

October 1, 2015

Follow-up Analysis on the 2012-2013 Marin County Civil Grand Jury Report:

Holding the Bag (5/7/13)

“Holding the Bag”, released on May 7, 2013 investigated and made recommendations concerning the distribution of single-use plastic bags by Marin County retailers. This Grand Jury report requested responses to recommendations from the Marin County Board of Supervisors, the Marin County Hazardous and Solid Waste Management Joint Powers Authority (JPA), and 10 of Marin’s 11 municipalities: Belvedere, Corte Madera, Larkspur, Mill Valley, Novato, Ross, San Anselmo, San Rafael, Sausalito, and Tiburon.

At the time “Holding the Bag” was published, both the County of Marin and the Town of Fairfax had passed single-use plastic bag bans. The Grand Jury’s first recommendation was for the JPA to develop a model ordinance for Marin’s cities and towns to adopt. The JPA responded to this recommendation was that they were in the process of preparing a model ordinance and the associated California Environmental Quality Act (CEQA) analysis. The model ordinance was completed and released by the JPA in January 2014.

In response to the Grand Jury recommendation that all other cities and towns in Marin pass the JPA’s model ordinance, all cities and towns demonstrated a willingness to do so once the ordinance was available. The Implementation Review Committee of the Marin Chapter of the California Grand Jurors’ Association (IRC) followed up with each of the ten cities and towns in Spring 2015 and found that all except Corte Madera had passed a single-use plastic bag ban based on the JPA’s model ordinance.

The IRC contacted the Town of Corte Madera in March 2015 (Appendix A) because it had not provided its further analysis to the Grand Jury per its initial response and the requirements of the California Penal Code. The Town of Corte Madera responded (Appendix B) that it had tentatively scheduled the single-use plastic bag ordinance to be heard in October 2014. However, SB270 was passed (statewide single-use plastic bag ban) in September 2014 and it stated that areas without their own local ban already in place or under formal discussion would be subject to the uniform statewide ban. As such the Town of Corte Madera anticipated being covered by the statewide ban. In February 2015, however, the statewide ban was put on hold because a California referendum to repeal the statewide ban qualified for the November 2016 ballot. Following the letter from the IRC requesting its further analysis, the Town of Corte Madera, in accordance with its previous plans to do so, adopted its own single-use plastic bag ordinance in June 2015.

As of September 2015, the County of Marin and all 11 of Marin’s cities and towns have implemented ordinances banning single-use plastic bags.

Links:

Grand Jury Report (May 7, 2013):

http://www.marincounty.org/~media/files/departments/gj/reports-responses/2012/holding_the_bag_final.pdf

Appendix A: Letter to the Town of Corte Madera

March 20, 2015

Carla Condon, Mayor
Town of Corte Madera
300 Tamalpais Drive
Corte Madera, CA 94925

Dear Mayor Condon:

I am writing to you as a member of the Implementation Review Committee of the Marin Chapter of the California Civil Grand Jurors' Association. Our Association's goals are to support the civil grand jury system and promote local government accountability. Our Chapter is composed of former Marin County Civil Grand Jurors. One of the tasks of the Implementation Review Committee is to follow-up on responses to prior Grand Jury recommendations to ascertain the status of their implementation.

Specifically, we are following up on recommendation responses presented in a letter from the Mayor of Corte Madera on July 16, 2013 concerning the Marin County Civil Grand Jury's May 7, 2013 report titled "**Holding the Bag**".

The Town of Corte Madera's response to this report indicated that "further analysis" was required for all of the recommendations made by the Grand Jury. Exhibit 1 contains a copy of Corte Madera's response.

Per Section 933.05(b)(3) of the California Penal Code, the person or entity responding to a Grand Jury report indicating that a recommendation requires further analysis, must also include an explanation of that analysis and a timeframe for completion which is not to exceed six months. A timeframe for completion was not included in the Town of Corte Madera's response, however, as six months has passed since the report was published we assume that the analysis for each recommendation has long been completed.

I am writing to request information on the further analyses and the implementation status of Recommendation 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."

The Implementation Review Committee would appreciate a response from you at your earliest convenience and no later than April 3th.

Please send your reply electronically by April 3, 2015, to the undersigned, Sarah Loughran, at sarahloughran@comcast.net. I will call you early in the first week of April to answer any questions you may have regarding this request. We appreciate your assistance.

Sincerely yours,

Sarah Loughran
Member, Implementation Review Committee
Director, Marin Chapter of the California Grand Jurors' Association
Tel: 415-717-8581

Exhibit 1: Response to “Holding the Bag” from the Town of Corte Madera (July 16, 2013)

RESPONSE TO GRAND JURY REPORT FORM

Report Title: Holding the Bag
Report Date: May 8, 2013
Public Release Date: May 14, 2013
Response By: The Town of Corte Madera

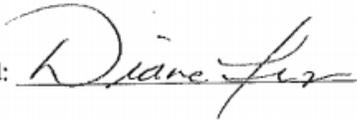
FINDINGS

- We agree with the findings numbered: F1, F2, F3 and F4.
- We disagree wholly or partially with the findings numbered: NONE.

RECOMMENDATIONS

- Recommendations numbered: NONE have been implemented.
- Recommendations numbered: NONE have not yet been implemented, but will be implemented in the future.
- Recommendations numbered: R1, R2, and R3 require further analysis.
See attached explanations.
- Recommendations numbered: NONE will not be implemented because it is not warranted or are not reasonable.

Date: July 16, 2013

Signed: 

Number of pages attached: 2

STATEMENT REGARDING FINDINGS

No disputes with findings.

EXPLANATIONS REGARDING RECOMMENDATIONS:

Restatement of Recommendation R1 for Reference:

"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."

Explanation for Recommendation R1:

The Town will wait for the Marin County Hazardous and Solid Waste Management Joint Powers Authority (JPA) to prepare a Model Ordinance and associated CEQA analysis for use by Marin's Cities and Towns. It is expected that the CEQA analysis will explore the impacts of ordinances that ban single use plastic bags at restaurants. When that analysis is completed the Town will consider adoption of a Single-Use Bag Ordinance. The Town desires to promote a bag ordinance that is highly beneficial to the environment – but cannot guarantee that the ordinance will follow the "strictest rules possible."

Timeline: CEQA completion is expected October/November 2013, Town adoption and implementation of an ordinance are To Be Determined.

Restatement of Recommendation R2 for Reference:

"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 Marin County and The Marin Hazardous and Solid Waste Joint Powers Authority (JPA) Members 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) Members develop educational materials and distribute them at public events such as farmers' markets and street fairs."

Explanation for Recommendation R2:

Through the Marin County Hazardous and Solid Waste Management Joint Powers

Authority (JPA) and in conjunction with them, the Town will endeavor to facilitate a robust educational campaign (addressing the reduction of single use bags and the benefits of reusable bags) that will involve as many outreach channels as possible including schools, stores, farmers markets and various other public events.

Timeline: CEQA completion expected October/November 2013. Town implementation timeline is To Be Determined.

Restatement of Recommendation R3 for Reference:

"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.

Explanation for Recommendation R3:

The Town will consider adoption of a Single-Use Bag Ordinance consistent with the Model Ordinance, however because each City and Town needs to adopt an ordinance individually the Town cannot guarantee there will be absolute consistency between all of the ordinances.

Timeline: CEQA completion expected October/November 2013 – Town adoption and implementation of an ordinance is To Be Determined.

Appendix B: Town of Corte Madera Response



THE TOWN OF
CORTE MADERA
MARIN COUNTY CALIFORNIA

300 TAMALPAIS DRIVE
CORTE MADERA, CA
94925-1418

www.townofcortemadera.org

TOWN MANAGER
TOWN COUNCIL
415-927-5050

TOWN CLERK
415-927-5086

FINANCE / BUS. LICENSE
415-927-5055

FIRE DEPARTMENT
415-927-5077

PLANNING / ZONING
415-927-5064

BUILDING INSPECTOR
415-927-5082

TOWN ENGINEER
PUBLIC WORKS
415-927-5057

RECREATION DEPARTMENT
415-927-5072

SANITARY DISTRICT NO. 2
415-927-5057

CENTRAL MARIN
POLICE AUTHORITY
415-927-5150

April 3, 2015

Sarah Loughran
Member, Implementation Review Committee
Marin Chapter CA Grand Jurors' Association
Sent Via Email To: sarahloughran@comcast.net

Re: Town Council's Implementation Response to Grand Jury Report
Holding the Bag

Dear Ms. Loughran:

Pursuant to Penal Code Sections 933 et seq., the Corte Madera Town Council furnished its response to the Grand Jury Report: "Holding the Bag" on July 16, 2013. In response to your letter dated March 20, 2015, in which you request an update on follow-up actions taken by the Town Council, the Town's response is listed below.

Recommendation 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.

Implementation Action Taken: The first reading of an ordinance to ban all single-use plastic carry-out bags is scheduled to be heard at the regular Town Council meeting scheduled for May 5, 2015. The second reading, and potential adoption of the ordinance, is scheduled to be heard at the regular Town Council meeting scheduled for May 19, 2015.

The ordinance had tentatively been scheduled for October, 2014, however passage of SB 270 stated that the terms of all local bans would be grandfathered in under the new statewide statute if they were either adopted or passed at first reading before September 1, 2014. Otherwise, the statute will impose a uniform ban statewide for areas that by then not yet passed their own plastic bag laws. Given that the Town of Corte Madera did not have a first reading, or a Resolution of Intent, passed by September 1, 2014, the Town expected to be covered by the terms of the statewide statute and would not need to pass its own ordinance.

On February 24, 2015, Town Staff received notification that the California referendum to repeal the statewide plastic-bag ban qualified for the November 2016 ballot, and that the law established by SB 270 was thus inoperative due to a pending referendum petition. Given that information, the decision was made to place a Single-Use Bag Ordinance on a future agenda. As stated previously, the first reading of the proposed ordinance has been scheduled for May 5, 2015, and the second reading, and potential adoption, has been scheduled for May 19, 2015.

Should you have any further questions, please contact Rebecca Vaughn, Town Clerk, at (415) 927-5085 or via email at rvaughn@tcmmail.org.

Very truly yours,



Carla Condon

Mayor

Town of Corte Madera