equal to those of single-use plastic bags, given the substantial amount of energy used, trees felled, and toxic pollution created in their manufacture.<sup>12</sup> Nevertheless, paper bags, with specifications, are allowed alternatives in this Ordinance because the City of Oakland’s residential recycling program collects paper bags for recycling, but does not accept plastic bags. In addition, this Ordinance requires that affected retail establishments that provide single-use paper bags for their customers must use recyclable paper bags that contain at least 40% post-consumer recycled content.

**Litter and Marine Pollution:** Single-use plastic bags present unique recycling and disposal issues because they are lightweight and are easily blown from disposal sites even when disposed of properly. The Department of Conservation notes that “disposable plastic bags represent some of the most commonly littered items.”<sup>13</sup> Pollution of waterways and the waterfront negatively affect quality of life in Oakland.

**Environmental Obligation:** The City of Oakland has a duty to protect the natural environment and natural resources and may exercise environmental stewardship by reducing the number of plastic bags that contaminate recycling processes, clog storm drains, and impair the waterfront.

The high cost of litter cleanup is borne by the City and its residents. The intent of this Ordinance is to reduce one significant litter problem in Oakland (single-use plastic bags).

In 2006, the Council established the “Oil Independent Oakland By 2020” Task Force (Resolution No. 80286 C.M.S.), charged with developing a plan to reduce Oakland’s reliance on oil. Almost 10 percent of U.S. oil consumption - approximately 2 million barrels each day - is used to make plastic,<sup>14</sup> including single-use plastic bags, so discouraging their use serves to advance the mission of this City task force.

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<sup>10</sup> City of Oakland PWA/ESD Strategic Plan for 75% Reduction and Recycling of Solid Waste, 2/28/06, available at <http://clerkwebsvr1.oaklandnet.com/attachments/14983.pdf>

<sup>11</sup> Californians against Waste, Plastic Bag Waste Reduction, [http://www.cawrecycles.org/issues/plastic\\_campaign/plastic\\_bags;](http://www.cawrecycles.org/issues/plastic_campaign/plastic_bags;) *See also,* [www.reusablebags.com/facts.php?id=5&display=printreusablebags.com.](http://www.reusablebags.com/facts.php?id=5&display=printreusablebags.com)

<sup>12</sup> *See* [http://www.reusablebags.com/facts.php?id=7.](http://www.reusablebags.com/facts.php?id=7)

<sup>13</sup> *See* [http://www.californiaprogressreport.com/2006/09/recycling\\_plast.html.](http://www.californiaprogressreport.com/2006/09/recycling_plast.html)

<sup>14</sup> J. Thomas, “70% of Americans Don’t Know Plastic Is Made With Oil” (April 28, 2007), *at:* [http://www.treehugger.com/files/2007/04/70\\_of\\_americans.php.](http://www.treehugger.com/files/2007/04/70_of_americans.php)

## **POLICY DESCRIPTION**

To address the negative environmental implications of single-use plastic bags and the low rate of plastic bag recycling opportunities, the Ordinance bans the use of non-biodegradable plastic carry out bags provided to the customer at the point of sale in affected retail establishments.

To promote the most environmentally preferable alternative, the Ordinance encourages affected retail establishments to offer education about and incentives for the use of reusable bags.

To address the negative environmental implications of single-use paper bags, while acknowledging the availability of meaningful recycling opportunities for them, the Ordinance allows their use as an alternative to plastic bags. The Ordinance further stipulates that the paper for single-use paper bags must come from environmentally preferable sources, must be 100% recyclable, and must contain a minimum of 40% recycled content.

Given current uncertainties surrounding the environmental implications of “biodegradable” or “compostable” bags, the Ordinance neither supports nor discourages their use, although they are an allowed alternative to non-biodegradable plastic bags.

## **SUSTAINABLE OPPORTUNITIES**

Economic: By banning a commonly littered item (plastic bags), the City can save revenue which is now spent on litter cleanup and collection.

Environmental: The production and use of plastic bags has significant environmental impacts, including the use of oil, the littering of Oakland’s waterways and waterfront, and the deaths of thousands of marine animals. Discouraging their use will help to reduce all of these impacts.

Social Equity: On a local level, not only will a ban on plastic bags directly benefit our environment, but it will present an opportunity to enhance the economic prosperity and social equity of Oakland residents by creating the market demand in the emerging Green Economy for products such as reusable bags. The next logical step would be to advocate for a company to relocate to Oakland, and to hire Oakland residents, to manufacture canvas bags. This Ordinance serves to creatively change our economy to better sustain a beautiful and healthy environment, and in the process make sure there is meaningful work for all our residents in that new economy.

On a global level, many of the plastic bags now dropped off for “recycling” at grocery stores are actually shipped to China and other countries where less stringent air quality laws permit their incineration or toxic recycling procedures. Exposure to the toxic by-products of these procedures is borne by the people of these countries.<sup>15</sup> By banning their use, the City of Oakland reduces its contribution to this problem.

Thus, on both a global and local scale, this Ordinance serves to bridge environmental leadership with equitable economic development.

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<sup>15</sup> Emily Gurnon, “The Problem with Plastics, Recycling it Overseas Poses Risks to Workers. Doing it Here Doesn't Pay,” North Coast Journal Weekly, June 5, 2003, at <http://www.northcoastjournal.com/060503/cover0605.html>.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

The adoption of this Ordinance will have no direct effect on accessibility for senior citizens or disabled persons.

## **RECOMMENDATION AND RATIONALE**

Staff recommends that this Ordinance be adopted to signal the City's support for reduced reliance on single-use plastic and paper bags, and greater reliance on a lower consumption lifestyle that includes reusable bags. Staff further recommends that Council direct City staff in the Public Works Agency to develop educational materials to assist affected Retail Establishments in implementing the requirements of this Ordinance, including the provision of sources and vendors for reusable bags.

## **ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council adopt the Plastic Bag Ban Ordinance and direct staff to assist with its implementation.

Respectfully submitted,

Nancy Nadel, Council Member

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Jean Quan, Council Member

Prepared by:  
Carol Misseldine  
Sustainability Coordinator

## NOTICE AND DIGEST

### **ORDINANCE BANNING THE USE OF NON-BIODEGRADABLE PLASTIC CARRY-OUT BAGS AT POINT OF SALE BY RETAIL ESTABLISHMENTS IN THE CITY OF OAKLAND THAT GROSS ONE MILLION DOLLARS OR MORE ANNUALLY AND PROVIDING EDUCATION AND INCENTIVES FOR SHOPPERS TO USE REUSEABLE BAGS AT AFFECTED RETAIL ESTABLISHMENTS IN THE CITY**

This ordinance codifies a new chapter of the Oakland Municipal Code under Title 8, Health And Safety, entitled “Plastic Bags” to protect and enhance the health of the residents of the city by promoting use of reusable bags and prohibiting the use of non-biodegradable plastic bags to transport customers’ purchases from retail establishments that gross one million dollars or more annually.

# OAKLAND CITY COUNCIL

ORDINANCE No. \_\_\_\_\_ C.M.S.

INTRODUCED BY COUNCILMEMBERS NANCY J. NADEL AND JEAN QUAN

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## **ORDINANCE BANNING THE USE OF NON-BIODEGRADABLE PLASTIC CARRY-OUT BAGS AT POINT OF SALE BY RETAIL ESTABLISHMENTS IN THE CITY OF OAKLAND THAT GROSS ONE MILLION DOLLARS OR MORE ANNUALLY AND PROVIDING EDUCATION AND INCENTIVES FOR SHOPPERS TO USE RE-USEABLE BAGS AT AFFECTED RETAIL ESTABLISHMENTS IN THE CITY**

**WHEREAS**, each year, 500 billion to 1 trillion plastic bags are used worldwide – one million per minute – the production and use of which have significant environmental impacts, including litter, the consumption of 12 million barrels of oil, and the deaths of thousands of marine animals; and

**WHEREAS**, according to AB 2449, the 2006 legislation creating the At-Store Recycling Program, Californians use 19 billion disposable plastic bags every year and throw away 600 bags per second, and less than 50 tons of the 52,000 tons of disposable plastic bags used in California annually are recycled resulting in over 147,000 tons of waste going to landfills, at an annual cost of \$51 million; and

**WHEREAS**, according to the Algalita Marin Research Foundation, plastic bags do not biodegrade, but break down through abrasion and tearing into small toxic bits that contaminate soil, waterways, and the marine environment, where they are mistaken for food by animals, killing over 1 million seabirds, 100,000 marine mammals, and countless fish annually from ingestion of, or entanglement in, marine debris; and

**WHEREAS**, marine debris is ubiquitous and can be found from highly populated urban beaches to the most remote arctic beaches, such as the North Pacific Gyre, which is home to a floating island of trash twice the size of Texas; and

**WHEREAS**, in 2006, the California Coastal Commission determined that up to 80% of all marine debris is plastic and 80% comes from land-based sources, and

**WHEREAS**, the Department of Conservation, in its annual Coastal Cleanup and the 1999 Litter Study concludes that disposable retail bags represent some of the most commonly littered items, and plastic bags littered in Oakland streets are carried by wind and storm water into City storm drains that lead to Oakland's creeks, Lake Merritt, the Oakland estuary, and eventually into the San Francisco Bay; and

**WHEREAS**, on February 8th, 2007, the Ocean Protection Council unanimously adopted a marine debris resolution that calls for reduced use of single-use plastic food containers; and

**WHEREAS**, plastic bags contaminate recycling operations and are otherwise difficult to recycle due to the logistics of sorting, contamination of inks, and the low quality of the plastic used, resulting in an extremely low estimated recycling rate of 1-3% for plastic bags; and

**WHEREAS**, one of the strategies proposed in Oakland's Zero Waste Strategic Plan (Resolution 80286 C.M.S., December, 2006), adopted by the Oakland City Council is to "ban the use or sale of problematic products;" and

**WHEREAS**, 10 percent of U.S. oil consumption – approximately 2 million barrels each day - is used to make plastic, discouraging the use of single-use plastic bags promotes and aids the goal of "Oil Independent Oakland By 2020," the task force established by the Oakland City Council to develop a plan to reduce Oakland's reliance on oil (Resolution No. 80286 C.M.S., 2006), and

**WHEREAS**, retail outlet stores could educate and encourage their customers to use environmentally preferable alternatives to non-biodegradable plastic bags which are readily available, including reusable cloth bags, biodegradable plastic bags, and even paper bags which, despite having an adverse impact on the environment, are collected by Oakland's curbside recycling program; and a

**WHEREAS**, governments in several countries, including Australia, Singapore, Taiwan, South Africa, Bangladesh, and the Republic of Ireland have taken action to discourage the use of non-biodegradable plastic bags; and

**WHEREAS**, the California Legislature, by enacting Chapter 5.1, the At-Store Recycling Program (commencing with Section 42250), Part 3 of Division 30, of the Public Resources Code, encourages the use of reusable bags by consumers and retailers and discourages the consumption of single-use bags; now therefore

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

SECTION 1. Sections 2 9 of this Ordinance\_ shall be codified as a new chapter of the Oakland Municipal Code under TITLE 8, HEALTH AND SAFETY. Additions to the Code are indicated by underscoring

**SECTION 2. Definitions**

- A. "Affected retail establishment" means any retail establishment located within the geographical limits of the City of Oakland that has gross annual sales of one million dollars (\$1,000,000) or more.
- B. "City sponsored event" means any event organized or sponsored by a City of Oakland Department or Agency.
- C. "Compostable or biodegradable bag" means a carry out bag that is certified and labeled as meeting the current ASTM-Standard Specification for compostability by a recognized verification entity such as the Biodegradable Product Institute.

- D. “Customer” means any person purchasing food or other materials from an affected retail establishment.
- E. “Operator” means a person in control of, having daily responsibility for, the daily operation of an affected retail establishment, which may include, but is not limited to, the owner of the affected retail establishment
- F. “Plastic carryout bag” means a non-biodegradable plastic bag provided by a store to a customer at the point of sale. These bags are often referred to as “t-shirt” bags.
- G. “Recyclable Paper Bag” means a paper carryout bag provided by an affected retail establishment to a customer at the point of sale for purposes of transporting groceries or other goods and meets **all** of the following requirements: (1) contains no old growth fiber, (2) is 100% recyclable, and (3) contains a minimum of 40% post-consumer recycled content.
- H. “Reusable Bag” means a bag that is specifically designed and manufactured for multiple reuse and is (1) made of cloth or other machine washable fabric, or (2) made of other durable material suitable for re-use.

### **SECTION 3. Prohibitions and Requirements.**

- A. Affected retail establishments are prohibited from providing plastic carry-out bags to their customers at the point of sale. Reusable bags, recyclable paper bags and compostable or biodegradable bags, including biodegradable plastic bags, are allowed alternatives.
- B. Affected retail establishments are strongly encouraged to provide incentives for the use of re-usable bags through the use of education and credits, rebates or tokens for individuals who bring re-usable bags.
- C. Affected retail establishments are encouraged to use compostable or biodegradable bags that are easily differentiated, through color coding and other markings, from non-biodegradable plastic carry-out bags when they become available.
- D. Nothing in this section shall be read to preclude affected retail establishments from making reusable bags available for sale or free to customers.
- E. Nothing in this section shall be read to preclude affected retail establishments from making compostable or biodegradable bags available for sale or free to customers.

### **SECTION 4. Liability and Enforcement.**

- A. The City Administrator or his/her designee will have primary responsibility for enforcement of this Chapter. The City Administrator or his/her designee 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, entering the premises of any affected retail establishment to verify compliance.
- B. An affected retail establishment that is operated in violation of any of the requirements of this Chapter is deemed a public nuisance and any person who causes or permits such violations shall be subject to the civil penalties authorized in Chapter 1.08 of this code.

- B. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this Chapter.

#### **SECTION 5. Violations – Penalties**

- A. If the City Administrator or his/her designee determines that a violation of this Chapter occurred, he/she will issue a written warning notice to the operator of an affected retail establishment that a violation has occurred.
- B. If the affected retail establishment has subsequent violations of this Chapter, the following penalties will apply.
- a. A fine, payable by the owner of the affected retail establishment or the corporation itself, not exceeding one hundred dollars (\$100.00) for the first violation after the warning notice is given.
  - b. A fine not exceeding two hundred dollars (\$200.00) for the second violation after the warning notice is given.
  - c. A fine not exceeding five hundred dollars (\$500.00) for the third and any future violations after the warning notice is given.
- C. Affected retail establishments may request an administrative hearing to adjudicate any penalties issued under this Chapter by filing a written request with the City Administrator, or his or her designee. The City Administrator, or his or her designee, will promulgate standards and procedures for requesting and conducting an administrative hearing under this Chapter. Any determination from the administrative hearing on penalties issued under this Chapter will be final and conclusive.

#### **SECTION 6. Exemptions**

- A. Retail establishments in the City of Oakland with gross annual sales of less than one million dollars are exempted from the provisions of this Ordinance. All retail establishments in the City of Oakland are encouraged to comply with the provisions of this Ordinance.
- B. This ordinance applies only to non-biodegradable carry out plastic bags provided at the point of sale, otherwise known as “t-shirt” bags. The provisions of this ordinance do not apply to single use plastic bags exclusively used to transport produce such as apples, oranges, grapes, carrots and other similar fruits or vegetables to the point-of-sale counter of the affected retail establishment.

#### **SECTION 7. Severability.**

If any article, section, subsection sentence, clause or phrase of this ordinance or exhibit is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

#### **SECTION 8. No Conflict With Federal or State Law.**

Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power or duty in conflict with any federal or state law.

**SECTION 9. Effective Date.**

This Ordinance will become effective upon adoption by the City Council. All affected retail establishments must comply with its requirements within six months of its effective date. City-sponsored events at which plastic carry-out bags may be used must comply with the provisions of this Chapter within ninety (90) days from the effective date of this Chapter.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

## **Oil Independent Oakland (OIO) By 2020 Task Force**

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Informational Report Regarding Resolution No. 80605, C.M.S., Extending the Term of the OIO Task Force to December 31, 2007.  
The Resolution is attached to this Agenda Packet.

This Resolution was adopted by the City Council on June 5, 2007.

The Staff Report can be viewed on-line at:

<http://clerkwebsvr1.oaklandnet.com/attachments/16439.pdf>, and the final

Resolution can be viewed on-line at:

<http://clerkwebsvr1.oaklandnet.com/attachments/16583.pdf>.

# OAKLAND CITY COUNCIL

## RESOLUTION No. 80605 C.M.S.

Introduced by Councilmember Nancy J. Nadel

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### **Resolution Amending Resolution No. 80305, C.M.S. (Establishing the Procedures of the “Oil Independent Oakland By 2020” Task Force and Providing the Terms and Responsibilities of the Task Force Members) To Extend the Term of the Task Force to No Later Than December 31, 2007, In Order To Allow Additional Time to Prepare and Present its Action Plan to the City Council**

**WHEREAS**, on October 17, 2006, the Oakland City Council adopted Resolution No. 80214, C.M.S., which created a Task Force to develop an Action Plan (“Action Plan”) for Oakland to become oil independent by 2020, including strategies to create jobs and economic growth in Oakland, by examining potential new policies within the City of Oakland’s municipal power that will benefit our residents; and

**WHEREAS**, the Task Force has been commonly referred to as the “Oil Independent Oakland By 2020” (“OIO”) Task Force; and

**WHEREAS**, on December 5, 2006, the City Council adopted Resolution No. 80305, C.M.S., attached hereto and incorporated herein by this reference, which established the procedures of the OIO Task Force and provided the terms and responsibilities of the task force members; and

**WHEREAS**, Resolution No. 80305, C.M.S. provided that the OIO Task Force would present its Action Plan to the Oakland City Council within six months of its first meeting, and would then naturally dissolve after the presentation of the Action Plan; and

**WHEREAS**, when the OIO Task Force was created, it was the expectation that it would hold its first meeting in January 2007 and present its Action Plan six months later, in July 2007; and

**WHEREAS**, due to unforeseen circumstances, the first meeting of the OIO Task Force did not take place until April 5, 2007, making it impossible for the Task Force to present its Action Plan to the City Council within the time originally provided because the City Council will be on Summer Recess from August 1, 2007 through September 4, 2007; and

**WHEREAS**, after its first three meetings, the members of the OIO Task Force agreed that the scope of its work will include numerous working group meetings, substantial research, and requests for informational reports from City Staff, all of which will require several months to complete, and thus requires amending Resolution No. 80305, C.M.S., in order to allow no more than four (4) additional months for the OIO Task Force to prepare and present its Action Plan to the City Council; now therefore

**BE IT RESOLVED:** That Resolution No. 80305, C.M.S. is hereby amended to allow for the OIO Task Force to schedule a presentation of its Action Plan that will be presented to the City Council within six (6) months of the first meeting of the Task Force members, provided, however, that the term of the Task Force and the time provided for scheduling a presentation before the Council will be extended to no later than December 31, 2007; and be it

**FURTHER RESOLVED:** That Resolution No. 80305 is hereby amended to allow appointees to the Task Force to serve on the Task Force until December 31, 2007, at which time their terms shall expire; and be it

**FURTHER RESOLVED:** That the Task Force shall naturally dissolve after the Action Plan is presented to the City Council, but in any event no later than December 31, 2007; and be it

**FURTHER RESOLVED:** That the Task Force members shall elect a chairperson and a vice chairperson, who shall serve for a six-month term, or until the Task Force is dissolved, whichever is later; and, be it

**FURTHER RESOLVED:** That the Task Force shall conduct ad-hoc/working-group meetings as needed, in addition to monthly public meetings.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

**[END OF AGENDA]**