



Monterey County

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

Legistar File Number: 20-339

May 05, 2020

Introduced: 5/1/2020

Current Status: Agenda Ready

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Matter Type: General Agenda Item

In response to Referral 2020.19, adopt an urgency ordinance suspending in part the prohibition on the use of single-use carryout bags, and suspending the requirement for retail establishments to charge customers for recycled paper bags or reusable bags, until June 21, 2020.

RECOMMENDATION:

It is recommended that the Board of Supervisors, in response to Referral 2020.19, adopt an urgency ordinance suspending in part the prohibition on the use of single-use carryout bags, and suspending the requirement for retail establishments to charge customers for recycled paper bags or reusable bags, until June 21, 2020.

SUMMARY/DISCUSSION:

On August 26, 2014, the Board of Supervisors adopted Ordinance No. 5244 which amended the County Code to add Chapter 10.43, adopting regulations concerning the use of single use carryout bags, and generally prohibiting their use in certain retail establishments. Subsection 10.43.040 (A) of the County Code prohibits retail establishments from providing to customers single use carryout bags, with certain exceptions. Subsections 10.43.040 (C), (D) and (E) of the County Code require retail establishments to charge customers for the use of a recycled paper bag or reusable bag. On November 8, 2016, the electors of California, voting on a referendum petition, approved Public Resources section 42283, establishing, in part, similar prohibitions and requirements on retail establishments.

In light of the COVID-19 pandemic, many retail establishments in Monterey County, that are subject to the regulations in Chapter 10.43 of the County Code, have, for the protection of their workers, refused to allow customers to use reusable bags at the point of sale, causing customers to use a new recycled paper bag or a new reusable bag provided by the retail establishment, and, in many cases, being charged for such bags.

On April 22, 2020, the Governor of the State of California issued Executive Order No. N-54-20, which, in part, suspended for a period of 60 days Public Resources Code section 42283 to the extent that it prohibits retail establishments from a) providing recycled paper bags and reusable bags at the point of sale at no charge, and b) providing single-use carryout bags where it is not possible to provide recycled paper bags or reusable bags. The suspension lasts until June 21, 2020.

Supervisors Lopez and Adams submitted Referral no. 2020.19 requesting a temporary suspension of Chapter 10.43 in order to allow retail establishments to forego charging for recycled paper bags and reusable bags.

Attached is a draft urgency ordinance that mirrors the provisions of the Governor's executive order and suspends the provisions of Section 10.43.040 to the extent that they a) require retail establishments to charge customers for a recycled paper bag or reusable bag, and b) prohibit the use of single-use carryout bags where it is not possible to provide recycled paper bags or reusable bags. The suspension will last until June 21, 2020.

OTHER AGENCY INVOLVEMENT:

The Health Department concurs in the recommendation.

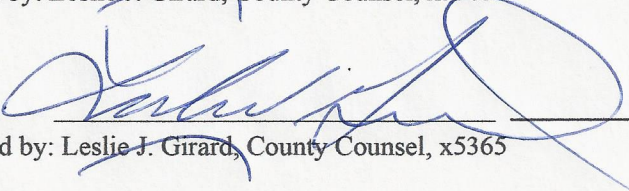
FINANCING:

There is no financial impact to the County from this ordinance

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety


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Approved by: Leslie J. Girard, County Counsel, x5365

Attachments: Draft urgency ordinance