

ASHLAND CONSERVATION COMMISSION

Meeting Agenda

6:00-8:00pm – November 20, 2013

Community Development Building, Siskiyou Room
51 Winburn Way



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1. 6:00 **Call to Order**

 2. 6:00 **Consent Agenda / Reports**
 - 2.1. Minutes Oct 23rd meeting

 3. 6:05 **Announcements**
 - 3.1. Next Regular Meeting: 18th December 2013
 - 3.2. Upcoming Sub-committee meetings for Dec
Sustainability Sub-Committee Dec 4th & 18th @ 2:00 PM
 - 3.3. Other Announcements from Commissioners

 4. 6:15 **Public Forum** (10 min to be evenly divided by public wishing to speak)

 5. 6:25 **Reports / Presentations**
 - 5.1. City Investment Policy Presentation – Barbra Christensen (20 min)
 - 5.2. Council - Councilor Rosenthal (5 min)
 - 5.3. City Staff – Hanks (10 min)
 - 5.4. SOU Quarterly Report – Beigel-Coryell (5 min)

 6. 7:05 **Old Business**
 - 6.1. Sustainability Sub-Committee – McGinnis (20 min including questions)
 - 6.2. BYOB Update - Weir (10 min)

 7. 7:35 **New Business**
 - 7.1. Conservation Awards sub-committee establishment – Koopman (15 min)

 8. 7:50 **Wrap Up**
 - 8.1. Review of goal assignments (5 min)
 - 8.2. Items to be added to next agenda (5 min)
 - 8.3. Adjournment (8 PM)

ASHLAND CONSERVATION COMMISSION

Meeting Minutes

October 23, 2013

Community Development Building, Siskiyou Room
51 Winburn Way



1. Call to Order

The meeting was called to order by Commission Chair Weir at 6:00. Commissioners Beam, Buck, Beigel-Coryell, Gould, Koopman, Hartman, Silverberg and Weir were in attendance. Commissioner McGinnis was present for a portion of the meeting. Council Liaison Rosenthal and City Staff Hanks were also in attendance.

2. Consent Agenda / Reports

Chair Weir asked for a motion to approve the meeting minutes of September 25, 2013. Commissioner McGinnis noted that the month for the Sustainability sub-committee presentation back to the full Commission should read November rather than December. Additionally, Hanks noted that the meeting attendance list was omitted from the minutes and requested the approval to note the addition of Commission attendees. A motion to approve was made by Commissioner Hartman, with a second from Commissioner Buck, with unanimous approval from the Commission.

3. Announcements

Chair Weir announced the next Regular Meeting for November 20, 2013 with upcoming Sustainability sub-committee meetings scheduled for November 6th and 13th. Commissioner Beam announced that the pilot downtown storm drain filter check project was in progress and invited Commissioners to take a look with he and staff each Friday morning at 7:30. Commissioner Buck announced an E-Cycle event happening in Jackson County on November 16th with some extra features such as hard drive erasing.

4. Public Forum

Winston Freidman spoke to the Commission about his desire to see the City make a statement about divestment, whether through the City's own investments or by a statement from the Council to PERS and other entities that hold make investments with City related funds. The Commission asked questions about the exact request, how it would be moved to Council and the final objective.

5. Reports

Council Liaison Report - Councilor Rosenthal

Councilor Rosenthal reported to the Commission that he made a request to the Mayor for the Bag Ban/BYOB issue to be placed on the November 18, 2013 study session and described the importance of how the issue was to be framed both

verbally by the Commissioners who are planning to present and by staff in the drafting of the Council Communication that accompanies the Commission's recommendation memo and supporting materials. Hanks offered to share a draft Council Communication with the sub-committee at their next meeting.

Rosenthal also gave a brief recap of the Recology franchise agreement, rate increase and Recycle Center surcharge decisions that were made by Council and noted that the Mayor will be appointing an additional Conservation Commissioner and two members of the public to the already established Council working group to focus efforts on the future of the Recycle Center, including long term funding options, operational issues, etc.

City Staff Report – Hanks

Hanks informed the Commission of some of the details of the Recology franchise agreement already highlighted by Councilor Rosenthal. Additionally, Hanks mentioned that the Conservation Division staff is working through significant changes in the program operations of the current Earth Advantage/Energy Star new construction green certification program that the Division has operated for over a decade. Changes are being made as a result of program changes from both Earth Advantage and Energy Star with a goal of maintaining or increasing participation levels through third party inspection ability rather than City staff only.

Hanks also mentioned that the Electric Utility cost of service study was delayed and will be presented to Council in their December 16, 2013 Study Session. Hanks also noted that Council recently approved a 5.3% electric rate increase which typically drives an increase in the participation in Conservation Division energy efficiency programs.

Ashland School District Quarterly Report – Hartman

Commissioner Hartman gave an overview of conservation related activities happening at the various schools within the District. Bellview is using their garden area for class activities, Eric Sandrock from the Middle School leads the AMS garden activities and is heading up the AMS plastic round-up drive. Hartman discussed that the high school has teacher learning targets that he is using to conduct activities around composting, including making compost tea.

Hartman noted that Helman School is still working on their Ashland Ponds project with Lomakatsi and Willow Wind has an active bird program running.

City Operational Sustainability Plan Update – Hanks

Hanks gave an update on the progress of the Operational Sustainability Plan. Key milestones included the recent completion of the Facilities Energy Audit for 18 City buildings. That data, along with non-building energy data (significant pumps, lift stations, etc) will be used to complete the energy portion of the plan and help establish targets for future years. It is anticipated that a similar process will be done for water consumption at city facilities. Work is underway in compiling fleet/fuel data

with the help of new pump software. A partial audit of material waste has been completed but additional work is needed to better define actual volumes being collected. With the federally required change from Materials Safety Data Sheets (MSDS) to Safety Data Sheets (SDS), the City is conducting inventories of all of the hazardous materials used at all facilities. This will be used to compile the benchmark data for the operational sustainability plan and will assist in evaluation of potential reduction, elimination or better replacements for these materials.

Hanks also noted that an SOU student is assisting in some of the plan development as part of a capstone project.

6. Old Business

Process Update - "Bring Your Own Bag" Policy (Plastic Bag Ban) – Buck/Silverberg
Commissioner Buck gave a brief overview of the status of the recommendation reminding the Commission of the already approved recommendation memo that will be the key piece of the presentation to the Council at the November 18th study session.

Councilor Rosenthal noted that it is important to note that it isn't a finished product, nor is it intended to at this point and that key components include the educational aspect and the issue of the charge for the paper bags. Rosenthal suggested have data references for the recommendation should it be needed in the discussion.

It was decided that the sub-committee would meet one additional time prior to the study session to review the draft Council Communication from staff and to coordinate the presentation efforts. The date was set for November 6th at 3:30 in the Recology meeting room.

City of Ashland Investment Policy /Divestment Issue – Barbara Christensen,
City Recorder Christensen was not present so Chair Weir suggested, with agreement from the Commission, that it be placed on the November agenda.

Follow Up - Car Washing Best practices / Signage for Anti Idling – Gould

Car Washing - Commissioner Gould referred the Commission to the packet for information on the car wash program solution to the existing issue of car washes in local parking lots. The program would encourage fundraising groups to use a City sponsored program that supports the use of the two automated car wash systems in Ashland for fundraising efforts. These systems recycle their water and are connected to the waste water system instead of the storm drain system. Gould has contacted the City of Stockton who has run a successful program and will be meeting with PW Storm Drain staff and Hanks to develop the program information to be operated by PW staff.

Anti-idling signage for schools - Gould again referenced the meeting packet that contains a selection of potential signage to be suggested and possibly purchased for the School District to use in their parent/public parking lot and pick up areas to

encourage waiting drivers to turn off their engines while they wait. The Commission selected the color sign that included a school bus graphic but added that they would actual prefer that it be altered to be a passenger vehicle instead since these signs will be targeted at parents rather than the school buses who already comply with District policy for no idling.

7. New Business

Appointment recommendation of Commission members to Ad-hoc Recycle Center Committee

Chair Weir reminded the Commission of the decision made by Council to expand the previous group that was working to develop the Recology franchise agreement to a seven member group to make recommendations on the future of the Recycle Center. The new ad-hoc committee would contain the existing members; Councilors Morris, Voisin and Slattery and Commissioner Beam, an additional new Conservation Commissioner and two members of the general public.

Weir asked for those interested to give a short overview of their perspective on the topic followed by votes from the Commission to appoint the members. Commissioner Beam indicated that he is willing to continue in his role and again stated that he feels that the garbage service should be mandated so everyone pays equitably in the services.

Commissioner Koopman also stated her willingness to represent the Commission and stated the importance for waste reduction goals and targets to be a part of any recommendation.

Commissioner Beigel-Coryell also stated she was willing to represent. The Commission voted to recommend Commissioners Beam and Beigel-Coryell to the Mayor for appointment to the Ad-Hoc Committee.

8. Wrap Up

Weir noted the change in the November Meeting date to November 20, 2013. A request was made to invite Public Works Director Faught to the November Commission meeting to update the Commission on the road diet project. Hanks asked the Commission for some topics they would like addressed, which included trip data, ped/bike counts. Safety data, speed data. Hanks mentioned that the matter would be in front of Council for a final decision in December and wasn't sure of Faught's availability but would extend the invitation. Koopman reminded the group that she would like to get work started on the Conservation Awards sub-committee for the November agenda as well.

Chair Weir adjourned the meeting at 8:00 PM

Council Communication

November 19, 2013, Business Meeting

Annual Review of Investment Policy for the City of Ashland

FROM:

Barbara Christensen, City Recorder, christeb@ashland.or.us

SUMMARY

City Council review the current City of Ashland Investment Policy.

BACKGROUND AND POLICY IMPLICATIONS:

This policy was previously reviewed and approved by the City Council in December 2012 to meet current Oregon Revised Statutes pertaining to investment of municipal funds.

The process for allowing Oregon credit unions as Qualified Depositories has been completed at the State level and has been integrated into the City of Ashland Investment Policy. A list of Qualified Depositories is attached for your information. At this time, there are no credit unions participating from our area, but the additional language in the Investment Policy will allow this type of investment should one choose to participate in the program.

In addition to adding the language for Credit Unions, it was a prudent time to review policy for current practices and insertion of language provided by Resolution 2013-07 “A Resolution Adopting A Responsible Banking Policy” that seemed suitable to the City Investment Policy.

The policy states that it shall be reviewed on an annual basis by the Investment Officer and the City Council.

FISCAL IMPLICATIONS:

N/A

STAFF RECOMMENDATION AND REQUESTED ACTION:

Approve Revised City of Ashland Investment Policy

SUGGESTED MOTION:

Motion to approve City of Ashland Investment Policy as revised.

ATTACHMENTS:

Draft Revised Investment Policy

Press Release – Ted Wheeler, State Treasurer – Oregon Credit Unions

Resolution 2013-07



CITY OF ASHLAND, OREGON INVESTMENT POLICY

I. POLICY STATEMENT

It is the policy of the City of Ashland to invest public funds in a manner which will provide the highest investment return with the maximum security while meeting the daily cash flow demands of the entity and conforming to all state and local statutes governing the investment of public funds.

II. SCOPE

This investment policy applies to activities of the City of Ashland ~~and Ashland Parks & Recreation~~ in regard to investing the financial assets of all funds except for funds held in trust for deferred compensation funds for the employees of the City of Ashland. In addition, funds held by trustees or fiscal agents are excluded from these rules; however, all funds are subject to regulations established by the State of Oregon. Other than bond proceeds or other unusual situations, the estimated portfolio size ranges from \$15,000,000 to \$24,000,000.

These funds are accounted for in the City of Ashland's Comprehensive Annual Financial Report and include:

- General Fund
- Reserve Fund**
- Special Revenue Funds
- Capital Projects Funds
- Debt Service Funds
- Enterprise Funds
- Internal Service Funds
- Trust & Agency Funds

Funds of the City will be invested in compliance with the provisions of all applicable Oregon Revised Statutes. Investments of any tax-exempt borrowing proceeds and any related Debt Service funds will comply with the arbitrage restrictions in all applicable Internal Revenue Codes.

III. OBJECTIVES AND STRATEGY

The primary objectives, in priority order, of the City of Ashland's investment activities shall be:

1. **Legality.** This Investment Policy will be in conformance with federal laws, state statutes, local ordinances, and internal policies and procedures.
2. **Liquidity.** The City of Ashland's investment portfolio will remain sufficiently liquid to enable the City of Ashland to meet all operating requirements which might be reasonably anticipated.
3. **Diversification.** Diversification of the portfolio will include diversification by maturity and market sector and will include the use of multiple broker/dealers for diversification and market coverage.
4. **Yield.** The City of Ashland's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, commensurate with the City of Ashland's investment risk constraints and the cash flow characteristics of the portfolio. "Market rate of return" may be defined as the average yield of the current three-

month U.S. Treasury bill or any other index that most closely matches the average maturity of the portfolio.

Effective cash management is recognized as essential to good fiscal management. Cash management is defined as the process of managing monies in order to ensure maximum cash availability. The City shall maintain a comprehensive cash management program that includes collection of accounts receivable, and the management of banking services.

Large and small financial institutions in the Ashland area are a vital part of our economic, philanthropic, and civic infrastructure, and many bank leaders in this region strive together with government to create a more vibrant community. When financial institutions tailor their decision making, lending policies, and practices to the needs of the local community, they are better positioned to help sustain the local economy and local employment.

IV. STANDARDS OF CARE

1. **Delegation of Authority.** Authority to manage the City of Ashland's investment program is delegated to the City Recorder/Treasurer and Administrative Services Director who are the designated investment officers of the City and are responsible for investment decisions and activities, under the review of City Council. The day to day administration of the cash management program is handled by the City Recorder/Treasurer or by, the Administrative Services Director in the absence of the City Recorder/Treasurer.

Management responsibility for the investment program is hereby delegated to the City Recorder/Treasurer and Administrative Services Director, who shall establish written procedures for the operation of the investment program consistent with this investment policy and subject to review and adoption by City Council. Procedures should include reference to: safekeeping, PSA repurchase agreements, wire transfer agreements, banking service contracts and collateral/depository agreements. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the City Recorder/Treasurer and Administrative Services Director. The City Recorder/Treasurer and Administrative Services Director shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

2. **Prudence.** The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. These standards states: "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."
3. **Limitation of Personal Liability.** The Investment Officer acting in accordance with written procedures, the investment policy and in accord with the Prudent Person Rule shall not be held personally liable in the management of the portfolio.
4. **Ethics and Conflict of Interest.** Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Employees and Investment Officers shall disclose any material financial interests in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the

performance of the investment portfolio. Employees, officers, and their families shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City. Officers and employees shall, at all times, comply with the State of Oregon, Government Standards and Practices Commission, code of ethics set forth in ORS Chapter 244.

IV. AUTHORIZED AND SUITABLE INVESTMENTS.

1. **Authorized Investments.** All investments of the City shall **be** diversified by type, maturity and issuer. Before any transaction is concluded, to the extent practicable, the Investment Officer shall solicit and document competitive and offers on comparable securities. When not practicable, the reasons should be similarly documented. At all times the Investment Officer will strive for best execution of all transactions. Additionally, if reasonably unanticipated events cause the portfolio limits to be exceeded, the Investment Officer will take the steps necessary to correct the situation as soon as practicable. Investments may be sold at a loss when the Investment Officer deems that such a decision is prudent.
2. **Suitable Investments.**
 - a. U.S. Treasuries
 - b. Agencies and Instrumentalities of the United States.
 - c. Savings and Demand Accounts (Oregon depositories only)
 - d. Time Certificates of Deposit (Oregon depositories only)
 - f. Banker’s Acceptances (Oregon issued)
 - g. Corporate Debt
 - h. Municipal Debt (States of Oregon, California, Idaho and Washington only)
 - i. Oregon Local Government Investment Pool (LGIP)

The specific permitted securities are defined under Oregon Revised Statutes Chapters 294.035, 294.040, 294.046 and 294.810. (See Addendum A) Collateral requirements are bank deposits, time deposits, certificates of deposit and savings accounts are defined in ORS Chapter 295. (See Addendum B)

V. INVESTMENT PARAMETERS

1. **Diversification.** The City will diversify the investment portfolio to avoid incurring unreasonable risks, both credit and interest rate risk, inherent in over investing in specific instruments, individual financial institutions or maturities.

Diversification Constraints on Total Holdings:

<u>ISSUER TYPE</u>	<u>% of portfolio</u>
U.S. Treasury Obligations	Up to 100%
U.S. Government Agency Securities and Instrumentalities of Government Sponsored Corp.	Up to 75% and 25% per issuer
Bankers' Acceptances (BA's)	Up to 25% and 15% per issuer
Certificates of Deposit (CD)	Up to 35% and 5% of deposits per institution
Municipal Debt	Up to 35% and 10% per issuer
Corporate Debt (AA, A1, P1)	Up to 25% and 5% per issuer
State of Oregon Investment Pool Securities	ORS Limit 294.810

The investment officers will routinely monitor the contents of the portfolio comparing the holdings to the markets, relative values of competing instruments, changes in credit quality, and

benchmarks. If there are advantageous transactions, the portfolio may be adjusted accordingly, but not to exceed % as stated.

2. **Investment Maturities.** The City will not directly invest in securities maturing more than three (3) years from the date of purchase.
 - a. The maximum weighted maturity of the total portfolio shall not exceed 1.5 years. This maximum is established to limit the portfolio to excessive price change exposure.
 - b. Liquidity funds will be held in the State Pool or in money market instruments maturing six months and shorter. The liquidity portfolio shall, at a minimum, represent six month budgeted outflow.
 - c. Core funds will be the defined as the funds in excess of liquidity requirements. The investments in this portion of the portfolio will have maturities between 1 day and 5 years and will be only invested in high quality and liquid securities.

Total Portfolio Maturity Constraints:

Under 30 days	10% minimum
Under 90 days	25% minimum
Under 270 days	50% minimum
Under 1 year	75% minimum
Under 18 months	80% minimum
Under 3 years	100% minimum

Exception to 3 year maturity maximum: Reserve or Capital Improvement Project monies may be invested in securities exceeding three (3) years if the maturities of such investments are made to coincide as nearly as practicable with the expected use of the funds.

Due to fluctuations in the aggregate surplus funds balance, maximum percentages for a particular issuer or investment type may be exceeded at a point in time subsequent to the purchase of a particular issuer or investment type may be exceeded. Securities do not need to be liquidated to realign the portfolio; however, consideration will be given to this matter when future reinvestments occur.

VII. SAFEKEEPING, CUSTODY AND AUTHORIZED DEALERS

1. **Safekeeping and Custody of Securities.** The laws of the state and prudent treasury management require that all purchased securities be bought on a delivery versus payment basis and be held in safekeeping by the City, or the City's designated depository.

All safekeeping arrangements shall be designated by the Investment Officer and shall list each specific security, rate, description, maturity, and cusip number. Each safekeeping receipt will clearly state that the security is held for the City or pledged to the City. In addition, repurchase requirements including Master Repurchase Agreements shall be in place prior to any business being conducted.

2. **Authorized Financial Dealers.** The Investment Officer shall maintain a list of all Qualified Depositories for Public Funds per ORS 295.002. An Oregon public official may deposit public funds up to the amount insured by the Federal Deposit Insurance Corporation (FDIC) or the national Credit Union share Insurance Fund (NCUA) in any insured financial institution with a head office or branch in Oregon. Public funds deposits that exceed these insurance limits, currently set at \$250,000, may only be held in

~~a depository qualified by the Oregon Public Funds Collateralization Program (PFCP), authorized brokers/dealers and financial institutions that are approved for investment purposes or investment dealings. Any firm is eligible to make an application to the City of Ashland and upon due consideration and approval will be added to the list. Additions and deletions to the list will be made at the discretion of the Investment Officer. To be eligible, a financial institution must meet at least one of the following three criteria:~~

- ~~a. Be a primary dealer of the Federal Reserve Bank of New York; or~~
- ~~b. Report voluntarily to the F.R. B. of New York; or~~
- ~~c. Affirm that it has met the securities dealers' capital adequacy requirements of the F.R. B. of New York continuously for the preceding 12 months.~~

~~At the request of the City of Ashland, the firms performing investment services shall provide their most recent financial statements or Consolidated Report of Conditions for review. Further, there should be in place, proof as to all the necessary credentials and licenses held by employees of the brokers/dealers who will have contact with the City of Ashland as specified by, but not necessarily limited to the Financial Industry Regulatory Authority (FINRA), Securities and Exchange Commission (SEC), etc.~~

All dealers with whom the City transacts business will be provided a copy of this Investment Policy to ensure that they are familiar with the goals and objectives of the investment program.

If the City hires an investment advisor to provide investment management services, the advisor will follow the same procedure as outlined in VII Section 2. ~~is authorized to transact with its direct dealer relationships on behalf of the City. A list of approved dealers must be submitted to the Investment Officer prior to transacting business.~~

3. **Competitive Transactions.** The Investment Officer will obtain telephone, faxed or emailed quotes before purchasing or selling an investment. The Investment Officer will select the quote which best satisfies the investment objectives of the investment portfolio within the parameters of this policy. The Investment Officer will maintain a written record of each bidding process including the name and prices offered by each participating financial institution.

The investment advisor must provide documentation of competitive pricing execution on each transaction. The advisor will retain documentation and provide upon request.

VIII. CONTROLS

1. **Accounting Method.** The City shall comply with all required legal provisions and Generally Accepted Accounting Principles (GAAP). The accounting principles are those contained in the pronouncements of authoritative bodies including but not necessarily limited to, the Governmental Accounting Standards Board (GASB); the American Institute of Certified Public Accountants (AICPA); and the Financial Accounting Standards Board (FASB).

Pooling of Funds: Except for cash in certain restricted and special funds, the City will consolidate balances from all funds to maximize investment earnings. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

2. **Internal Controls.** The City will maintain a structure of internal controls sufficient to assure the safekeeping and security of all investments.

The Investment Officer shall develop and maintain written administrative procedures for the operation of the investment program that are consistent with this investment policy. Procedures will include reference to safekeeping, wire transfers; banking services contracts, and other investment related activities.

The Investment Officer shall be responsible for all transactions undertaken.

No officer or designee may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Investment Officer and approved by the Council.

3. **External Controls.** The City of Ashland may enter into contracts with external investment management firms on a non-discretionary basis. These services will apply to the investment of the City's short-term operating funds and capital funds including bond proceeds and bond reserve funds.

If an investment advisor is hired, the advisor will comply with all requirements of this Investment Policy. The investment advisor will provide return comparisons of the portfolio to the benchmark on a monthly basis. Exceptions to the Investment Policy must be disclosed and agreed upon in writing by both parties. The Investment Officer remains the person ultimately responsible for the prudent management of the portfolio.

Factors to be considered when hiring an investment advisory firm may include, but are not limited to:

- a. The firm's major business
- b. Ownership and organization of the firm
- c. The background and experience of key members of the firm, including the portfolio manager expected to be responsible for the City's account
- d. The size of the firm's assets base, and the portion of that base which would be made up by the City's portfolio if the firm were hired
- e. Management Fees
- f. Cost Analysis of advisor
- g. Performance of the investment advisory firm, net of all fees, versus the Local Government Investment Pool or other benchmarks over a given period of time

IX. PERFORMANCE EVALUATION AND REPORTING

The investment portfolio shall be designed with the objective of obtaining a rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and the cash flow needs.

The city's investment strategy is active. Preservation of capital and maintenance of sufficient liquidity will be considered prior to attainment of market return performance. A market benchmark will be determined that is appropriate for longer term investments based on the City's risk and return profile. When comparing the performance of the City's portfolio, all fees and expenses involved with managing the portfolio shall be included in the computation of the portfolio's total rate of return. This would include any ~~in-house management of the funds, as well as~~ outside management **and identifiable in-house management.**

The Investment Officer shall prepare monthly and quarterly compliance summary reports that provide details of the investment portfolio, as well as transaction details for the reporting period. Details shall be sufficient to document conformity with the provisions of the statutes and this

investment policy and shall include a listing of individual securities held at the end of the period. All investments owned will be marked-to-market monthly by the City's third-party custodian.

The performance (total return) of the City's portfolio will be measured against the performance of the Local Government Investment Pool (LGIP) and the yield of the 91-day U.S. Treasury Bill.

X. INVESTMENT POLICY ADOPTION BY GOVERNING BODY

This investment policy will be formally adopted by the City Council. The policy shall be reviewed on an annual basis by the Investment Officer and the City Council. Material revisions to this policy will require a review by the Oregon Short Term Fund Board, pursuant to current Oregon Revised Statutes.

Oregon State Treasury



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QUALIFIED DEPOSITORIES FOR PUBLIC FUNDS

Per Oregon Revised Statute 295.002, an Oregon public official may deposit public funds up to the amount insured by the Federal Deposit Insurance Corporation (FDIC) or the National Credit Union Share Insurance Fund of the National Credit Union Administration (NCUA) in any insured financial institution with a head office or branch in Oregon. Public funds deposits that exceed these insurance limits, currently set at \$250,000, may only be held in a depository qualified by the Oregon Public Funds Collateralization Program (PFCP). The complete list of qualified depositories is presented below and was last updated on *October 2, 2013*.

- Advantis Credit Union
- Albina Community Bank
- AmericanWest Bank
- Baker Boyer Bank
- Bank of America
- Bank of Eastern Oregon
- Bank of The Cascades
- Bank of The Pacific
- Bank of The West
- Banner Bank
- Capital Pacific Bank
- Cascade Central Credit Union
- Citizens Bank
- Clackamas County Bank
- Clatsop Community Bank
- Columbia Community Bank
- Columbia State Bank
- Commerce Bank of Oregon, The
- Community Bank
- First Federal S&L of McMinnville
- Home Federal Bank, Nampa, Idaho
- Homestreet Bank
- Intermountain/Panhandle State Bank
- Key Bank
- MAPS Credit Union
- MBank
- Northwest Community Credit Union
- Old West Federal Credit Union
- OnPoint Community Credit Union
- Oregon Coast Bank
- Oregon Community Credit Union
- Oregon Pacific Banking Co.
- OSU Federal Credit Union
- Pacific Continental Bank
- Pacific Crest Federal Credit Union
- People's Bank of Commerce
- Riverview Community Bank
- Siuslaw Bank

- St. Helens Community Federal Credit Union
- Sterling Savings
- Umpqua Bank
- Union Bank of California
- Unitus Community Credit Union
- U.S. Bank
- Washington Federal
- Wauna Federal Credit Union
- Wells Fargo Bank

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RESOLUTION NO. 2013-07

A RESOLUTION ADOPTING A RESPONSIBLE BANKING POLICY

RECITALS:

- A. The City of Ashland makes investments in accordance with the City's Investment Policy as well as Oregon Revised Statutes.
- B. The objectives of the City's investment portfolio are to preserve principal, provide sufficient liquidity to serve the City's needs and to generate a fair return; to achieve these objectives; the City invests in a diversified portfolio of conservative investments.
- C. In addition to a diversified portfolio, the City of Ashland makes deposits in banks and relies on banks for banking and treasury management services including checking, electronic transfers and credit card processing services.
- D. Large and small financial institutions in the Ashland area are a vital part of our economic, philanthropic, and civic infrastructure, and many bank leaders in this region strive together with government to create a more vibrant community.
- E. The economic recession that began in 2007 and some federal programs and banking policies severely limited financing options for homeowners and many small businesses.
- F. When financial institutions tailor their decision making, lending policies, and practices to the needs of the local community, they are better positioned to help sustain the local economy and local employment.
- G. The City of Ashland supports allowing local governments to deposit more than the current NCUA insurance limit of \$250,000 in State approved credit unions beginning in 2013.
- H. It is in the City's best interest to increase participation in the competitive solicitation process for its banking services during the contracting cycle.

THE CITY OF ASHLAND RESOLVES AS FOLLOWS:

SECTION 1.

The City of Ashland will continue to evaluate deposits in local financial institutions where those deposits are consistent with the City's Investment Policy criteria of safety, liquidity and yield and when such deposits are consistent with the efficient management of the investment portfolio; accordingly, the Council requests that the City Treasurer continue to exercise diligence in the evaluation of potential opportunities to place deposits within local financial institutions.

SECTION 2.

The Council requests that the City Treasurer evaluate local credit unions and financial institutions which are approved as qualified depositories by the State Treasurer provided such deposits are consistent with the City's Investment Policy criteria of safety, liquidity and yield and when such deposits are consistent with the efficient management of the investment portfolio.

SECTION 3.

The Council requests the City Treasurer to amend the City's Investment Policy to allow for deposits more than the current NCUA insurance limit of \$250,000 in State approved credit unions and to bring the amendment to Council for

approval as part of the annual review of the Investment Policy.

SECTION 4.

In an effort to maximize competition for banking services and create an environment that encourages local participation in the solicitation process, the City Treasurer will work collaboratively with Procurement Services to identify any strategies and best practices that would enhance the chance for local participation in the procurement of banking services during the next contracting cycle.

SECTION 5.

The City Treasurer will research national best practices and include as part of the selection criteria for banking services other aspects of a financial institution's operations possibly including, but not limited to, commitments to local lending and other community investments, small business loan programs, workforce data, and mortgage and interest rate and terms, to the extent they are available at the time of the solicitation process and which provide a reasonable basis of comparison and are allowed under law.

SECTION 6.

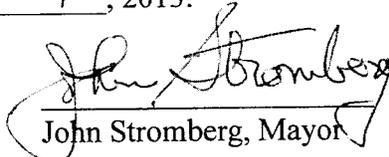
This resolution takes effect upon signing by the Mayor.

This resolution was duly PASSED and ADOPTED this 2 day of April, 2013, and takes effect upon signing by the Mayor.

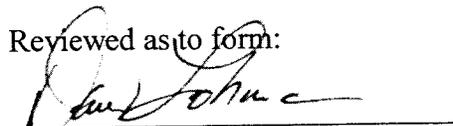


Barbara Christensen, City Recorder

SIGNED and APPROVED this 2 day of April, 2013.


John Stromberg, Mayor

Reviewed as to form:



David H. Lohman, City Attorney

CITY OF
ASHLAND
OPERATIONAL SUSTAINABILITY PLAN
Framework, Plan Format & Process Outline

Introduction

The Conservation Commission has long been interested in assisting the City in the development of a formal cross-departmental sustainability planning effort to ensure coordination across City operational functions. This planning effort can function as an internal communication and tracking tool to develop prioritized actions to meet a variety of long term goals and objectives as well as provide a location to report on existing efforts relating to operational sustainability and efficiency.

Objective

In addition to the functions described above, an operational sustainability plan is a tool to increase the efficiency of the organization in their resource consumption. Efficiency in this case is defined as a reduction in consumption, an avoidance of use, re-use of resource or process by-product with decision making based on analysis of all inputs and outputs of a given process or product used. The resulting decision and action should lead the organization to increased resource efficiency with a related, defined cost savings over a given period of time.

Goal

In May of 2012, the Commission recommended that Council amend a previous Council goal relating to City operational efficiency. Council approved the recommendation which resulted in the following Council goal:

“Develop a concise sustainability plan for the community and for City operations, beginning with development of a plan framework, suggested plan format, timeline and resource requirements for City Operations that can be used as a model for a community plan to follow”

With the understanding that the content and priority of specific actions will need to be developed by City Staff, matched with budget planning and other existing planning documents and plans, the Commission focused its efforts on the listed Council goal elements of:

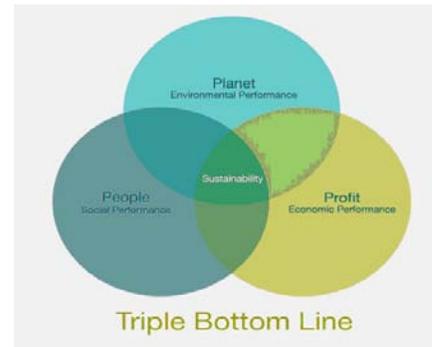
- | | |
|-------------------|--------------------------|
| 1) Plan framework | 3) Process & Timeline |
| 2) Plan format | 4) Resource requirements |

Plan Framework

While the City has undertaken many different actions and programs within its departments and divisions that have led to increased operational efficiency and outcomes that are more sustainable, there has been no formal guiding statement or accompanying principles to help embed sustainability into daily decision making in internal City operations.

The Commission and its Sustainability sub-committee spent considerable time reviewing both community and operational sustainability plans, with a particular focus on the different types of decision making frameworks utilized.

Most, if not all, plans recognize and pay homage to the concept of triple bottom line (TBL) thinking, which recognizes the connections between the three core areas of impact; planet (environment), people (social) and profit (financial) and the need for all three components to be considered in every decision.



ICLEI – Local Governments for Sustainability

Because ICLEI specifically exists to serve local governments in their efforts towards sustainability, the Commission recommends that the operational plan be developed using ICLEI framework, tools and resources. This will provide City staff with a solid, understandable framework and process to follow as the full plan is developed.

How does ICLEI define sustainability?

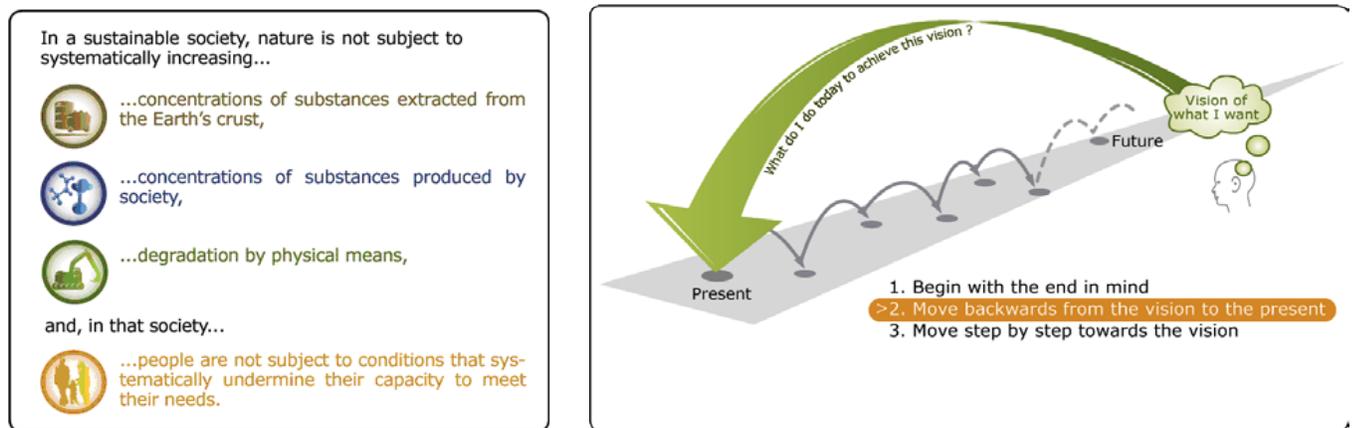
- **Affordability & Social Equity** (affordable and workforce housing, poverty, human services and race and social equity)
 - **Children, Health & Safety** (community health and wellness, access to health care, and public safety)
 - **Education, Arts & Community** (education excellence, arts and culture, and civic engagement and vitality)
- **Natural Systems** (ecosystems and habitat, water and stormwater, air quality, waste, and resource conservation)
 - **Planning & Design** (land use, transportation and mobility, and parks, open space and recreation)
 - **Energy & Climate** (energy, greenhouse gas emissions and other air pollutants, renewable energy, and green building)

- **Economic Development** (clean technologies and green jobs, local commerce, tourism, and local food system)
 - **Employment & Workforce Training** (green job training, employment and workforce wages, and youth skills)

Additionally, as a member of ICLEI, the City has access to a variety of Sustainability planning and implementation resources, most notably the Sustainability Planning Toolkit (<http://www.icleiusa.org/sustainabilitytoolkit>).

The Natural Step

The Natural Step is a comprehensive framework guided by basic principles summarized by four system conditions shown below. The framework requires the recognition that strategic planning and decision making must be made within the constraints of the system conditions and uses a process called “backcasting” to set a target or vision of success followed by the development of steps or actions needed to achieve that target.



The Commission recognizes that there are distinct differences between an operational plan and a community-wide plan and while the Commission recommends the ICLEI framework and protocol for the City’s operational sustainability plan, that may or may not be the best fit for the community plan that the Commission is interested in initiating after the operational plan is up and running.

Having the opportunity to test the ICLEI framework for the internal operational plan will be valuable for both City staff and the Commission in providing an assessment and recommendation to Council on a framework for the larger community sustainability plan in the near future.

Plan Format

The plan will need to contain a consistent template to use to set and measure targets across all resource elements based on existing data sets, or benchmarks.

Resource Elements

Each resource element and subcomponents will contain an introductory narrative describing its general use and need within the organization, its total annual consumption, current consumption/utilization rates (could be calculated and displayed several ways), reduction/conservation/utilization target and prioritized actions to meet the target.

Resource Elements Initial Inventory

Energy	Waste	Transportation/Fleet
Electric	Avoided	Fuel Consumption
Natural Gas	Re-purposed/Sold	Miles traveled
Renewables	Recycled	# of vehicles
Back-up Power (diesel)	Disposed	Vehicle Fuel type
Water	Haz Mat	Purchasing/Policies *
Production/Processes	Avoided	RFP Criteria
Irrigation/Landscape	Replaced	Purchasing Criteria
General Use (office/restroom/etc)	Disposed	Construction Standards (LEED)
		Life cycle cost analysis

*This section will describe all administrative polices, acquisition/purchasing policies, project standards or requirements that relate to any and all resource elements detailed in the operational sustainability plan and function as a key tool in utilizing the decision making framework to meet the targets for each resource element

Benchmarks

For City Staff to set and track targets, it is essential to have accurate baseline benchmark data. Based on discussion with Staff, the Commission recommends using 2010 data as the initial baseline benchmark to measure progress on meeting the targets set for each resource element. Where 2010 data isn't available or does not exist for the proposed action, new benchmark data may be created to track progress.

Targets

Specific targets will be established for each resource element with some being set at the sub-component level. For example, the energy resource element contains subcomponents with different target types. Targets at the sub-component level could be structured similar to this:

- Electric Target – 15% reduction in total electric consumption
- Renewables Target – Minimum of 5% of total electric consumption from local renewable generation

Targets will be set for the initial 2015 milestone, as well as longer range targets in five year increments, with the intent of pushing the organization to evaluate both short and long term resource and revenue return on investments.

Sample Subcomponent Data Table

Electric				
Primary Uses Facilities Heating/Cooling/Lighting Pumping-Water/Wastewater Departmental Operations – IT Network, Fleet/Shop operations, etc				
Consumption/Use Data	2010 Benchmark	2015 Target	2030 Target	Notes/Comments
Total Annual Consumption				
Consumption per sq/ft of building				
Water System consumption				
Wastewater System Consumption				

Proposed Actions

Each resource element will share a similar template table. Following the table of proposed actions within each resource element, each proposed action will have a narrative explaining detailed project costs, cost effectiveness calculations (ROI, life cycle costing, etc), connection of project to meeting specific resource target, funding options, staffing requirements, responsible department, organizational and/or employee benefits, community benefits and other pertinent information.

Sample Action Plan Table *

*Data for display purposes only, not project specific

ENERGY					
Electric		Target = 15% kWh reduction			
Proposed Action	Cost	Total Savings (kWh/Yr)	% of Target	Completion Date	Notes/Comments
Installation of Variable Speed Pumps at Wastewater Treatment Plant (12 pumps)	\$15,750	272,000	15%	6/30/13	
Replace HVAC System at Water Treatment Plant	\$30,000	54,300	3%	12/31/13	
Installation of lighting occupancy sensors at City Hall	\$7,500	9,000	.5%	9/1/13	
Renewables		Target = 10% kWh renewable			
Conduct solar assessment for all City facilities	\$15,000	N/A		12/31/13	
Install solar panels at 90 N Mountain Service Center	\$275,000		10%	6/30/14	Approximate 50k kWh generation/yr

Performance Tracking

A consistent tracking system will be developed and implemented for all resource elements and will contain the following metrics:

Source data ID	(where it comes from)
Collection responsibility	(who is collecting it)
Collection location	(where it is collected/entered)
Frequency of collection	(when it is collected)
Analysis or calculations required	(what needs to be done with it)
Frequency of review/reporting	(how often does it get distributed/reviewed)
Review responsibility	(who does the data/report go to)

The creation of a strong and consistent tracking system will provide continuity of the plan over time and allow transition of responsibility among different staff members with no loss of data, accuracy or consistency in calculations or analysis.

Reporting

To adequately integrate the plan into City operations and daily decision making, the Commission feels strongly that an annual report should be prepared and presented to the City Council to acknowledge successes and progress towards the targets, discuss areas of needed focus, provide suggested modifications to targets, etc.

Internally, quarterly updates to the City Administrator with a copy to the Commission would be recommended to work through initial implementation issues and identify potential changes in plan format, targets, reporting details, etc. The Commission could function as a reviewer of adjustments and provide recommendations and support for small operational modifications of the plan.

A comprehensive review and update of the plan should occur on or near each of the five year milestones, beginning with the 2015 initial milestone. This review provides an opportunity to step back and evaluate emerging trends, changes in technology, major alterations to various business practices, regulatory changes, etc. as well as the ability to include additional resource elements, tracking procedures and other updates to better meet future targets

Process & Timeline

Because many of the potential actions require financial resources to accomplish, the Commission is hopeful that the initial draft operational plan can be developed parallel to the City's annual budget preparations. Upon Council approval of the plan framework, format, timeline and resource requirements provided by the Commission, City staff could begin drafting the full document in January of 2013 and have a completed final draft for review and approval in May of 2013.

The Commission is anticipating being a resource to staff as the plan is developed and would welcome several in-process updates as the plan is put together to offer guidance, evaluate and recommend targets and generally support the plan development process.

Implementation of elements of the plan could begin in July of 2013 which presents a clean starting date for funding requirements as well as for tracking and benchmarking purposes.

Resource Requirements

The Commission has also been supportive of the City dedicating staff specifically for the development and implementation of both the Operational Sustainability Plan and ultimately a community sustainability plan. The opportunity to start with the drafting of the operational plan with the guidance outlined in this Commission recommendation allows City staff and Council to determine whether dedicated staffing is needed initially or if a coordinated core inter-departmental team charged with plan development and implementation is effective.

If Council and City Administration determine that current staffing availability does not exist to assist City staff on the plan development, a number of consultants locally, regional and statewide provide specific services in this area and could be selected through a request for proposals process. Depending on the desired or available level of involvement from City staff, the Commission has found a range of cost from similar projects in other cities to be from \$15,000 to \$40,000. Where this plan fits within this range is dependent upon the scope of work for the consultant vs. internal City staff.

Whether the plan is developed and coordinated internally or contracted to a consultant, significant staff resources will be required to provide the raw data, existing lists of projects and potential projects, actions and activities to be evaluated, prioritized and recommended for inclusion in the plan.

As the decision making framework is fully integrated into administrative policies and actions are implemented and successful, overall coordination and “next level” projects, such as complex treatment systems equipment at the City’s water or wastewater treatment plants, may require more specialization and focus than an inter-departmental team has the ability to accomplish or manage alongside their regular job duties within the organization.

The Commission recognizes that there are multiple ways staffing resources and consultant services could be deployed to effectively meet the targets set and bring an increased level of sustainability planning and awareness to the organization and the Commission will continue to be available to City staff and Council as those types of issues arise through the duration of the development and implementation process.

Additionally, the Commission feels strongly that the further integration of sustainability principles and practices into the organization will lead to significant cost savings across many Departments and Divisions of the City and those financial savings will be tracked and accounted for along with the various resource savings achieved. The result should validate that sustainable operations is financially prudent as well as environmentally and socially necessary.

Council Communication

November 18, 2013, Study Session

Bring Your Own Bag (BYOB) Ordinance Conservation Commission Recommendation Discussion

FROM:

Adam Hanks, Management Analyst, adam@ashland.or.us

SUMMARY

At Council's request, the Conservation Commission completed a review of the request for Ashland to create regulations banning the use of single use plastic bags. The attached memo from the Commission summarizes the research and deliberations among the Commission and recommends that Council move forward in the development of an ordinance regulating the allowable uses of single use plastic bags in conjunction with a strong educational outreach program with the objective of significantly reducing the volume of single use plastic bags entering the waste stream and negatively impacting the environment.

BACKGROUND AND POLICY IMPLICATIONS:

The issue of banning or otherwise regulating single use plastic bags has come before many Oregon cities in the past with varying regulatory strategies and implementation success. Concerns were raised by the grocery and retail business groups regarding the difficulties of operating businesses throughout Oregon if each City had its own set of regulations and restrictions for the use of single use plastic bags.

In both 2010 and 2011, Senate Bills were introduced (SB 1009 in 2010 and SB 536 in 2011) that would create statewide regulations for single use plastic bags. Neither bill was ultimately approved into law so many individual municipalities restarted community dialogues on local regulations.

Upon its referral to the Conservation Commission, the Commission established a sub-committee to focus their research efforts and draft recommendations. The research included similar ordinance development processes for the regulation of single use plastic bags in other municipalities in Oregon with a focus on the recently enacted ordinance and program in the City of Eugene.

The Commission recognizes that the single use plastic bags is a very focused item to enact regulations upon, but the consensus of the Commission is that single use plastic bags function as a very visible symbol of a short-term convenience based, disposable item that almost immediately becomes a part of the waste stream. To compound the matter, single use plastic bags are often cited by the recycling industry as particularly problematic as they jam the materials sorting machines at regional recycling facilities.

Aside from the tangible benefits of phasing out the use of this specific product, the regulation can function as a community awareness tool promoting the use of reusable products in the daily lives of Ashland residents and could also function as a launching pad for the development of a more



comprehensive local waste prevention and reduction strategy that aligns with the regional watershed and state waste prevention and reduction strategies.

The attached memo outlines the Commission's recommendation to pursue the development of an ordinance regulating the use of single use plastic bags, as well as the intended purpose and objective, the economic and environmental impacts, suggested ordinance elements, a sample model ordinance document and a suggested timeline for the ordinance process. Additional research and stakeholder outreach is needed in several areas, including a more detailed scope of impacted businesses and the potential revenue and proposed/allowed uses of the fee imposed on individual customers for the use of single use paper bags in lieu of reusable bags.

FISCAL IMPLICATIONS:

City Program Costs

Costs to the City for the development and implementation of the program outlined by the Conservation Commission include staff time for program background research and ordinance development, as well as other program related expenses for outreach/education materials for both the general public and affected retailers.

Additionally, to emphasize the Commission's desire for the program to be a Bring Your Own Bag (BYOB) ordinance rather than a plastic bag ban, an element of the education/outreach includes the creation, purchase and distribution of BYOB program branded reusable bags. The bags would provide another outlet for education/outreach and also be made available for free for qualifying residents to mitigate the impacts of the ordinance on lower income shoppers in the community.

The Commission has done some initial research on the cost of reusable bags and has also developed several community based solutions that could offset either partially or completely, the cost of purchasing and distributing the reusable bags.

Overall, it is expected that the initial program development and implementation could have costs ranging from \$3,000 to \$8,000, with those costs tapering off significantly in future years as the program becomes routine within the community. Funding sources for the proposed expenses could come from a variety of sources, including the Conservation Division budget, the Conservation Commission budget and/or general fund revenues.

Funding could also come from the program itself by having the paper bag fee collected by retailers be remitted to the City to offset program costs. This revenue stream would need further evaluation to determine the expected revenue and administrative costs associated with the collections process.

Community Program Costs

Program costs to individual retail shoppers vary depending on their current and future desire to use reusable bags versus single use paper bags. As noted, the final proposed cost per paper bag has not yet been determined and would be part of the final research and analysis for the final draft ordinance.

In other communities that have implemented a similar approach, the per bag fee varies from five to twenty five cents. The Commission proposes that the funds collected from customer fees for paper bag use be retained by the retailer to off-set the costs of providing the more expensive paper bags rather than the much less expensive plastic bags that would no longer be allowed. A key objective of the



program is to reduce the use of single use bags regardless of their type so it is anticipated that over time, the revenue off-set created by the paper bag fee would decline over time.

STAFF RECOMMENDATION AND REQUESTED ACTION:

Staff has no specific recommendations at this time, but would be interested in Council feedback on issues that the Commission and Staff have been discussing throughout the initial review period that are outlined in the Commission memo to the Council, focusing primarily on the suggested ordinance elements listed on page two of the memo.

Additionally, Council feedback on the Eugene ordinance language would also be beneficial as both the Commission and staff found the Eugene model to best match the objectives of the Commission and a potential “fit” for Ashland.

SUGGESTED MOTION:

N/A

ATTACHMENTS:

Conservation Commission BYOB Recommendation Memo – 10/23/13
City of Eugene Ordinance 20498
City of Eugene – Sample Educational Materials



Memo

DATE: October 23, 2013
TO: City Council
FROM: Conservation Commission
RE: Bring Your Own Bag (BYOB) Recommendations

At its July 16, 2013 regular business meeting, Council moved to refer to the Conservation Commission the request by Environment Oregon that the City of Ashland prohibit the use of single use plastic bags. Councilor Rosenthal, as Council Liaison to the Commission, provided the Commission with further context on the Council's request at the regular Conservation Commission meeting of July 24, 2013.

At that meeting, the Commission formed and appointed an ad hoc subcommittee to meet and develop a recommendation to be presented to Council before the end of 2013 containing the following:

- A pro's/con's report on the merits and impacts of the Environment Oregon proposal
- Research/feedback from local businesses that have voluntarily eliminated plastic bags as a customer bagging option.
- A process to implement the proposed recommendation

Draft Recommendation

Based on initial research by sub-committee members, interviews with local grocery businesses that have eliminated plastic bags and reviews of other cities that have enacted similar regulations, the sub-committee concluded that a plastic bag ban for end consumer merchandise carry-out is an effective initial focused step towards a comprehensive waste prevention strategy for Ashland.

Purpose/Objective

While single use plastic bags represent one discrete element of the local waste stream, the Commission feels that single use plastic bags are a particularly visible reminder of the negative impacts of products specifically designed for a one time use. The prohibition of single use plastic bags, coupled with a charge for the use of paper bags is intended to shift behavior and promote the use of reusable bags.

Economic and Environmental Impacts

In its research to determine the approximate volume of plastic bags used each year in its community, the City of Eugene utilized an estimated annual single use plastic bag count of 433 bags per person per year. That would equate to over nine million single use plastic bags per year. The Commission recognizes that a good percentage of Ashland's larger grocery businesses have voluntarily enacted policies that most likely drives down the calculated estimate significantly. However, even if Ashland utilizes half of



the estimate, four to five million single use plastic bags is a significant volume. With a very low recycling rate for this specific material, the logical conclusion is that nearly all of this total ends up in the waste stream or as litter impacting water, soils, wildlife and the physical aesthetic of Ashland and surrounding lands.

As directed by Mayor Stromberg, the sub-committee contacted four of Ashland's larger grocery stores that have voluntarily enacted policies relating to plastic bag use. Each have implemented different tactics to encourage customers to shift to reusable bags. When asked about a potential regulation for the whole community regarding plastic bags, each were generally supportive in the concept and would be interested in the nuances of the regulation to determine possible impacts and process alterations for their operations.

Most, if not all, of the ordinances researched include a phase in period to allow local businesses to utilize their existing stock of materials to mitigate the financial impacts of the regulations and provide ample time to communicate and implement the new regulations.

Suggested Ordinance Elements

Key elements of an effective program to shift user habits from single use plastic bags to consumer provided reusable bags should contain the following:

- A fee charged for customers requesting a paper bag to prevent an equally wasteful shift from single use plastic bags to single use paper bags.
- A requirement or incentive to offer reusable bags for sale at a discounted rate or for the City to provide community endorsed "Ashland BYOB" bags purchased by the City in bulk
- A strong educational/outreach program to educate affected businesses about the regulations
- A six month "phase-in" time for businesses to adequately prepare for the new regulation
- Clear definitions and reasonable exemptions based on public safety and other existing regulatory requirements in place by other governing agencies, including:
 - Fruit/vegetable bags
 - Bulk/package food bags
 - Frozen food, meat, fish bags
 - Hot prepared take out/liquids
 - Flowers, plants other damp products
 - Plastic bags with thickness of 4.0 mils or greater
- A commitment to timely and effective compliance efforts from the City
- Annual reporting to the City by regulated businesses verifying their compliance and identifying key metrics including, paper bag fee collection, paper bag reduction/increase from previous year, number of reusable bags sold, etc
- An annual review and report of the regulation and program to ensure it is working as intended and to identify any modification needed.

Model Ordinance

Rather than enact the model ordinance provided by Environment Oregon, the sub-committee found that the City of Eugene ordinance (adopted October 2012) and its companion education and outreach



programs better fit the purpose, objective and scale for Ashland and suggest using that as the starting point for staff in drafting specific ordinance language.

Suggested Timeline

- Oct 2013 – Council approval of concept and direction to staff for complete project development
- Jan 2014 – Project presentation by Staff to Conservation Commission (draft ordinance, detailed project launch timeline, outreach planning/materials, etc)
- March 2014 – City Council first reading of proposed ordinance
- May 2014 – Ordinance in effect, education/outreach begins (project launch)
- Oct 2014 – Phase in period complete, initial outreach efforts complete
- May 2015 - Annual Review/Report to Council on ordinance effectiveness/issues

Conclusion

The Commission recommends that Council accept the Commission’s recommendation framework and model ordinance and related outreach/education program provided above. As the project is directed to Staff for final drafting and presentation to Council for adoption, the Commission would like to offer to be involved in any needed follow up research, stakeholder/citizen outreach and final review of the ordinance documents to ensure that the ordinance being presented to Council for final deliberation meets the needs and desires of the Council and the community.



ORDINANCE NO. 20498

AN ORDINANCE ENCOURAGING THE USE OF REUSABLE BAGS, BANNING SINGLE-USE PLASTIC CARRYOUT BAGS, AND ADDING SECTIONS 6.850, 6.855, 6.860, AND 6.865 TO THE EUGENE CODE, 1971.

THE CITY OF EUGENE DOES ORDAIN AS FOLLOWS:

Section 1. Sections 6.850, 6.855, 6.860, and 6.865 of the Eugene Code, 1971, are added to provide as follows:

6.850 Plastic Bag Use - Definitions. For purposes of sections 6.850 to 6.865 of this code, the following words and phrases mean:

ASTM standard. The American Society for Testing and Materials (ASTM)'s International D-6400.

Carryout bag. Any bag that is provided by a retail establishment at the point of sale to a customer for use to transport or carry away purchases, such as merchandise, goods or food, from the retail establishment. "Carryout bag" does not include:

- (a) Bags used by consumers inside retail establishments to:
 - 1. Package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items;
 - 2. Contain or wrap frozen foods, meat, fish, whether packaged or not;
 - 3. Contain or wrap flowers, potted plants, or other items where dampness may be a problem;
 - 4. Contain unwrapped prepared foods or bakery goods; or
 - 5. Pharmacy prescription bags;
- (b) Laundry-dry cleaning bags or bags sold in packages containing multiple bags intended for use as garbage waste, pet waste, or yard waste bags;
- (c) Product bags.

City sponsored event. Any event organized or sponsored by the city or any department of the city.

Customer. Any person obtaining goods from a retail establishment or from a vendor.

Food provider. Any person in the city that provides prepared food for public consumption on or off its premises and includes, without limitation, any retail establishment, shop, sales outlet, restaurant, grocery store, delicatessen, or catering truck or vehicle.

Grocery store. Any retail establishment that sells groceries, fresh, packaged, canned, dry, prepared or frozen food or beverage products and similar items and includes supermarkets, convenience stores, and gasoline stations.

Pharmacy. A retail use where the profession of pharmacy by a pharmacist licensed by the state of Oregon's Board of Pharmacy is practiced and where prescription medications are offered for sale.

Product bag. Any bag provided to a customer for use within a retail establishment to assist in the collection or transport of products to the point of sale within the retail establishment. A product bag is not a carryout bag.

Recyclable paper bag. A paper bag that meets all of the following requirements:

- (a) Is 100% recyclable and contains a minimum of 40% recycled content;
- (b) Is capable of composting consistent with the timeline and specifications of the ASTM Standard as defined in this section.

Retail establishment. Any store or vendor located within or doing business within the geographical limits of the city that sells or offers for sale goods at retail.

Reusable bag. A bag made of cloth or other material with handles that is specifically designed and manufactured for long term multiple reuse and meets all of the following requirements:

- (a) If cloth, is machine washable; or
- (b) If plastic, has a minimum plastic thickness of 4.0 mils.

Vendor. Any retail establishment, shop, restaurant, sales outlet or other commercial establishment located within or doing business within the geographical limits of the city, which provides perishable or nonperishable goods for sale to the public.

Single-use plastic carryout bag. Any plastic carryout bag made available by a retail establishment to a customer at the point of sale. It does not include reusable bags, recyclable paper bags, or product bags.

Undue hardship. Circumstances or situations unique to the particular retail establishment such that there are no reasonable alternatives to single-use plastic carryout bags or a recyclable paper bag pass-through cannot be collected.

6.855 Plastic Bag Use - Regulations. Except as exempted in section 6.865 of this code:

- (a) No retail establishment shall provide or make available to a customer a single-use plastic carryout bag;
- (b) No person shall distribute a single-use plastic carryout bag at any city facility, city managed concession, city sponsored event, or city permitted event.

6.860 Plastic Bag Use - Cost Pass-Through. When a retail establishment makes a recyclable paper bag available to a customer at the point of sale pursuant to section 6.865(b) of this code, the retail establishment shall:

- (a) Charge the customer a reasonable pass-through cost of not less than 5 cents per recyclable paper bag provided to the customer; and
- (b) Indicate on the customer's transaction receipts the total amount of the recyclable paper bag pass-through charge.

6.865 Plastic Bag Use - Exemptions. Notwithstanding sections 6.855 and 6.860 of this code:

- (a) Single-use plastic carryout bags may be distributed to customers by food providers for the purpose of safeguarding public health and safety during the

transportation of hot prepared take-out foods and prepared liquids intended for consumption away from the food provider's premises.

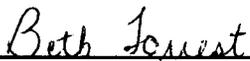
- (b) Retail establishments may distribute product bags and make reusable bags available to customers whether through sale or otherwise.
- (c) A retail establishment shall provide a reusable bag or a recyclable paper bag at no cost at the point of sale upon the request of a customer who uses a voucher issued under the Women, Infants and Children Program established in the Oregon Health Authority under ORS 409.600.
- (d) Vendors at retail fairs such as a farmers' market or holiday fair are not subject to indicating on the customer's transaction receipt the total amount of the recyclable paper bag pass through charge required in section 6.860(b) of this code.
- (e) The city manager or the designee may exempt a retail establishment from the requirement set forth in sections 6.855-6.860 of this code for a period of not more than one year upon the retail establishment showing, in writing, that this code would create an undue hardship or practical difficulty not generally applicable to other persons in similar circumstances. The decision to grant or deny an exemption shall be in writing, and the city manager's or designee's decision shall be final.

Section 2. The City Recorder, at the request of, or with the consent of the City Attorney, is authorized to administratively correct any reference errors contained herein, or in other provisions of the Eugene Code, 1971, to the provisions added, amended or repealed herein.

Section 3. Enforcement of this Ordinance shall begin six months after its adoption to allow time for community education and to allow businesses sufficient time to implement the program.

Passed by the City Council this

22nd day of October, 2012



City Recorder

Approved by the Mayor this

29 day of October, 2012



Mayor



City of Eugene Bring Your Bag FAQ - SHOPPERS

In an effort to promote reusable shopping bags and reduce litter, the City of Eugene joins other cities — including Corvallis, Portland, San Francisco, Seattle, and Austin — in encouraging the use of reusable bags by banning single-use plastic carryout bags within city limits beginning May 1, 2013. Eugeneans use an estimated 67 million single-use plastic carryout bags each year. Single-use plastic carryout bags may offer short-term convenience, but they have long-term costs in terms of litter and impact on wildlife and the environment. As a result of the new law ([Eugene Ordinance 20498](#)), fewer unnecessary plastic carryout bags will litter Eugene neighborhoods, parks, and natural areas.

When are retailers required to stop providing single-use plastic carryout bags?

The Bring Your Bag campaign begins May 1, 2013. At this time, retailers will be required to stop providing single-use plastic carryout bags to customers. However, retailers can begin the transition at any time before May 1.

What businesses does this apply to?

All retail businesses, including grocery stores, department and clothing stores, convenience stores and local markets located within the City of Eugene will be required to provide only recycled paper bags or reusable bags as carryout bags for customers.

What about farmers' markets, street fairs, festivals, and events?

The ordinance requires compliance from any store, shop, sales outlet, or vendor located within the City of Eugene that sells goods at retail. These types of establishments fall under that definition and are required to comply.

What plastic bags are prohibited?

All single-use plastic carryout bags provided at the point of sale that are less than 4 mils thick are prohibited. Bags constructed of durable plastic (4 mils or thicker) are considered reusable and are allowed. A 'mil' is an industry term that equals one thousandth of an inch.

What types of plastic bags are allowed?

The following types of plastic bags are allowed:

- Bags used to package bulk items, such as fruit, vegetables, nuts, grains, candy, or small hardware items;
- Bags that contain or wrap frozen foods, meat, and fish;
- Bags that contain or wrap flowers, potted plants, or other items where dampness may be a problem;
- Bags that contain unwrapped prepared foods or bakery goods;

- Pharmacy prescription bags;
- Bags that protect fragile items, such as glassware and breakables, which are then placed in a carryout bag.

Can retailers provide paper bags?

Yes. All paper bags provided at checkout must be made of 40% recycled content and be 100% recyclable, and must be capable of composting completely. In addition, retailers must charge a minimum of five cents for each paper bag provided at the point of sale. Paper bags provided at a time other than the point of sale do not require a five cent charge.

What does the five cent charge for paper bags go toward?

The cent charge goes back to the retailer to recoup costs.

Are retailers required to provide reusable bags or recyclable paper bags at checkout?

No. Retailers may choose to provide either, both, or neither. If they provide paper bags, they must charge at least five cents for each bag. If they provide reusable plastic bags, they must be at least 4 mils thick to be considered “reusable.”

Can retailers provide plastic bags made of compostable materials?

Not if they are less than 4 mils thick.

Are any businesses exempt from the ban?

Yes. Restaurants and other establishments where the primary business is the preparation of food or drink may provide customers with single-use plastic carryout bags for hot, prepared takeout foods and liquids.

The ordinance allows a restaurant to use plastic bags for hot, prepared takeout food. If a restaurant wants to use paper bags instead, does the restaurant have to charge five cents per bag?

The intent of the ordinance was to move away from plastic bags. The goal is to use reusable bags rather than paper bags, but the even greater goal is to avoid using plastic bags. City staff will be asking the Council during a review of the ordinance later this year to clarify that a restaurant can use paper bags for hot, prepared takeout food without charging five cents per bag. Until staff are able to ask the Council to clarify the ordinance, the City will not take enforcement action against a restaurant which chooses to provide – without charge – paper bags rather than plastic bags for hot, prepared take-out food. As stated in the ordinance, paper bags must contain 40% recycled content.

If restaurants are selling items other than hot, prepared takeout foods are the bags they use still exempt?

No. If the items being purchased are not prepared hot, prepared takeout foods, then single-use plastic carryout bags less than 4 mils thick may not be used.

Are grocers’ deli counters exempt like restaurants that serve hot, prepared takeout foods?

Yes. Hot, prepared takeout foods such as roasted chicken and soups can be placed in protective plastic bags at the deli counter as needed to prevent leaks or spills.

How will the City help shoppers prepare for this?

The Bring Your Bag campaign focuses on raising awareness about reusing bags, helping residents remember their reusable bags when shopping, and connecting residents with resources to get free or reduced price bags. This campaign begins mid-March and is on-going.

Are any customers exempt from the five cent charge on paper bags?

Yes. Customers who use a voucher issued under the Women, Infants, and Children (WIC) Program may request a paper bag at no cost at the point of sale. Only the WIC items purchased with a WIC voucher are exempt from the five cent bag charge. This exemption does not apply to Supplemental Nutrition Assistance Program (SNAP/food stamp/Oregon Trail) participants.

Can an Electronic Benefit Transfer (SNAP or food stamp) card cover the five cent fee for paper bags?

Recently some states have begun charging customers a fee for each shopping bag (plastic and/or paper) provided by a grocery store. Other states are considering charging grocery bag fees as well. State’s grocery bag fees may **not** be paid for with SNAP benefits. In addition, the Food and Nutrition Service does not have authority to exempt SNAP clients from this fee. Therefore, grocery bag fees must be paid for using cash, credit card, or non-SNAP debit. Stores that give discounts at the point-of-sale if customers bring their own bags must treat SNAP clients in the same manner.

Where can I get free or reduced price bags?

Certain stores and organization are giving away free reusable bags. To find a listing of these locations, please visit [our website](#).

What are the environmental impacts of this new ordinance?

Removing the majority of plastic bags from the retail landscape requires community members to utilize reusable bags more often. The switch from single-use bags to reusable bags has the impact of lessening the life cycle impacts of plastic bag production, a decrease in greenhouse gas emissions associated with production and transport of the bags, and less material in our local landfill, and less litter in our woods, streams, and natural areas.

What will the statewide ban do to Eugene’s ban?

Currently there is no statewide ban on plastic bags. If a statewide ban goes into effect, the City will determine the best way to move forward.

How will this law be enforced?

The City of Eugene is taking an educational approach regarding this ordinance. If community members call and complain, City staff will talk to the retailer about the law and explain what is needed to comply. If it becomes clear a retailer is intentionally not complying they will be fined.

What if I notice a store is violating the ordinance?

Similar to other city rules, the plastic bag ban will be enforced on a complaint-driven basis. The City of Eugene is taking an educational approach regarding this ordinance. If community members call and complain, City staff will talk to the retailer about the law and explain what is needed to comply. If it becomes clear a retailer is intentionally not complying they will be fined. To report a violation, please fill out a [nuisance complaint form](#).

What are the penalties for businesses if they do not comply with the ordinance?

The penalties for violating the new law will be consistent with other penalties outlined in the Eugene Code. The amount of the fine is based on a number of factors, including barriers to compliance, frequency of violation, and efforts to comply; it is determined on a case-by-case basis.

What are options for typical secondary plastic bag uses?

- *Dealing with pet waste:* There will still be many plastic bags in circulation. You can continue to use bread bags, produce, bulk, or cereal bags.
- *Lining a garbage can:* Line your garbage can with newspaper and rinse it out periodically. Or buy some lightweight plastic bags and reuse them, dumping the contents into your outdoor garbage can before relining the can with them.

How can shoppers keep their reusable shopping bags clean and safe?

A 2010 study showed that 97% of shoppers have never washed their reusable bags. There are a few simple steps shoppers can follow to keep reusable bags clean and to keep themselves and their families safe from germs. Wash reusable grocery bags at least once per month:

- Cloth reusable bags should be washed in a washing machine using laundry detergent and dried in the dryer or air-dried.
- Plastic-lined reusable bags should be wiped using hot water and soap and air-dried.
- Check that both cloth and plastic-lined reusable bags are completely dry before storing them.

Always put raw meats into a disposable plastic bag before putting them in a reusable bag. When using reusable bags, keep meats, fresh produce, and ready-to-eat foods separated from other food products. Additionally, consumers should clean any reusable bags used for carrying food before using for other purposes such as carrying books or gym clothes.

How can I remember to bring my reusable bags to the store?

Here are a few useful tips:

- Always start your shopping list with “Bring Bags”
- Keep a collapsible bag in your purse, backpack, or briefcase
- Keep bags in your vehicle



City of Eugene Bring Your Bag FAQ - RETAILERS

In an effort to promote reusable shopping bags and reduce litter, the City of Eugene joins other cities — including Corvallis, Portland, San Francisco, Seattle, and Austin — in encouraging the use of reusable bags by banning single-use plastic carryout bags within city limits beginning May 1, 2013. Eugeneans use an estimated 67 million single-use plastic carryout bags each year. Single-use plastic carryout bags may offer short-term convenience, but they have long-term costs in terms of litter and impact on wildlife and the environment. As a result of the new law ([Eugene Ordinance 20498](#)), fewer unnecessary plastic carryout bags will litter Eugene neighborhoods, parks, and natural areas.

When are retailers required to stop providing single-use plastic carryout bags?

City of Eugene retailers will be required to stop providing single-use plastic carryout bags to customers on May 1, 2013 when the new ordinance goes into effect. However, retailers can begin the transition at any time before this date.

What businesses does this apply to?

All retail businesses, including grocery stores, department and clothing stores, convenience stores and local markets located within the City of Eugene will be required to provide only recycled paper bags or reusable bags as carryout bags for customers.

What about farmers' markets, street fairs, festivals, and events?

The ordinance requires compliance from any store, shop, sales outlet, or vendor located within the City of Eugene that sells goods at retail. These types of establishments fall under that definition and are required to comply.

How will the City follow up with store owners and help them prepare for the ban?

The City will be working with businesses as they transition away from using single-use plastic carryout bags. Several information sessions for businesses will be held in April to answer questions about the new rules and more information is available on the City's website, www.eugene-or.gov/plasticbags, or by calling 541-682-5652.

What plastic bags are prohibited?

All single-use plastic carryout bags provided at the point of sale that are less than 4 mils thick are prohibited. Bags constructed of durable plastic (4 mils or thicker) are considered reusable and are allowed.

What is a 'mil'?

A 'mil' is a plastics industry term for a thousandth of an inch. It does not stand for 'millimeter.'

Can I provide plastic bags made of compostable materials?

Not if they are less than 4 mils thick.

What types of plastic bags are allowed?

The follow types of plastic bags are allowed:

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- Bags that contain unwrapped prepared foods or bakery goods;
- Pharmacy prescription bags;
- Bags that protect fragile items, such as glassware and breakables, which are then placed in a carryout bag.

Can I provide paper bags at the point of sale?

Yes. All paper bags provided at the point of sale must be made of 40% recycled content and be 100% recyclable, and must be capable of composting completely. In addition, your store must charge a minimum of 5 cents for each paper bag provided at the point of sale. Paper bags provided at a time other than the point of sale do not require a 5-cent charge.

Do I have to charge my customers for all paper bags?

No. But any size paper bag supplied to the customer at *the point of sale* must have a minimum 5-cent charge.

What does the five cent charge for paper bags go toward?

The five cent charge goes back to the retailer to recoup costs.

Is it necessary for my store to keep a record of how many paper and reusable bags sold?

Yes, every retailer is required to maintain records showing pass-through fees collected on paper bags. Records should be kept for three years.

Can retailers provide “reusable” plastic bags?

Yes. Reusable bags are made out of durable materials specifically designed and manufactured for multiple reuse. Reusable plastic bags are at least 4 mils thick. They may be provided free or charged for at the store’s discretion.

Am I required to provide reusable bags or recyclable paper bags at checkout?

No. You may choose to provide either, both, or neither. If you provide paper bags, you must charge at least five cents for each bag. If your store provides reusable plastic bags, the bags must be at least 4 mils thick to be considered “reusable.”

Are stores required to charge five cents for the 4+ mil heavy-weight plastic bags?

No, retailers do not have to charge for the 4+ mils thicker plastic bags permitted by the ordinance.

What about bags that are almost 4 mils thick?

Should a question arise, retailers should be prepared to show that the bags they are using are 4 mils thick or greater. It might be a good idea for retailers to ask bag suppliers to include the thickness of the bag on invoices.

Is there a requirement for recycled content in paper bags?

Only for paper bags offered at checkout, which must contain a minimum of 40% recycled content, must be 100% recyclable, and must be capable of composting completely.

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No. If the items being purchased are not prepared hot, prepared takeout foods, then single-use plastic carryout bags less than 4 mils thick may not be used.

How can I apply for a business undue hardship exemption?

If you feel that your business qualifies for a one-year exemption from the ordinance requirements, you may submit an Exemption Request to the City of Eugene at wasteprevention@ci.eugene.or.us or Waste Prevention Program, 99 West 10th Avenue, Eugene, OR 97401. This request must be submitted in electronic or paper form and include the following information:

1. The name, address, and type of retail establishment;
2. A detailed statement describing:
 - a. The reason(s) meeting the code requirements would create an undue hardship or practical difficulty;
 - b. Any and all actions taken by the business to overcome the hardship;
 - c. How often the business purchases single-use plastic carryout bags, when the last order of bags was made, and how many bags were ordered.
3. If a business is requesting an exemption for multiple locations, each location must be identified within the request.

When does the undue hardship exemption expire?

The undue hardship exemption expires April 30, 2014.

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How can I remind customers to remember to bring their reusable bags to the store?

Here are a few useful tips you can tell your customers:

- “Bring Your Bag” reminders in the parking lot and store front to remind customers as they enter the building. City of Eugene can provide all Bring Your Bag logo graphic files free of charge.

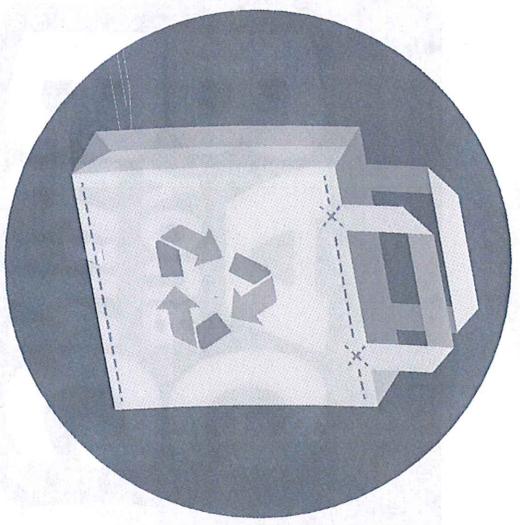
I have a bag giveaway event I would like to publicize. How can I do that?

The City of Eugene will keep an updated list of stores giving away free or reduced price bags. To get your event on the list, please email all necessary information to Stephanie.scafa@ci.eugene.or.us.

YOUR LOGO HERE

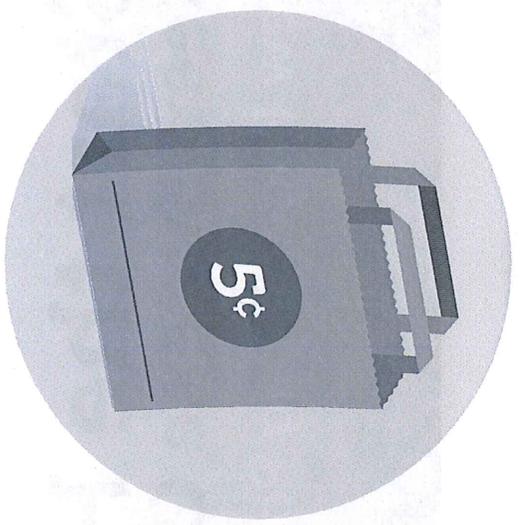


Start the Habit Keep Eugene Clean & Beautiful! New Eugene Bag Policy begins May 1



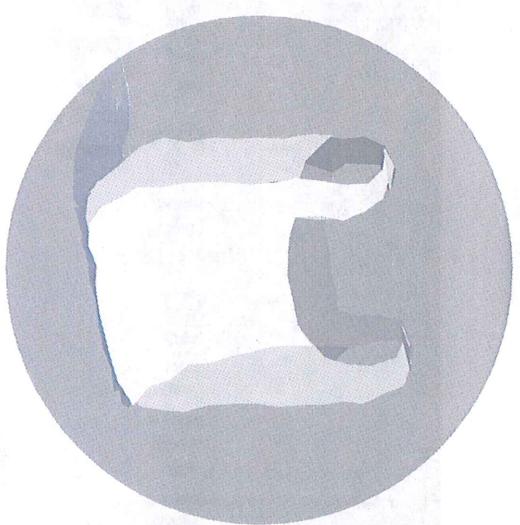
**CHOOSE
Reusable!**

Please bring reusable bags when you shop.



**Think before
purchasing.**

Stores are required to charge 5¢
for paper carryout bags



**Plastic bags
are gone.**

Lightweight plastic carryout
bags are no longer allowed.