



North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

OFFICIAL AGENDA (REVISED)

REGULAR VILLAGE COMMISSION MEETING

**VILLAGE HALL
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141**

TUESDAY, MARCH 10, 2015

7:30 P.M.

NOTICE IS HEREWITH GIVEN TO ALL INTERESTED PARTIES THAT IF ANY PERSON SHOULD DECIDE TO APPEAL ANY DECISION MADE AT THE FORTHCOMING MEETING OF THE VILLAGE COMMISSION, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSE, HE OR SHE WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

1. CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

2. A. PROCLAMATIONS AND AWARDS

- 1. Proclamation – World Autism Awareness Day and Autism Awareness Month**
- 2. Proclamation - Mayors' Month**

B. SPECIAL PRESENTATIONS

C. ADDITIONS AND DELETIONS

3. **GOOD & WELFARE**
4. **BOARD REPORTS**
 - A. **COMMUNITY ENHANCEMENT BOARD**
 - B. **PLANNING & ZONING BOARD**
5. **PUBLIC SAFETY DISCUSSION**
6. **COMMISSIONERS' REPORTS**
7. **VILLAGE ATTORNEY'S REPORT**
8. **VILLAGE MANAGER'S REPORT**
 - A. **Grant Writer's Report**
9. **FINANCE REPORT**
10. **CONSENT AGENDA:** (Matters on the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be enacted by one motion. If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and will be considered separately.)
 - A. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA SUPPORTING FLORIDA HOUSE BILL 661 AND FLORIDA SENATE BILL 966, RELATING TO DISPOSABLE PLASTIC BAGS; INCLUDING CREATING SECTION 403.70325, FLORIDA STATUTES AUTHORIZING CERTAIN MUNICIPALITIES TO ESTABLISH PILOT PROGRAMS FOR THE REGULATION OR BAN OF DISPOSABLE PLASTIC BAGS; DIRECTING THE VILLAGE CLERK TO FORWARD THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY)**

The proposed Resolution supports legislation to allow municipalities with a population of less than 100,000 to establish pilot programs to regulate or ban disposable plastic bags.

- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE; FLORIDA EXPRESSING ITS OPPOSITION TO ANY INCREASE IN GASOLINE TAXES BY THE CONGRESS OF THE UNITES STATES OR THE LEGISLATURE OF THE STATE OF FLORIDA; PROVIDING DIRECTIONS TO THE VILLAGE CLERK AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS)**

The proposed Resolution expresses support for opposition to any increase in gasoline taxes by the Federal Government or the State of Florida.

- 1.) Commission Action**

11. PLANNING & ZONING CONSENT AGENDA

No Items.

12. ORDINANCES FOR FIRST READING AND RESOLUTION

- A. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 38 OF THE CODE OF ORDINANCES ENTITLED “CONFLICT OF INTEREST AND CODE OF ETHICS” BY REVISING SECTION 38.36 TO REMOVE THE REQUIREMENT FOR ELECTED OFFICIALS, ADVISORY BOARDS AND COMMITTEE MEMBERS TO RECEIVE ETHICS TRAINING THROUGH LIVE INSTRUCTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE ATTORNEY ROBERT SWITKES)**

The proposed Ordinance will revise existing regulations to allow for ethics training by electronics means.

- 1.) Commission Action**

- B. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 36 OF THE VILLAGE CODE ENTITLED “PROCUREMENT REQUIREMENTS” BY REVISING SECTION 36.25(J) GIVING PREFERENCE TO FLORIDA VENDORS FOR SELECTION UNDER THE PIGGY-BACK PURCHASE PROVISION; PROVIDING FOR CONFLICT, CODIFICATION, SEVERABILITY; AND AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

The proposed Ordinance will add language to the purchasing regulations to allow qualified Florida vendors to be considered first, when the Village uses the piggy-back purchase provision, thereby foregoing the bidding process, and selecting a vendor who was already chosen by another agency for similar service through a competitive process within 36 months.

1.) Commission Action

- C. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, AMENDING CHAPTER 151 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES RELATING TO “BUILDING PERMIT FEES” BY REVISING SECTION 151.11; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

The proposed Ordinance will clarify payments for nonrefundable and plan review fees.

1.) Commission Action

- D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER OR HIS DESIGNEE TO SUBMIT A GRANT APPLICATION UNDER THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FLORIDA BOATING IMPROVEMENT PROGRAM FOR DESIGN AND PLANNING OF THE DR. PAUL VOGEL COMMUNITY PARK RECREATIONAL BOAT DOCK; PROVIDING CERTIFICATIONS AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**

The proposed Resolution will authorize an application for grant funding in the amount of \$200,000 with a 25% to 50% match by the Village for improvements to the dock at Dr. Paul Vogel Community Park.

1.) Commission Action

13. ORDINANCE FOR SECOND READING (PUBLIC HEARING):

- A. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 94 OF THE VILLAGE CODE ENTITLED “GARBAGE, TRASH, AND WEEDS” TO INCLUDE SECTION 94.020 TO PROHIBIT THE SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY VILLAGE CONTRACTORS; AMENDING CHAPTER 97, “PARK RULES AND REGULATIONS” TO INCLUDE SECTION 97.04(13), PROHIBITION EXPANDED ON POLYSTYRENE; PROVIDING FOR CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY)**

The proposed Ordinance will prohibit Village contractors, under agreement with the Village, from selling, using, providing food in, or offering the use of Expanded Polystyrene Food Service articles in Village facilities or on Village property

- 1.) **Commission Action**

14. UNFINISHED BUSINESS

- A. **A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, OPPOSING THE PROPOSED DEVELOPMENT OF PINE ROCKLAND ACREAGE NEAR ZOO MIAMI IN UNINCORPORATED MIAMI-DADE COUNTY; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY)**

The proposed Resolution opposes the designation of the pine rockland property near Zoo Miami as blighted and the development of this natural area.

- 1.) **Commission Action**

15. NEW BUSINESS

16. APPROVAL OF MINUTES

- A. **FEBRUARY 21, 2015 HARBOR ISLAND WORKSHOP**
- B. **FEBRUARY 10, 2015 REGULAR COMMISSION MEETING**

- 1.) **Commission Action**

17. ADJOURNMENT



2A1

PROCLAMATION

2015 World Autism Awareness Day & Autism Awareness Month Proclamation

WHEREAS, autism, the fastest growing developmental disability in the United States, affecting more than three million people, is an urgent public health crisis that demands a national response; and,

WHEREAS, autism is the result of a neurological disorder that affects the normal functioning of the human brain, and can affect anyone, regardless of race, ethnicity, gender, or socioeconomic background; and,

WHEREAS, symptoms and characteristics of autism may present themselves in a variety of combinations and can result in significant lifelong impairment of an individual's ability to learn, develop healthy interactive behaviors, and understand verbal as well as nonverbal communication; and,

WHEREAS, The effort to address autism continues. Doctors, therapists, and educators can help persons with autism overcome or adjust to its challenges and provide early, accurate diagnosis and the resulting appropriate education, intervention, and therapy that are vital to future growth and development; and,

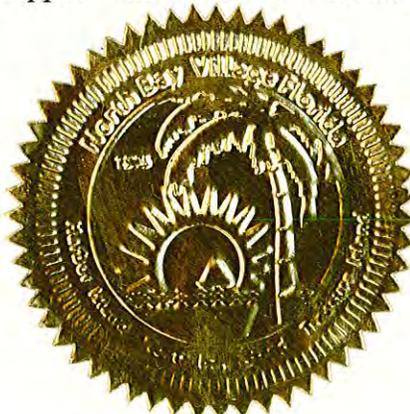
WHEREAS, ensuring that persons living with autism have access to the lifelong care and services needed to pursue the full measure of personal happiness and achieve their greatest potential; and,

WHEREAS, North Bay Village, Florida is honored to take part in the annual observance of Autism Awareness Month and World Autism Awareness Day in the hope that it will lead to a better understanding of the disorder; and,

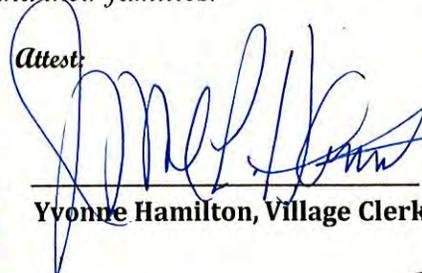
NOW THEREFORE, I, Connie Leon-Kreps, Mayor, on behalf of the Commission of North Bay Village, Florida, do hereby proclaim April 2015 as AUTISM AWARENESS MONTH and April 2, 2015 as WORLD AUTISM AWARENESS DAY in North Bay Village to raise public awareness of autism and the myriad of issues surrounding autism, as well as to increase knowledge of the programs that have been and are being developed to support individuals with autism and their families.

In Witness Whereof:


Connie Leon-Kreps, Mayor



Attest:


Yvonne Hamilton, Village Clerk



MAYORS' MONTH

WHEREAS, service to others is a hallmark of the American character, and central to how we meet our challenges; and

WHEREAS, the nation's mayors are increasingly turning to national service and volunteerism as a cost-effective strategy to meet city needs; and

WHEREAS, national service participants address the most pressing challenges facing our cities, villages, and towns from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, national service participants serve in more than 60,000 locations across the country, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve with, both through their direct service and by recruiting and managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with mayors nationwide to engage citizens, improve lives, and strengthen communities; and is joining with the National League of Cities, City of Service, and mayors across the country to recognize the impact of service on the Mayors Day of Recognition for National Service on April 1, 2014.

THEREFORE, BE IT RESOLVED THAT I, Connie Leon-Kreps, Mayor of North Bay Village, do hereby proclaim April 1, 2015, as National Service Recognition Day, and encourage residents to recognize the positive impact of national service in our village; to thank those who serve; and to find ways to give back to their communities.

In Witness Whereof:

Connie Leon-Kreps, Mayor

Attest:

Yvonne Hamilton, Village Clerk





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4A

OFFICIAL MINUTES

NORTH BAY VILLAGE COMMUNITY ENHANCEMENT BOARD MEETING

CAUSEWAY TOWER/3RD FLOOR 1666 KENNEDY CAUSEWAY

FEBRUARY 12, 2015 – 6:30 P.M.

1. CALL TO ORDER

The meeting was called to order by Chair, Andreana Jackson at 6:30 p.m.

Also Present were Board Members Diana Quintero, Ana Watson, Scott Grenald, and Dora Tano, Deputy.

Village Manager/HR Director Jenice Rosado, and Deputy Village Clerk Jenorgen Guillen were also in attendance.

2. OLD BUSINESS

A. VIDEO RECORDING OF COMMUNITY ENHANCEMENT BOARD MEETINGS

The Board discussed having the Community Enhancement Board Meetings video recorded. Jenice Rosado stated that Frank K. Rollason, Village Manager informed her that it will cost the Village money to broadcast all meetings. Andreana Jackson requested additional information to be brought forth for the next Board meeting.

3. NEW BUSINESS

A. TRASH AND FINES (ANDREANA JACKSON)

Concern was expressed that items fall out of trash bags when the garbage is being picked up. Jenice Rosado stated that Rodney Carrero-Santana, Public Works Director, makes arrangements for trash/debris pick-up. Jenice Rosado stated she will address the issue with the Public Works Director.

B. NORTH BAY ISLAND WALL (SCOTT GRENALD)

Scott Grenald spoke about the moldy look of the North Bay Island Wall. He suggested that pressure cleaning the wall may remove the mold. He also mentioned weed growth between North Bay Island and Treasure Island. Jenice Rosado stated she will address the issue with the Public Works Director.

3. GENERAL DISCUSSION

Diana Quintero expressed concern that the City of Miami median to the west of the Village sign is looking less appealing. Jenice Rosado stated that the Village used to have an agreement with FDOT in which the Village will landscape four (4) feet into the City of Miami’s side of the median.

Andreana Jackson made a motion to request that the Village Manager bring back the former agreement with FDOT to landscape the City of Miami median up to the west bridge. Ana Watson seconded the motion. The motion passed unanimously.

Andreana Jackson mentioned that that it was not safe to have mail in the Post Office Mail Boxes, because they have holes.

There was also discussion that the curves in Treasure Island collect the garbage in the corners, which then goes into the drainage.

5. APPROVAL OF MINUTES

**A. COMMUNITY ENHANCEMENT BOARD MEETING-
JANUARY 15, 2015**

Andreana Jackson made a motion to approve the minutes as presented, and Scott Grenald seconded the motion. The motion passed unanimously.

6. ADJOURNMENT

The meeting adjourned at 6:46pm

Prepare by: Jenorgen M. Guillen
Deputy Village Clerk

Approved by Community Enhancement Board

this _____ day of _____.

Andreana Jackson, Chair

VILLAGE MANAGER'S REPORT
TO
THE MAYOR AND MEMBERS OF THE VILLAGE COMMISSION
MARCH 10, 2015

1. **STATUS OF GALLEON STREET/POLICE DISPATCH FACILITY RENOVATION**

2. **HARBOR ISLAND PARKING SOLUTIONS REPORT**

3. **UPDATE ON THE IMPROVEMENTS FOR SHONBERGER PARK**

4. **REPORT ON THE SEVERANCE OF EMPLOYMENT OF THE POLICE CHIEF**



100 NE 15 Street, Suite 207 ~ Homestead, FL 33030

Phone: (786)232-0771 Toll Free Phone/Fax: (888)778-5930 www.belltowergroup.org

To: North Bay Village Mayor & Village Commission
From: LaKeesha Morris, MSW
Date Submitted: 3/2/2015
Reporting Period: February 1 – 28, 2015

Grants Submitted this Reporting Period:

1. **Florida Department of Environmental Protection – Land and Water Conservation Fund**
 - a. **Date Submitted:** February 27, 2015
 - b. **Project Title:** North Bay Village Baywalk Plaza
 - c. **Amount Requested:** \$200,000
 - d. **Match Required:** \$200,000
 - e. **Summary:** The Village submitted an application for \$200,000 to begin the construction of the Baywalk Plaza Area.

Grants “Under Construction”

1. **United States Department of Agriculture – Community Facilities Program**
 - a. **Due Date:** Rolling
 - b. **Project Title:** North Bay Village Hall Building
 - c. **Note:** This is a Loan Program, not a grant program
 - d. **Summary:** LaKeesha reached out to the USDA and a pre-application package has been mailed to the Village for review and consideration. The next step will be to set up a pre-application conference call between the Village and USDA.
2. **Florida Inland Navigation District (FIND)**
 - f. **Due Date:** April 1, 2015
 - g. **Project Title:** North Bay Village Baywalk Plaza
 - h. **Grant Amount:** Undetermined at this time
 - i. **Match Required:** \$1 for \$1 (cash and in-kind)
 - j. **Summary:** Village staff and LaKeesha met with Mr. Spencer Crowley from FIND on January 20 to discuss potential projects that fit with FIND’s mission. Mr. Crowley expressed interest in the Village’s presentation of the Baywalk Plaza. The Village will submit an application to begin construction project by April 1, 2015.



100 NE 15 Street, Suite 207 ~ Homestead, FL 33030

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Grant Reporting/Implementation Activities

*This section contains information on current grants for which LaKeesha provided reporting or help with implementation this reporting **period**.*

- **Florida Department of Law Enforcement JAG:** This grant is for the purchase of portable AED Machines for use by the police department. The first quarterly report was submitted. The Village has not yet made this purchase.

Other Activities

*This section contains information on special initiatives for which LaKeesha provided support this reporting **period**.*

- LaKeesha worked in collaboration with Village Staff and lobbyist, Fausto Gomez to prepare budget requests for various non-water projects. These projects totaled approximately \$8.5 million. See attached chart of 2015 Legislative Funding Priorities.

Grant Updates

This section contains information on the results of grants previously submitted.

- **Florida Recreation Development Assistance Program:** In October 2014, the Village submitted a grant request for \$50,000 to FRDAP to complete site preparation work on the Baywalk Plaza Project. This included groundwork, landscape removal and utility relocation. FRDAP was not able to recommend this project for funding because “site work” must be built in with additional action items that will result in the completion of a recreation space by the end of the contract period. FRDAP cannot fund “site work” alone.



North Bay Village 2015 Legislative Funding Priorities

Water Related Projects			
Project Name	Amount Requested	Local Match	Project Description
NBV Catch Basin Improvement Project	\$562,500	\$187,500	Funding was submitted to begin Phase II of the Village's extensive Stormwater retrofit project that will reduce the amount of pollutants currently being discharged from North Bay Village Directly into Biscayne Bay. The Village will install flexible valves at the approximately 50 outfalls throughout the Village to prevent salt water intrusion to the storm drainage system during storm and high tide events. These improvements serve to protect the repairs that the Village will complete as a result of Phase I, and the tax payer's investment in our infrastructure.
NBV Portable Engine Generator	\$190,000	\$20,000	Funding was requested to purchase a Three Phase Portable Engine Generator that will serve as a backup for the sewage pump stations in the event of a power outage. Failure of the Village's pump stations will result in raw sewage overflowing into the Village's streets and ultimately into the environmentally sensitive Biscayne Bay.
NBV City Hall Pump Station Replacement	\$380,000	\$70,000	Funding was requested for the replacement of two (2) pumps that support the Village's sewer collection system serving the Village Hall and surrounding properties. The Village has made several repairs over the years to these pumps; however, the pumps are now at a critical stage where replacement is necessary due to constant clogging and overheating. Funding will allow the Village to; purchase new pumps with cutting head impellers, update the piping system and configuration, replace the control panel, and purchase a spare pump for emergencies.
NBV Hispaniola Pump Replacement	\$490,000	\$60,000	Funding was requested for the replacement of one (1) pump that supports the Village's sewer collection system. If approved for funding, the Village will; purchase a new pump with cutting head impellers, update the piping system and configuration, replace the control panel, purchase a spare pump for emergencies, and purchase an emergency generator to support the pump station.
NBV Main Pump Station Replacement	\$540,000	\$110,000	Funding was requested for the replacement of three (3) pumps that support the Village's sewer collection system. If approved for funding, the Village will; purchase new pumps with cutting head impellers, update the piping system and configuration, replace the control panel, and purchase a spare pump.



North Bay Village 2015 Legislative Funding Priorities

Non-Water Related Projects			
Project Name	Amount Requested	Local Match	Project Description
NBV Sidewalk & Pedestrian Safety ADA Improvements	\$1,302,000	\$240,000	Funding was requested to complete ADA Improvements to Village maintained sidewalks and roadways . This sidewalk project is part of a network of sidewalks which provide for urban mobility for the approximately 7,851 North Bay Village Residents. Planned improvements include; (1) Sidewalk & Pedestrian Safety ADA Improvements, Approx.40, 580.00 LF; (2) Engineering Drawings and Bid Documents Costs: \$ 110, 000.00; (3) Construction Costs: \$ 1,432,000.00.
NBV Baywalk Plaza Project	\$800,000	\$200,000	Funding was requested for capital costs associated with the construction of a "Baywalk Plaza Area" along Biscayne Bay in North Bay Village. This area will offer public access to the Intercoastal Waterway/Biscayne Bay and will serve as a gathering location for the overall Baywalk project. The Baywalk Plaza Area will be the starting point for the entire North Bay Village Baywalk Project; a linear park that once completed, will extend the entire length of the Village overlooking Biscayne Bay. This project will be open to the general public and will serve as a welcoming tourist attraction to North Bay Village.
NBV License Plate Reader Project	\$150,000	\$50,000	Funding was requested to purchase and install License Plate Reader technology at the three (3) main entry/exit points in the Village. North Bay Village consists of three islands that are connected by John F. Kennedy Causeway (NW 79 th St.). Approximately 40,000 cars traverse through North Bay Village on a daily basis.
NBV Roadway Safety Resurfacing & Reconstruction	\$2,572,000	\$600,000	Funding was requested for capital costs associated with the construction of roadway safety improvements on Village maintained roads . Funding will allow the Village to complete roadway improvements on approximately 30,800 LF of Community streets. The estimated cost for this project includes; (1) Engineering Drawings and Bid Documents \$222,000 and (2) Construction Costs: \$2,950,000 for a total of \$3,172,000.



North Bay Village 2015 Legislative Funding Priorities

Non-Water Related Projects (Continued)			
Project Name	Amount Requested	Local Match	Project Description
NBV Home Delivered Meals & Intergenerational Events	\$100,000 (recurring)	\$35,000	Funding was requested to implement a community wide arts and wellness program that will primarily target Older Adults . The Village has planned a number of Intergenerational Activities that will include youth and families in order to promote North Bay Village as one of Florida's newest Communities for a Lifetime (CFAL). Funding will include; (1) Home Delivered Meals for 30 Seniors for 5 days per week = \$55,000; (2) 1 Full-Time Program Coordinator = \$50,000; (3) Program Supplies/Equipment (i.e. Dominoes, Day Trips, Educational Workshops)= \$10,000; (4) 1 Annual Aquatic Event (i.e. Paddle Boarding) = \$20,000. The Total Estimated Project Cost is \$135,000 emergencies.
NBV Van Purchase	\$50,000	\$50,000	Funding was requested to purchase a passenger van that will provide transportation for approximately 20 Village youth to and from Police Athletic League (PAL) activities . North Bay Village has a growing number of middle and high school youth that do not have any community based extracurricular activities to engage in during out-of-school hours. The Village has teamed up with neighboring Miami Beach PAL to better serve Village residents and limit replication of services. The Miami Beach PAL has agreed to allow Village youth to enroll in their program and have access to all activities. This includes; but is not limited to, Police Explorers, Boxing, Tutoring, Social Skills Training and more.
NBV Municipal Complex	\$3.5 Million	\$8 Million	Funding was requested to construct the "North Bay Village Municipal Complex" . The Village envisions a five story building that will house the administrative offices, police department, fire station, post office, commission chambers, various meeting rooms, and a community center. The Village Hall will be hardened in order to serve as an emergency response facility in the event of a natural or man-made disaster. Since the Village is located in Miami-Dade County and is surrounded by Biscayne Bay, it is imperative for the Village to be prepared for future disasters.

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA SUPPORTING FLORIDA HOUSE BILL 661 AND FLORIDA SENATE BILL 966, RELATING TO DISPOSABLE PLASTIC BAGS; INCLUDING CREATING SECTION 403.70325, FLORIDA STATUTES AUTHORIZING CERTAIN MUNICIPALITIES TO ESTABLISH PILOT PROGRAMS FOR THE REGULATION OR BAN OF DISPOSABLE PLASTIC BAGS; DIRECTING THE VILLAGE CLERK TO FORWARD THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY)

WHEREAS, North Bay Village is concerned about the adverse environmental consequences of the use of plastic shopping bags by retail establishments when an alternative to their use, re-usable bags, already exists; and

WHEREAS, studies show that Americans used almost 90 billion retail bags as of 2003; and

WHEREAS, plastic shopping bags are made from polyethylene, a thermoplastic made from oil; and

WHEREAS, as plastic degrade, overtime they break down into smaller, more toxic petro-polymers which eventually may contaminate soils and waterways; and

WHEREAS, the Florida Legislature enacted 403.7033, Florida Statutes which prevents local governments from enacting “any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable bags” pending completion of an analysis by the Florida Department of Environmental Protection; and

WHEREAS, the Florida Department of Environmental Protection submitted the “Retail Bags Report” to the Legislature in 2010 and recommended that the Legislature review the available options and take action to discourage the use of single-use paper and plastic retail bags and encourage the use of reusable retail bags; and

WHEREAS, Florida House Bill 661, Florida Senate Bill 966, authorize the creation of 403.70325, Florida Statutes, to allow municipalities with a population of less than 100,000 to establish pilot programs to regulate or ban disposable plastic bags; and

WHEREAS, the Commission of North Bay Village has determined that regulating or banning disposable plastic bags is in the public’s interest; and

WHEREAS, the Commission of North Bay Village, Florida, supports House Bill 661 and Florida Senate Bill 966 to regulate or ban disposable plastic bags.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are incorporated herein by reference.

Section 2. Support of House Bill 661 and Florida Senate Bill 966. The Commission of North Bay Village, Florida supports passage and adoption of House Bill 661 and Florida Senate Bill 966 and urges the Florida Legislature to pass and the Governor to sign House Bill 661, Senate Bill 966.

Section 3. Directions to Clerk. The Village Clerk is directed to distribute this Resolution to the Florida Governor, the President of the Florida Senate, the Speaker of the Florida House of Representatives, and each of the municipalities in Miami-Dade County.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by _____, who moved for its adoption. This motion was seconded by _____, and upon being put to a vote, the vote was as follows:

FINAL VOTE AT ADOPTION:

Mayor Connie Leon-Kreps	_____
Vice Mayor Jorge Gonzalez	_____
Commissioner Richard Chervony	_____
Commissioner Wendy Duvall	_____
Commissioner Eddie Lim	_____

PASSED AND ADOPTED this 10th day of March 2015.

Mayor Connie Leon-Kreps

Attest:

Yvonne P. Hamilton, CMC
Village Clerk

APPROVED AS TO FORM:

Robert L. Switkes & Associates, P.A.
Village Attorney



North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

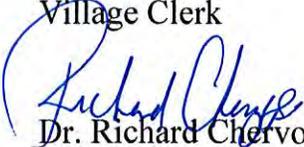
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

MEMORANDUM

North Bay Village

DATE: February 20, 2015

TO: Yvonne P. Hamilton, CMC
Village Clerk

FROM: 
Dr. Richard Chervony
Commissioner

SUBJECT: Introduction of Resolution

Pursuant to Section 3.08 of the Village Charter, I hereby introduce the following Resolution:

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA SUPPORTING FLORIDA HOUSE BILL 661 AND FLORIDA SENATE BILL 966, RELATING TO DISPOSABLE PLASTIC BAGS; INCLUDING CREATING SECTION 403.70325, FLORIDA STATUTES AUTHORIZING CERTAIN MUNICIPALITIES TO ESTABLISH PILOT PROGRAMS FOR THE REGULATION OR BAN OF DISPOSABLE PLASTIC BAGS; DIRECTING THE VILLAGE CLERK TO FORWARD THIS RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.

Accordingly, please place the item on the next available agenda.

RC:yph

1 A bill to be entitled
 2 An act relating to disposable plastic bags; creating
 3 s. 403.70325, F.S.; authorizing certain municipalities
 4 to establish pilot programs for the regulation or ban
 5 of disposable plastic bags; providing program
 6 criteria; providing for expiration of the program;
 7 directing participating municipalities to collect data
 8 and submit reports to the municipal governing body and
 9 the Department of Environmental Protection;
 10 authorizing municipalities to continue such regulation
 11 or ban after the program expires under certain
 12 conditions; providing an effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Section 407.70325, Florida Statutes, is created
 17 to read:

18 403.70325 Municipal pilot program for regulation or ban of
 19 disposable plastic bags.-

20 (1) Notwithstanding s. 403.7033, a municipality with a
 21 population of fewer than 100,000 may establish a pilot program
 22 to regulate or ban disposable plastic bags. A municipality
 23 establishing a pilot program shall, by December 31, 2015, enact
 24 an ordinance for the regulation or ban of disposable plastic
 25 bags that begins January 1, 2016, and expires June 30, 2018.
 26 Such ordinance may not include any new taxes or fees on the use

27 | or distribution of disposable plastic bags.

28 | (2) A municipality that establishes a pilot program shall:

29 | (a) Collect data pertaining to the impact of such
 30 | regulation or ban.

31 | (b) By April 1, 2018, submit a report on the impact of
 32 | such regulation or ban to the governing body of the municipality
 33 | at a public hearing that is open to comments from the public.

34 | (c) Provide a copy of the report to the department.

35 | (3) A municipality may continue to regulate or ban
 36 | disposable plastic bags after June 30, 2018, if the municipality
 37 | enacts an ordinance after April 1, 2018, indicating that the
 38 | municipality will continue the regulation or ban of plastic
 39 | bags, notwithstanding s. 403.7033.

40 | Section 2. Section 403.7033, Florida Statutes, reads:

41 | 403.7033 Departmental analysis of particular recyclable
 42 | materials.—The Legislature finds that prudent regulation of
 43 | recyclable materials is crucial to the ongoing welfare of
 44 | Florida's ecology and economy. As such, the Department of
 45 | Environmental Protection shall undertake an analysis of the need
 46 | for new or different regulation of auxiliary containers,
 47 | wrappings, or disposable plastic bags used by consumers to carry
 48 | products from retail establishments. The analysis shall include
 49 | input from state and local government agencies, stakeholders,
 50 | private businesses, and citizens, and shall evaluate the
 51 | efficacy and necessity of both statewide and local regulation of
 52 | these materials. To ensure consistent and effective

HB 661

2015

53 implementation, the department shall submit a report with
54 conclusions and recommendations to the Legislature no later than
55 February 1, 2010. Until such time that the Legislature adopts
56 the recommendations of the department, no local government,
57 local governmental agency, or state government agency may enact
58 any rule, regulation, or ordinance regarding use, disposition,
59 sale, prohibition, restriction, or tax of such auxiliary
60 containers, wrappings, or disposable plastic bags.

61 Section 3. This act shall take effect July 1, 2015.

By Senator Bullard

39-00151A-15

2015966

1 A bill to be entitled
2 An act relating to disposable plastic bags; creating
3 s. 403.70325, F.S.; authorizing certain municipalities
4 to establish pilot programs for the regulation or ban
5 of disposable plastic bags; providing program
6 criteria; providing for expiration of the program;
7 directing participating municipalities to collect data
8 and submit reports to the municipal governing body and
9 the Department of Environmental Protection;
10 authorizing municipalities to continue such regulation
11 or ban after the program expires under certain
12 conditions; republishing s. 403.7033, F.S.; providing
13 an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Section 403.70325, Florida Statutes, is created
18 to read:

19 403.70325 Municipal pilot program for regulation or ban of
20 disposable plastic bags.-

21 (1) Notwithstanding s. 403.7033, a municipality with a
22 population of fewer than 100,000 may establish a pilot program
23 to regulate or ban disposable plastic bags. A municipality
24 establishing a pilot program shall, by December 31, 2015, enact
25 an ordinance for the regulation or ban of disposable plastic
26 bags that begins January 1, 2016, and expires June 30, 2018.
27 Such ordinance may not include any new taxes or fees on the use
28 or distribution of disposable plastic bags.

29 (2) A municipality that establishes a pilot program shall:

39-00151A-15

2015966__

30 (a) Collect data pertaining to the impact of such
31 regulation or ban.

32 (b) By April 1, 2018, submit a report on the impact of such
33 regulation or ban to the governing body of the municipality at a
34 public hearing that is open to comments from the public.

35 (c) Provide a copy of the report to the department.

36 (3) A municipality may continue to regulate or ban
37 disposable plastic bags after June 30, 2018, if the municipality
38 enacts an ordinance after April 1, 2018, indicating that the
39 municipality will continue the regulation or ban of plastic
40 bags, notwithstanding s. 403.7033.

41 Section 2. Section 403.7033, Florida Statutes, is
42 republished to read:

43 403.7033 Departmental analysis of particular recyclable
44 materials.—The Legislature finds that prudent regulation of
45 recyclable materials is crucial to the ongoing welfare of
46 Florida's ecology and economy. As such, the Department of
47 Environmental Protection shall undertake an analysis of the need
48 for new or different regulation of auxiliary containers,
49 wrappings, or disposable plastic bags used by consumers to carry
50 products from retail establishments. The analysis shall include
51 input from state and local government agencies, stakeholders,
52 private businesses, and citizens, and shall evaluate the
53 efficacy and necessity of both statewide and local regulation of
54 these materials. To ensure consistent and effective
55 implementation, the department shall submit a report with
56 conclusions and recommendations to the Legislature no later than
57 February 1, 2010. Until such time that the Legislature adopts
58 the recommendations of the department, no local government,

39-00151A-15

2015966__

59 local governmental agency, or state government agency may enact
60 any rule, regulation, or ordinance regarding use, disposition,
61 sale, prohibition, restriction, or tax of such auxiliary
62 containers, wrappings, or disposable plastic bags.

63 Section 3. This act shall take effect upon becoming a law.



Florida Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Charlie Crist
Governor

Jeff Kottkamp
Lt. Governor

Michael W. Sole
Secretary

February 1, 2010

The Honorable Charlie Crist
Governor of Florida
Plaza Level 05, The Capitol
400 South Monroe Street
Tallahassee, Florida 32399-0001

The Honorable Jeff Atwater, President
Florida Senate
Room 312, Senate Office Building
404 South Monroe Street
Tallahassee, Florida 32399-1100

The Honorable Larry Cretul, Speaker
Florida House of Representatives
420 The Capitol
402 South Monroe Street
Tallahassee, Florida 32399-1300

Dear Governor Crist, President Atwater and Speaker Cretul:

I am pleased to submit the *Retail Bags Report to the Legislature* as required in section 403.7033, Florida Statutes. The Energy, Climate Change, and Economic Security Act of 2008 directed the Florida Department of Environmental Protection (DEP) to analyze, research and report on the "necessity and efficacy" of statewide or local regulation of retail bags. This was in response to concern about the impact of retail bags on the environment and the growing interest among local governments to develop prohibitive ordinances. Pursuant to section 403.7033, Florida Statutes, no state or local retail bag regulations can be enacted until the Florida Legislature takes action.

The information and options in the enclosed report were developed based on extensive research and the invaluable contributions of stakeholders who participated in two public workshops. An even wider range of ideas were submitted through DEP's Web forum and E-mails.

Almost every retail establishment has some sort of bag for its customers and studies show that Americans used almost 90 billion retail bags in 2003. A small percentage of these bags are reused or recycled and while many retail establishments have taken steps

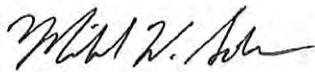
The Honorable Charlie Crist
The Honorable Jeff Atwater
The Honorable Larry Cretul
Page Two
February 1, 2010

to address this problem, there is still a potential for harm to the environment due to improper handling and disposal. This report explains how improperly discarded plastic bags can affect wildlife, marine life, landfill operation and flood control systems and explores the various approaches that other states and countries have taken to address this issue. Included in the report is a wide-ranging set of options for decreasing the number of bags being used as well as increasing the number of bags being recycled.

DEP believes there are ways to reduce our dependency on these bags and to properly reuse or dispose of them. It is recommended that the Legislature review the available options and take action to discourage the use of single-use paper and plastic retail bags and encourage the use of reusable retail bags. I look forward to working with you as you consider them. With the cooperation and support of the retail industry working closely with local and state government, this goal can be achieved.

If you have questions regarding this report, please contact Mary Jean Yon, Director of DEP's Division of Waste Management, at (850) 245-8693 or Mary.Jean.Yon@dep.state.fl.us.

Sincerely,



Michael W. Sole
Secretary

Enclosure

cc: The Honorable Lee Constantine, Chair, Senate Environmental Preservation
Committee
The Honorable Trudi Williams, Chair, House Agriculture and Natural Resources
Committee
Mimi Drew, Deputy Secretary, Regulatory Programs, DEP
Cameron Cooper, Director, Office of Legislative Affairs, DEP
Mary Jean Yon, Director, Division of Waste Management, DEP

Retail Bags Report
For the Legislature

Florida Department of Environmental Protection

February 1, 2010

2600 Blair Stone Road MS 4570
Tallahassee, Florida 32399-2400
www.dep.state.fl.us



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Executive Summary

“Paper or plastic?” Millions of Floridians hear the question every week. Almost every retail establishment has a bag for its customers and Americans used almost 90 billion of them in 2003. Retail bags are most commonly paper and plastic single-use bags. Only a relatively small percentage are reused or recycled (12% of plastic bags and 37% of paper bags) while far too many damage the environment because people improperly handle and dispose of them. Besides being unsightly litter, discarded plastic bags harm land and marine wildlife, interfere with landfill operations, clog flood control systems, and breed mosquitoes. These problems are not unique to Florida. The most dramatic illustration of the environmental damage from plastic bags and other marine debris are the floating “garbage patches” in the Atlantic, Pacific and Indian Oceans – the largest covering an area almost twice that of the United States.

Only 12% of plastic bags and 37% of paper bags are reused or recycled.

As part of the Energy, Climate Change, and Economic Security Act of 2008 (Section 403.7033, Florida Statutes), the Florida Legislature directed the Department of Environmental Protection to undertake an analysis of the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments. The information contained within this report provides an assessment of the impacts associated with current use and disposal of these containers as well as an analysis of the efficacy and consequences associated with several potential policy options to provide policymakers the information needed to weigh and balance the effect of proposed actions on the environment, regulated community and the consumer.

The *necessity* of retail bag regulation is determined by examining the impact of retail bags on the environment. *Efficacy* is determined by examining the effectiveness of governments outside Florida in reducing the number and impact of retail bags through regulation. Nationally, retail bag regulations have been enacted or proposed at either the state or local level in 30 states. Retail bag regulations are also found on the six populated continents.

Improper handling and disposal of retail bags has been shown to harm the environment. While plastic bags may appear to be the major problem, the solution is not to switch to paper. Life cycle analyses show a higher level of environmental harm from manufacturing to disposal of paper compared to plastic bags. A switch to biodegradable or compostable bags is not the answer either. Since Florida has no solid waste commercial scale composting facility to handle these bags, they would end up in a landfill just like paper or plastic bags.

There are many locations with different types of retail bag regulations. While all strategies to reduce the use of retail bags have merit, some are more effective than others. Although they initially pose an inconvenience for some consumers, bans produce the fastest results, closely followed by user fees and taxes. Voluntary efforts are more readily accepted by the retail

industry and the public, but take more time to produce results. While voluntary efforts can be helpful in changing behavior patterns, their effectiveness is dependent on the number of retail establishments participating. Public education is crucial to any approach, to illuminate the damages caused by single-use bags, and the cost to undo the harm, and promote reusable bags. Collaboration with the retail sector is also essential.

Plastic and paper bags are not inherently bad but they have terrible consequences in a throw-away society – and there are simple, readily available ways to reduce our dependency and properly reuse, recycle or dispose of them. This report identifies strategies to discourage the use of single-use paper and plastic retail bags and encourage the use of reusable retail bags. With the cooperation and support of the retail industry working closely with local and state government, this goal can be achieved.

Acknowledgments

The Florida Department of Environmental Protection (DEP) extends its gratitude to the many stakeholders from the public and private sectors that invested their time and contributed their insights to the development of this report through public meetings, written comments and electronic submissions.

Two public meetings were held to exchange information and solicit input on the retail bags report and the surrounding issues. These meetings generated lively discussion and valuable information that helped produce this report.

- November 19, 2008 in Orlando - 36 attendees, excluding DEP staff
- November 19, 2009 in Tallahassee - 27 attendees, excluding DEP staff

DEP also established a web-based forum for ongoing public comments and regular stakeholder updates. Meeting summaries, draft notes and other details, as well as access to the web-based forum, can be found at www.dep.state.fl.us/waste/retailbags. This site has been visited nearly 6,000 times.

DEP also appreciates the involvements of the professional associations and trade organizations that effectively represented their members' interests and were critical in identifying options and recommendations:

- American Chemistry Council
- American Forest and Paper Association
- American Paper Bag Council
- Florida Dry Cleaners Coalition
- Florida Recycling Partnership
- Florida Retail Federation
- Recycle Florida Today
- Sierra Club of Florida

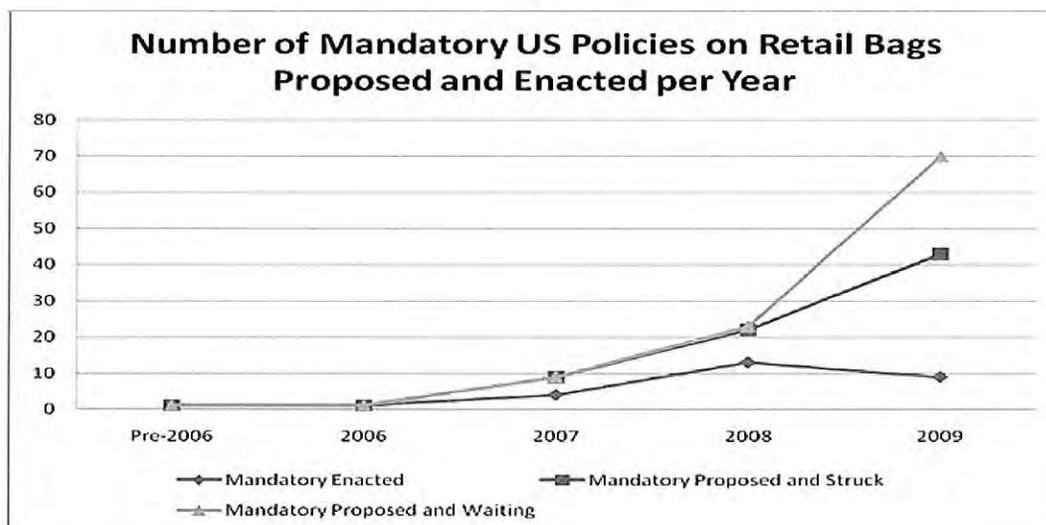
Introduction

Americans used almost 90 billion retail bags in 2003, most of which are used only once and end up in landfills or stormwater systems or littering roadsides, green spaces and beaches across Florida. As part of the Energy, Climate Change, and Economic Security Act of 2008 (Section 403.7033, Florida Statutes, see **Appendix A**), the Florida Legislature directed the Department of Environmental Protection to undertake this analysis of the need for new or different regulation of auxiliary containers, wrappings, and disposable plastic bags used by consumers to carry products from retail establishments. The following explanation of these terms is included to assist the reader. In this report, these are all generally referred to as “retail bags” or “single-use” bags:

- **Auxiliary container:** A secondary container into which a product is placed for transport by a consumer. It includes reusable bags, paper bags, gift bags, gift boxes, hat boxes, and cloth bags--everything but plastic bags.
- **Wrappings:** Includes plastic wrapping for items that are used to protect and transport the items within.
- **Disposable plastic bags:** Includes plastic bags (of any thickness) used by consumers to carry products from establishments. These bags are not necessarily meant to be re-used multiple times, but may have beneficial secondary uses.

The report examines the impact that the improper handling and disposal of retail bags has on wildlife and the environment as a whole. It also includes examples of cities, states, and countries around the world that have taken steps to decrease the use of both plastic and paper retail bags. **Figure 1** shows that the number of mandatory policies for bag reduction in the U.S. has increased steadily since 2006. These actions are considered in light of voluntary measures being taken by various retail establishments in Florida. This review has yielded twelve options to be considered by the Legislature.

Figure 1



Necessity of Regulation

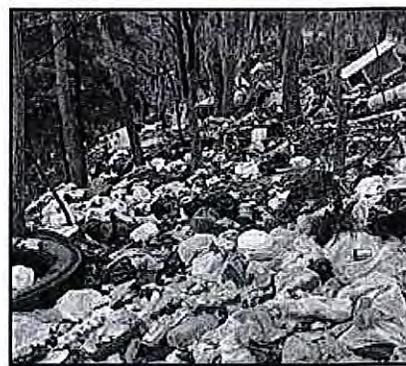
There are two major areas of concern regarding retail bags. First, improper disposal of retail bags hampers recycling, waste management, stormwater management, and litter control. Second, improper disposal damages natural systems and wildlife. These concerns are not unique to Florida, and how Floridians manage retail bags has implications beyond the state's borders. Retail bags fast become pollution affecting Florida's fresh and saltwater resources, animal welfare and, on a grander scale, the health of the world's oceans. Any consideration of regulating retail bags has to account for the worthwhile efforts already underway to reduce the number of bags in circulation or recycle them.

Litter and Waste Management

Litter - Land and Marine

When examining retail bags as litter, DEP looked at previous studies in Florida and neighboring states, including studies that specifically targeted retail bag litter and auxiliary containers such as fast food bags and boxes. The most recent Florida roadside litter study was in 2002 and included plastic bags, paper bags and cardboard containers, referred to as "outer packaging." The study found:

- All types of plastic bags accounted for 1.21% of all large litter items,
- Paper bags, including those that are used specifically to hold take-out food items, accounted for 0.64% of all large litter items,



- When cardboard boxes are included, these “outer packaging items” accounted for 2.23% of all large litter, and
- Plastic film, which may be partially degraded, ripped or shredded plastic bags, accounted for 8.74% of all small liter items found.
- Overall, there was an estimated 25% increase in large item litter density from 2001 to 2002 and a 37% decrease in small item litter density¹.

The 2007 International Coastal Cleanup Report, a publication compiled by the Ocean Conservancy with reporting performed by volunteers, states that bags are the fourth most frequently found item during coastal cleanups worldwide, accounting for 8.1% of all items found². The Florida-specific report from this international effort shows similar results with bags again ranking as the fourth most commonly found item³. Roadside litter studies from other areas have retail bags and fast food bags accounting for less than 3%⁴. Clearly, reducing plastic and paper bags will not solve the litter problem, but they are a manageable source that can make a difference.

Bag Reuse

Some people reuse their plastic and paper bags for a variety of purposes. One concern posted often on the DEP web forum is that regulation of paper or plastic bags would prevent people from reusing bags for pet waste pickup and in-home trash. Surveys performed in Australia show that 60-75% of shoppers reuse their plastic shopping bags for one additional use after bringing them home from the store, most commonly for pet waste and trash liners.⁵ However, reuse and recycling rates for plastic bags in Florida are far lower, only around 12%.

That said, there are opportunities for reuse of non-retail plastic and paper bags. Frequently, grocery and drugstore products have secondary or primary containment within a plastic or paper bag. Small changes, such as using bread bags instead of plastic retail bags for pet waste pickup, can ease the perceived inconvenience of losing retail bags if regulations were to be enacted. Education is one key to helping consumers make better choices.

Estimating how many disposable bags would be replaced by one reusable bag is difficult. However, many life cycle analyses and other reports have attempted to do this. The range for the number of “disposable” plastic bags that could be replaced by one reusable bag in a year’s time, according to the analyses DEP reviewed, is between 56.8 to 315.15 “disposable” plastic bags replaced by a

According to analyses, between 56.8 and 315.15 disposable plastic bags are replaced by a single reusable bag in one year.

¹ Hinkley Center for Solid and Hazardous Waste Management, 2002

² Ocean Conservancy, 2007

³ Ocean Conservancy, 2008

⁴ MGM Management, 2002, Southeast Environmental Association, 2009

⁵ Environment Protection and Heritage Council, 2002

single reusable bag. The actual number replaced would depend on the shopping habits of the owner of the bag, the material from which the re-usable bag is made, the size of the bag itself and whether or not it is a single trip replacement or lifetime replacement. Still, even at the low end – taking nearly 60 disposable bags out of circulation for every one reusable bag – is remarkable.

Recycling and Retail Efforts

Recycling is another option available to consumers rather than reusing the bags or just throwing them away. Designated retail bag recycling containers are found at several retail stores. The city of Parkland (Broward County) works with local Publix grocery stores and holds a plastic bag recycling contest for schools and coordinates with homeowners' associations to place additional plastic bag recycling bins around the city.⁶

Besides local governments, many large retailers have shown leadership in recycling and reuse. Many have sold or given away millions of reusable shopping bags over the last few years. **Appendix B** lists a few of these retailers and includes their efforts at reducing the use of disposable retail bags. There are also a large number of organizations and grass-roots efforts around the world working to reduce the use of disposable retail bags, recycling or improved technology. **Appendix C** includes a partial list of organizations and their websites.



As noted, the U.S. Environmental Protection Agency (EPA) estimates that 12% of all plastic bags are recycled. More than 4 million tons of plastic bags, sacks and wraps were reported to be generated in the U.S. municipal solid waste (MSW) stream in 2007, with only 11.9% of the high density polyethylene (HDPE) and 12.4% of the low density polyethylene (LDPE) bags, sacks and wraps being recovered (recycled). To derive these data, the EPA used the American Chemistry Council's annual resin reports for generation amounts, and data from the American Chemistry Council and the National Association for PET Container Resources to determine recovery rates.⁷

Waste Management

Retail bags cause equipment and operational problems at recycling facilities, landfills and waste transfer stations. The machinery on trucks and separators is frequently impaired because plastic bags wrap around wheels, gears and other parts of the equipment, forcing work to stop while someone extracts the plastic and restarts the process. This happens daily at recycling facilities and employees risk injury by reaching into sharp or pinching areas to free the plastic from the machinery.

⁶ Archer, 2009

⁷ US EPA, 2007

At landfills retail bags also get wrapped around spreaders and other equipment as well as cause problems by becoming airborne. Some waste management professionals consider plastic retail bags to be the number one “fly away” issue at landfills. Litter flying off landfills angers nearby residents, requires extra work to pick up and return the escaped trash, and may require additional daily landfill cover.

Retail bags frequently clog stormwater pipes, clutter stormwater retention ponds, and are regularly found by crews cleaning roadways, ditches and flushing pipes. In Tallahassee (population 172,000) there are three large flush trucks with two-person crews that work every day to keep stormwater drains open.⁸ There are more than ten people assigned to perform daily trash pickup from stormwater drains and ditches. The city also employs another six people to pick up roadside trash and utilizes inmates to assist with this job.⁹

In Marco Island, a flood was found to be caused by drains clogged with palm fronds, coconuts and plastic bags.

In Marco Island, an April 2008 flood was found to be caused by drains clogged with palm fronds, coconuts and plastic bags.¹⁰ In other areas of the world, plastic bags have been directly linked to flooding and even to malaria outbreaks.¹¹ Plastic retail bags are not the only culprit but, again, they are a source that readily can be controlled.

Biodegradable Bags

Biodegradable and compostable bags are gaining attention as alternatives to plastic and paper bags. The technology has improved since first introduced and some manufacturers now market biodegradable bags with a “lifespan.” There are multiple types of biodegradable and compostable bags. Compostable bags should meet ASTM D6400-04, the standards for plastics designed to be composted in municipal and industrial aerobic composting facilities.

Biodegradable bags now fall into the following categories:

- Photo-degradable react to ultra-violet light to break down.
- Hydro-biodegradable react to “moist biologically active” environments to break down.
- Oxo-biodegradable use additives to react with the atmosphere in order to break down.¹²

While bags that do not persist in the environment sound like a positive step, there are serious drawbacks. All types of biodegradable and compostable bags must be placed under specific conditions to degrade properly. For instance, a photo-degradable bag will not break down if it is covered by water or otherwise obscured from light and an oxo-biodegradable bag requires

⁸ U.S. Census Bureau, 2009

⁹ Yarborough, 2009

¹⁰ Dillon, 2008

¹¹ United Nations Environment Programme (UNEP), 2005

¹² Scott, 2002

direct access to oxygen and sunlight to degrade. Any consumer who places a labeled “biodegradable” bag in the home compost pile will not see the promised degradation because the required high temperatures achieved in municipal composting facilities cannot be achieved with home composting. Additionally, some of these bags leave plastic pieces or other residues when they break down, leftovers that natural systems and wildlife cannot tolerate. Finally, biodegradable bags inadvertently lead to litter because consumers assume the bags will quickly break down or compost, whatever the conditions; they discourage environmental stewardship.

Wildlife and the Environment

The problems caused by throw-away bags do not affect humans alone. Auxiliary containers, retail bags and wrappings can change the ecosystems of rivers, streams, lakes, ponds, estuaries, and oceans. The bags block sunlight from reaching into the depths of the water, leading to stress on aquatic vegetation, plant death and a reduction in the oxygen level of the water. Unnaturally low oxygen levels kill fish and other animals. In addition, filter feeders ingest the plastic particulates that are produced by the degradation of plastic in the water. The effect of this latter phenomenon on the rest of the food chain over the long term is not currently known.¹³

Marine and Land Animals

A major concern about plastic bags is their role in the death of marine animals. Research shows that frequently this number is exaggerated or simply misstated. A commonly stated “fact” that is widespread on the internet is that 100,000 animals are killed annually by plastic bags. The citation for this number is from a Canadian study which did *not* point to plastic bags as the cause of death but instead attributed these deaths to discarded fishing nets.¹⁴

However, it is true that researchers are finding some animals that have ingested or become entangled in plastic bags, although rigorous scientific research is just beginning. Testimonials from beach cleanups and other litter cleanup efforts, sometimes supplemented with photos or videos, show the suffering and deaths of animals caused by plastic containers—a consequence, however anecdotal at this point, that is difficult to rationalize when solutions are within reach. Many marine animals including sea turtles and the larger predators (whales, seals, sea lions, etc.) are already classified as endangered or protected. A variety of research has shown that turtles and other sea dwelling creatures ingest plastic and plastic bags. One study found plastic in the stomach of 15% of the 66 post-hatchling loggerhead sea turtles surveyed.¹⁵

There is some evidence that land animals can also be harmed by retail bags and auxiliary containers. Vehicular deaths of scavenging animals, including birds and raccoons, are

¹³ Thompson, et al., 2004

¹⁴ Piatt & Nettleship, 1987

¹⁵ Witherington, 2002, Thompson, et al., 2004, Mato, Isobe, Takada, Kanehiro, Ohtake, & Kaminuma, 2001

frequently attributed to the litter thrown out of cars. The accompanying food waste attracts the animals to the road or roadside and they are struck while trying to feed.¹⁶

In India, plastic bag regulations were enacted in part to preserve the health of cows. The cattle, considered sacred, were similarly attracted to the food waste found inside discarded bags and were consuming the food waste and bag as one. As more cows died, measures were taken to reduce suffering and deaths of animals with stomachs full of plastic bags.¹⁷

Animals that scavenge at landfills are also injured or killed because of the availability of auxiliary containers, plastic bags and wrappings. Scavenging birds and birds of prey hunting rodents can become entangled in the wrappings or bags or ingest large amounts of plastic.¹⁸

Deer, raccoons, possums, bears and other garbage and landfill scavengers have also been found with retail bags within their guts or have been seen eating such items. Retail bags, plastic in particular, can cause digestive system obstruction and lead to a variety of deaths, including starvation.¹⁹

Plastic Bag Degradation

The effect of plastic upon the oceans is not limited to the ingestion of plastics by marine animals. As plastic degrades, it flakes and breaks into small, fairly flat particles. These particles are not unlike plankton in size and appearance and have been found floating in the open ocean. In some places these particles are estimated to outnumber actual plankton. A research ship from the Algalita Marine Research Foundation has preliminary data from 2008 showing a total ratio of plastic to zooplankton for all samples of 8 to 1. In one sample, the ratio was 46:1, plastic to plankton.²⁰

A National Oceanic and Atmospheric Administration (NOAA) study in 2008 determined a lower ratio.²¹ However these two studies were performed in different areas at different times of the year. As with the filter feeders in brackish and fresh waters, the effect of plastics ingestion on the food chain is unclear. The world's largest marine mammals, blue whales, are filter feeders that eat an estimated 2,000 to 9,000 lbs of plankton and krill – or other things that cross their filters – every day.

Plastic Pellets

In addition to the bags, wrappings and containers that go out as litter or waste and degrade from their useful stage into small plastic particulates, there is another plastic problem in the oceans. The raw materials used in manufacturing can also escape from the manufacturing plant and degrade in the environment. When plastic is created, it starts as large amounts of very small, spherical pellets called "nurdles." Since nurdles are small and light, and therefore

¹⁶ Harris & Scheck, 1991

¹⁷ Edwards, 2000

¹⁸ Molina & Garrett, 1998, Elliott, Duffe, Lee, Mineau, & Elliott, 2006

¹⁹ Drever, 1997, Stone, Okoniewski, & Stedelin, 1999, Jonkel, 1994, Totton, 1997

²⁰ Algalita Marine Research Foundation, 2009

²¹ Doyle, 2008

highly mobile, a large amount is lost in transport and manufacturing and ultimately washed into stormwater drains or sewers.²²

When these nurdles reach waterways they degrade similarly to plastic bags but instead of flaking off in small layers they lose small amounts of plastic and gradually become smaller and smaller plastic balls. Nurdles can look like a number of oceanic food items, not the least of which is fish eggs. One study performed on seabirds showed 55% of the bird species studied had ingested plastic particles.²³ It is unknown if any chemicals from the plastic can be absorbed by the bird's body, but it is known that ingestion of large amounts of non-food items can cause gut obstruction and ultimately death by starvation or nutrient deprivation.

The actual number of nurdles released to the environment each year is unknown, but they have been found in the oceans and seas for decades. Researchers began studying nurdles and their effects on the oceans in the 1970s.²⁴ In 1993, the U.S. EPA Office of Water published a report on plastic pellets that identified them as being of particular concern.²⁵

Water Pollution/Chemical Leaching

Plastic bags are made from natural gas or petroleum. Plastic bags made in the U.S. are usually made from natural gas while imported bags are more likely to be made directly from petroleum.²⁶ In 2004, the U.S. International Trade Commission reported that the trend in plastic bag use in the U.S. was an increase in imported bags and a decrease in domestically produced bags, but an overall increase in bag consumption. Assuming the trend has continued, most bags consumed in the U.S. are made from petroleum.²⁷

There are many other chemicals and slight impurities in the composition of plastic bags. As the bags degrade, some of these chemicals are released into the water or atmosphere. It is likely that degradation of plastic bags releases greenhouse gases although estimates as to the amount that may be released could not be found. In addition, the plastic nurdles or pellets have actually been found to absorb and become a transport medium for toxic chemicals, including PCB (polychlorinated biphenyl) and DDE (Dichlorodiphenyldichloroethylene, a DDT breakdown product).²⁸

North Pacific Gyre

Plastic-filled "garbage patches" and "plastic gyres" in the oceans have been media topics in recent years and the subject of much discussion. An ocean gyre is a circular ocean current created by the winds. There are five major ocean-wide gyres, the North Atlantic, South

²² Redford, Trulli, & Trulli, 1997

²³ Lee & Moser, 1992

²⁴ Carpenter & Smith, 1972

²⁵ U.S. EPA Office of Water, 1993

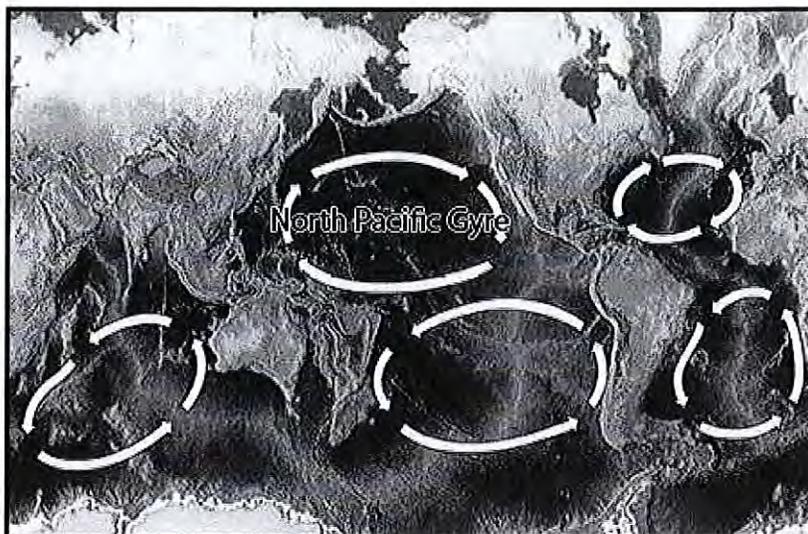
²⁶ U.S. International Trade Commission, 2004, American Chemistry Council, 2007

²⁷ American Chemistry Council, 2007

²⁸ Mato, Isobe, Takada, Kanehiro, Ohtake, & Kaminuma, 2001

Atlantic, North Pacific, South Pacific and the Indian Ocean gyres. Drifting items can become a part of the gyre and in some places large amounts of floating debris held within the gyre by currents have been named garbage patches and plastic gyres.

Research from many sources, including the NOAA and an independent research team from Algalita, shows that there are current-produced gyres in the oceans and most of them hold large amounts of marine debris. The most publicized gyre is a North Pacific Gyre, an area roughly twice the size of the U.S. stretching between the coasts of western North America and eastern Asia. Initially it was thought that within the North Pacific Gyre there were



smaller gyres, patches about the size of Texas, filled with garbage. Research now shows that the marine debris is not limited to these patches and higher levels of debris density have been found outside these areas.²⁹

Life Cycle Analyses

This analysis has primarily focused on the plastic auxiliary containers, wrappings and bags because paper bags and containers more readily degrade, are more readily recyclable, and are less likely to be the cause of death in animals because they can be digested more easily. In 2007 the EPA estimated that 36.8% of all paper bags and sacks generated were recycled, about three times the rate for plastic.³⁰ The higher rate of recycling for paper bags indicated in **Figure 2** versus the 12% recycling rate for plastic bags shown in **Figure 3** is often attributed to the fact that most local recycling programs will accept paper bags but not plastic bags.

²⁹ Algalita Marine Research Foundation, 2009

³⁰ U.S. EPA, 2007

Figure 2

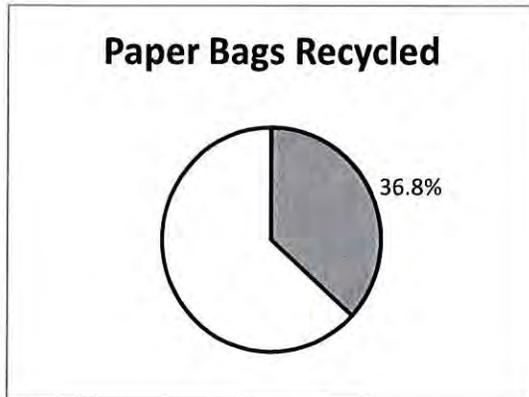


Figure 3

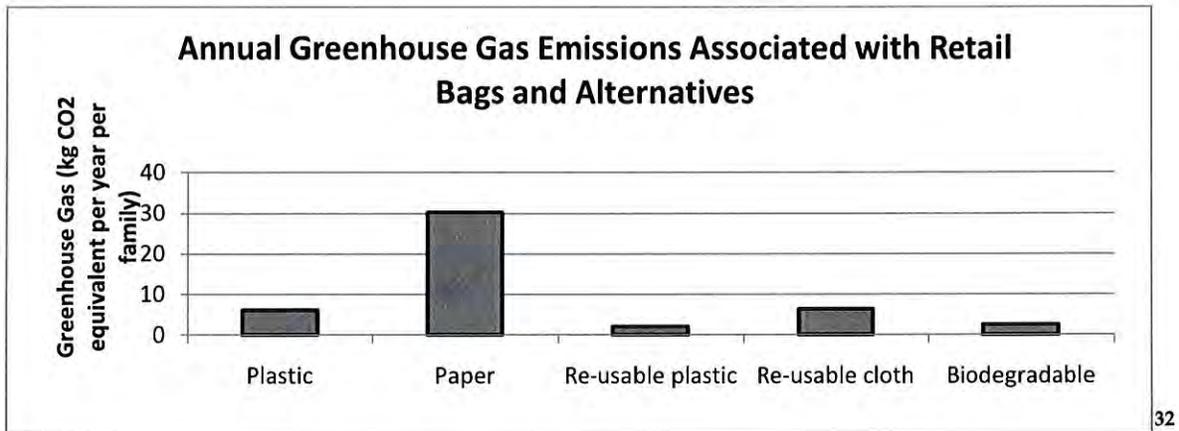


Paper bags are often not considered a problem or, indeed, are sometimes seen as the solution to the plastic problem. Conventional wisdom is wrong. When reviewing life cycle analyses of paper bags and plastic bags, it is evident that there are more negative overall environmental impacts attributed to the transport and production of paper bags. **Figure 4** shows a comparison of the annual greenhouse emissions associated with retail bags. This evidence, and more likely the fact that paper bags are more costly than plastic bags, explain – and even support – the preference of plastic over paper.³¹

Both types of bags comprise approximately the same amount of recycled content. The manufacturing industries for both paper and plastic claim an average recycled content of 30% for the typical bag produced. The life cycle analyses reviewed for this report indicate that increased recycled content does reduce greenhouse gas emissions and related environmental impacts when compared to bags made with virgin materials. However, recycled content is only a step in the right direction – protecting Florida’s wildlife and the environment is contingent on better handling and a reduced demand for the manufacture of paper and plastic bags.

³¹ Hyder Consulting Pty Ltd., 2007, Herrera Environmental Consultants, Inc., 2008

Figure 4



Conclusions on the Necessity of Regulation

While evaluating the necessity of bag regulations, the good practices that citizens and retail establishments are already undertaking to reduce the number of retail bags in circulation must be recognized. As previously noted, current efforts among grocery stores, such as Food Lion, Publix, Albertsons and Winn Dixie to offer the opportunity to recycle and use reusable bags help change the mind-set of a throw-away society. Large retailers such as Target and Walmart employ similar practices and help increase the number of shoppers exposed to this way of thinking and acting. Nationwide, Walmart has committed to reducing plastic bag usage in their stores by 25% per store by 2013.

Walmart has committed to reducing plastic bag usage in its stores by 25% per store by 2013.

The question then becomes – will these actions be enough to rule out the need for any retail bag regulation? About thirty states have enacted or proposed regulations statewide or at the local level. In April 2009, Congress introduced the “Plastic Bag Reduction Act of 2009” (H.R. 2091). Retail bag regulations are also found on all six populated continents. Worldwide, the number of countries with retail bag regulations has been steadily increasing since the early 1990’s. There are 41 locations with bans, 16 with taxes or fees, 28 with other restrictions or regulations, and 52 that currently have one or more proposed regulations.

Of the eight states in Environmental Protection Agency (EPA) Region IV, including Florida, there is one that has enacted retail bag regulation. In June 2009 the North Carolina General Assembly passed Senate Bill 1018, which bans retail stores in the Outer Banks from distributing plastic bags to customers and allows paper bags to be given away only if the bag is made of recycled content.

³² James & Grant, 2005, Environment Protection and Heritage Council, May 2008

Of the nation's ten most populous states (Florida is #4), eight have proposed or enacted retail bag regulations at either the state or local level: California (#1), Texas (#2), New York (#3), Illinois (#5), Pennsylvania (#6), Ohio (#7), Michigan (#8) and North Carolina (#10). There has been some interest in regulating retail bags at the local level in Florida. Bonita Springs (Lee County) considered including retail bag bans as a legislative priority in 2009. Additionally, the cities of Sarasota (Sarasota County), Parkland (Broward County), Miami (Miami-Dade County) and Key West (Monroe County) all considered regulations on retail bags before the Legislature enacted a stay on local government regulations in 2008 and directed DEP to prepare this report.

Efficacy of Regulation

Many citizens, businesses and governments across the U.S. and the world have already decided that retail bags have to be better managed. What, then, are the most efficient and effective ways to do so? Regulatory and non-regulatory options, and the ways they can be integrated, have to be examined to answer the question. So do the incentives and disincentives that could be applied at the retail and consumer levels.

There are several things to consider when assessing the efficacy of statewide and local regulation of retail bags. Clearly the effectiveness of regulations would be measured by the reduction of single-use retail bags. Perhaps efficacy could also be measured by behavior change. If consumers simply no longer have the option of receiving a single-use bag, is the effort effective? Without behavior change and education, it is possible that consumers may make choices that are equal to if not worse than the current situation. To avoid this, consumers must have sustainable options to compensate for single-use retail bags. It would also be helpful to have a combination of incentives and disincentives supported by the retail industry to increase the use of reusable bags.

The following sections discuss various regulatory and non-regulatory approaches used by other cities, states and countries, including twelve options posed for consideration in Florida.

Regulatory and Non-Regulatory Options

Bans

Banning auxiliary containers, wrappings or plastic bags has rarely been enacted into law at higher than local levels. In the U.S., with one notable exception, only a few small villages in Alaska, a small town and a county in Hawaii, a county in Iowa, four cities in California, and one other town in Washington have enacted bans on retail bags. Many other places have proposed or considered bans. A few communities in Florida, including Parkland in Broward County, considered a ban before the stay on retail bag legislation was enacted by the 2008 Legislature.

The most publicized location in the U.S. with a ban is San Francisco, California. The city passed an ordinance in April 2007 that requires pharmacies and supermarkets with gross annual sales of \$2 million or more to provide only paper, compostable bags or reusable bags. Proponents of the ban assert that there has been a 5% to 10% reduction in the amount of plastic bags reaching the landfill. Ross Mirkarimi, the City Supervisor and primary author of the ban, has been quoted to say that up to 127 million fewer plastic bags have been distributed in San Francisco just one year after the ban went into effect.³³

³³ Eskenazi, 2009

More recently, as noted earlier, the North Carolina Legislature passed a ban for the Outer Banks. The ban prohibits retail stores having more than 5,000 square feet of retail space or that are part of a retail chain from distributing plastic bags to consumers and allows paper bags to be given away only if the bag is made of 100% recycled content. Because the ban only went into effect September 1, 2009, data on its impact is not yet available.

Fees and Taxes

Several places worldwide have passed fees or taxes on auxiliary containers, wrappings, or plastic bags. There are no locations in the United States that have enacted a fee or a tax on retail bags, but several locations have proposed or considered a retail bag tax. In all cases the proposal was dropped or voted down.

There have been some successes and some unintended consequences that merit examination.

- The Seattle, Washington City Council passed a twenty cent “green fee” on all disposable shopping bags in July 2008, but the fee would not become effective until approved by voters. On August 18, 2009 the citizens of Seattle voted against the “green fee” by a margin of 58% to 42%.
- Perhaps the most notable plastic bag tax was enacted in Ireland in 2002. The first year of the tax saw a 90% or greater reduction in plastic bag usage but an increase in the purchase of trash bags and dog waste pickup bags. Additionally, each successive year saw increased plastic bag usage. Because of this, the government increased the tax in 2007. After that, plastic bag litter was reduced from 5% of all litter to less than 0.3% percent the first year and to less than 0.25% in successive years.
 - Despite the initial setback, the levy was very popular. A 2003 national survey found that 91% of those surveyed were in support of the tax. A previous study performed in 1999 showed that 40% of survey respondents would have been willing to pay such a tax.³⁴
 - All the funds from the Irish levy, in an effort to make the tax more acceptable to consumers, were placed in the “Environment Fund” and are used solely for environmentally related purposes. As reported in 2007, the levy has raised more than €85 million (\$120 million) and has been used for many projects ranging from creating recycling facilities and return centers to educational campaigns. The revenues have also been used to help fund recycling facility operational costs and enforcement of waste management laws.³⁵
- More recently, the City Council of the District of Columbia voted to create a five cent tax on both paper and plastic bags. The bill was signed by the mayor in July 2009 and will go into effect on January 1, 2010. The purpose of the bill is two-fold: to promote the use of reusable shopping bags and to add funding to the Anacostia River Cleanup and Protection Fund. One cent per bag is to stay with businesses and four cents is to go to the fund to help clean up the Anacostia River.

³⁴ Kildare County Council, 2008

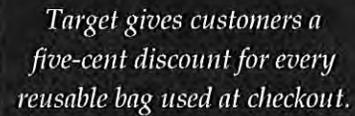
³⁵ McDonnell, Convery, & Ferreira, 2007

Voluntary Measures

Voluntary measures are important but difficult to quantify. Many retailers in Florida have enacted campaigns to reduce plastic bag usage. Reusable bags are available for purchase at nearly all the major chain retailers and a number of retailers have given reusable bags as promotional items.

Albertsons gives customers five cents back on their purchase for every non-plastic bag used. Target and CVS have also recently implemented programs to give cash back to customers who bring in their own bags. Started in November 2009, the Target program gives customers a five-cent discount for every reusable bag used at checkout. In October 2009, CVS customers began to receive a one dollar bonus on their CVS cards for every four times a reusable bag is used. Publix, Food Lion, and Walmart all offer in-store or on-premises plastic bag recycling receptacles for customers.

Appendix B is a list from the Florida Retail Federation describing current efforts of retailers in Florida.



Target gives customers a five-cent discount for every reusable bag used at checkout.

In Austin, Texas there is a voluntary plastic bag use reduction and recycling program developed in partnership with Keep Austin Beautiful, The Texas Retailers Association, the Progressive Bag Affiliates, local retailers and the city of Austin. According to the city, Austin shoppers at participating retailers increased plastic bag recycling by more than 20% from 2006 to 2008 and stores gave out 40% fewer plastic bags at checkout. The program utilized an awareness campaign that included a campaign logo and reusable bag design contest, a kick-off event, a youth art contest, reusable bag day promotion, and a campaign website.³⁶

Phase-Out

Phasing out retail bags is another method used to reduce the number of single-use retail bags and to help increase awareness. Typically, a phase-out is a multi-part approach often combining fees and bans progressively. There are no locations in the U.S. that have enacted a phase-out but several have proposed language with increasing fees or yearly requirements for decreasing retail bag usage.

The Ministers of the Environment Protection and Heritage Council (EPHC) in Australia agreed in October 2002 to pursue a number of actions relating to reducing the adverse impacts of plastic bags on the Australian environment. A number of work groups were put together to address different aspects of the issue. On July 1, 2005, after reviewing the research and report on the issue, the EPHC agreed to a phase-out of lightweight plastic shopping bags by the end of 2008. All shoppers and retailers were expected to have alternatives in place by December 31, 2008. However, after an analysis in April 2008 showed the economic costs of a regulatory

³⁶ Austin City Connection, 2008

phase out would significantly outweigh the environmental benefits, the EPHC resolved not to endorse uniform regulatory action at this time.

Local Government Regulations

As previously stated, there are no local regulations enacted in Florida due to the legislative preemption enacted in 2008. But there are local efforts outside the state, the majority being less than two years old. **Appendix D** lists all known locations with local regulations.

Since there are so many types of local regulations that affect varying populations and varying numbers of retailers and the regulations are so new, there is little data regarding their efficacy. However, there are some effects common to all local regulations. Differing local regulations are more difficult for chain retail stores to implement because they are regionally managed covering many communities or even states. Additionally, it is more difficult to realize widespread environmental benefits from local regulations if the affected areas are small. Enacting retail bag policies at the state level is easier for retailers to implement and can have broader environmental benefits. However, these considerations have to be balanced with the needs and demands of local citizens, and the expertise of local governments in preserving their local environment. The approaches are not mutually exclusive.

Other National and International Regulations

DEP has researched and compiled a summary of retail bag regulations throughout the United States and other countries. There are 33 countries worldwide that have enacted or proposed retail bag regulations. This information can be found in **Appendix E** and more information, with interactive maps is available on the DEP Retail Bag Report website at: www.dep.state.fl.us/waste/retailbags. These maps are regularly updated as DEP receives information regarding retail bag policies worldwide.

Conclusions on Efficacy of Regulations

While all mechanisms to reduce retail bag usage have merit, some are more effective than others. Bans produce the fastest results in reducing plastic bag use; fees or taxes follow closely behind. Governments with fees or taxes usually devote at least some of the revenue to environmentally-related funds, although some allow retail stores to keep a portion of the proceeds. Many people and retailers prefer voluntary efforts simply because they are voluntary and because no new fees or administrative costs are required.

The pros and cons associated with each option in the report are included to provide policymakers with the information needed to balance the effect of any actions taken in the future.

An effective educational campaign promoting reusable bag use and educating the public about the problems caused by single-use plastic and paper bags cannot be underestimated.

Appropriately accounting for the legitimate concerns and entrepreneurial creativity of the retail sector is also essential to any successful campaign. The following table summarizes twelve options for reducing the use of single-use paper and plastic retail bags. The options should be considered both on their own merits and as they integrate well with other options to reverse the current practice of widespread use of disposable retail bags.

Finally, an assessment of the efficacy and consequences (pros and cons) associated with each option is included to provide policymakers the information needed to weigh and balance the effect of any potential actions on the environment, regulated community and the consumer.

Options for Discouraging and Reducing the Use of Single-Use Retail Bags

Option	Pros	Cons	Additional Comments
1. Enact an educational campaign	<ul style="list-style-type: none"> • Easy to implement 	<ul style="list-style-type: none"> • Limited impact unless coupled with other option(s) 	
2. Encourage In-Store Recycling	<ul style="list-style-type: none"> • Utilizes infrastructure that already exists in many stores • Increases recycling • Produces moderate quality feedstock • Material is in demand 	<ul style="list-style-type: none"> • May be costly to stores • Does not accommodate compostable /biodegradable alternatives • Low to moderate participation in existing programs 	
3. Retail Stores offer Reusable Bag Credit	<ul style="list-style-type: none"> • Allows retailers to be proactive • Gives retailers flexibility • Attractive to customers • Incentive aimed at changing behavior – reducing consumption 	<ul style="list-style-type: none"> • Not attractive to all retailers • Credit is usually small (1 to 5 cents) and therefore undervalued by consumers 	<ul style="list-style-type: none"> • Target performed a pilot study of a reusable bag policy at 100 stores and found a 58% reduction in the number of plastic bags used
4. Require biodegradable bags as an option at checkout	<ul style="list-style-type: none"> • Bags are easy for stores to purchase • Customers feel “greener” 	<ul style="list-style-type: none"> • Bags are expensive, cost will be passed on to customers • Confusing for consumers who don't realize that the bags will not biodegrade in backyard composters • Can contaminate plastic recycling 	

Option	Pros	Cons	Additional Comments
5. Require a certain additional amount of recycled content in bags	<ul style="list-style-type: none"> • Easy to accomplish for paper bags • Reduces some environmental concerns from manufacturing 	<ul style="list-style-type: none"> • More difficult for plastic bags • Increased recycled content bags are more expensive • Does not address end-of-life concerns • Minimally addresses environmental concerns from manufacturing 	<ul style="list-style-type: none"> • Current average recycled content for paper bags is 30% • Current average recycled content for plastic bags is 30%
6. Implement pilot program(s) of any of these options in a few key communities that have already expressed interest	<ul style="list-style-type: none"> • There are some communities in Florida that have already expressed interest 	<ul style="list-style-type: none"> • Difficult for retail chains to implement something in just a small area 	
7. Set a recycling rate goal (number of bags recycled per year)	<ul style="list-style-type: none"> • Increases recycling • Material is in demand 	<ul style="list-style-type: none"> • Hard to track • Does not reduce the number of bags consumed • Does not address environmental concerns from manufacturing 	
8. Require bag consumption reduction with plan to enact ban or fees if not reached	<ul style="list-style-type: none"> • Reduces bag consumption • Gives retailers flexibility 	<ul style="list-style-type: none"> • Hard to establish a baseline • Very difficult for smaller stores to track 	
9. Deposit System	<ul style="list-style-type: none"> • Customer gets amount of deposit back when bags are turned in for recycling • Increases recycling 	<ul style="list-style-type: none"> • Requires stores to take bags back for recycling • Doesn't reduce the number of bags consumed 	<ul style="list-style-type: none"> • No successful examples

<p>10. Increasing fee over time</p>	<ul style="list-style-type: none"> • Incentive to reduce consumption • Could provide funding for recycling programs and educational campaigns • Reduces litter • Reduces costs associated with clogged storm and sewer drains 	<ul style="list-style-type: none"> • Fees may be perceived as a tax • May transfer business to surrounding locations • Potential job losses in plastic bag manufacturing and plastic recycling industries 	
<p>11. Flat fee (no increase over time)</p>	<ul style="list-style-type: none"> • Reduces consumption • Reduces litter • Reduces costs associated with clogged storm and sewer drains 	<ul style="list-style-type: none"> • Consumers get used to paying and consumption creeps back up, especially if inflation reduces the value of the fee • Fees may be perceived as a tax • May transfer business to surrounding locations • Potential job losses in plastic bag manufacturing and plastic recycling industries 	
<p>12. Ban</p>	<ul style="list-style-type: none"> • Reduces consumption • Reduces amount of demand so amount of supply and resulting environmental damages should be reduced • Reduces litter • Reduced costs associated with clogged storm and sewer drains 	<ul style="list-style-type: none"> • Some consumers like the convenience of store-provided bags • May promote shift to other disposable alternatives • Potential job losses in plastic bag manufacturing and plastic recycling industries 	

Appendices

Appendix A: Energy, Climate Change, and Economic Security Act of 2008

Section 403.7033, Florida Statutes:

Departmental analysis of particular recyclable materials -- The Legislature finds that prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida's ecology and economy. As such, the Department of Environmental Protection shall undertake an analysis of the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments. The analysis shall include input from state and local government agencies, stakeholders, private businesses, and citizens, and shall evaluate the efficacy and necessity of both statewide and local regulation of these materials. To ensure consistent and effective implementation, the department shall submit a report with conclusions and recommendations to the Legislature no later than February 1, 2010. Until such time that the Legislature adopts the recommendations of the department, no local government, local governmental agency, or state government agency may enact any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags.

Appendix B: Current Efforts of Retailers in Regards to Bags

This list of the current efforts conducted by retailers with stores in Florida was provided to DEP by the Florida Retail Federation. The numbers and data are listed as reported. DEP notes that many of the numbers may not be Florida-specific but may reflect regional or national results.

A. Albertsons:

- Sells or gives away reusable bags (42,405 bags since January 1, 2009).
- Offers a free promotion every week – buy X item and get a free reusable bag.
- Instituted a Bag Reuse Program:
 - Since January 1, 2009 324,760 bags have been reused.
 - Gives the customer 5 cents for every paper bag or reusable bag they use.
 - Has saved 649,520 bags so far this year.
 - Top areas in Florida for bag reuse in Albertsons stores: Sarasota/Bradenton, Venice Beach, Vero Beach and Gainesville.
- Uses Paper Handle Bags made with 45% recycled material and certified by the Sustainable Forest Industry in seven stores (cost is higher than traditional paper and plastic).
- Working with plastic bag manufacturer to source a stronger plastic bag made of at least 25% recycled plastic material. This bag is stronger and can hold more items. It is predicted that this bag will soon be made of 45% recycled plastic material.

B. Food Lion:

- Began selling reusable shopping bags on April 22, 2008, Earth Day.
- Has a current promotion for reusable bags being given away when a customer buys one of the following three products: Brita®, Greenworks®, or Scotts® towels. This promotion was ongoing until the end of June 2009 and put 17,000 free bags in the hands of consumers since April 22, 2009.
- Currently recycles all corrugated cardboard and plastic that can be recycled at the store.
- Offers in-store recycling of plastic bags, and a recycling message on the store's plastic bags. On the front of the bag on the bottom left hand corner is a "consider reusable bags" message and on the back is "please bring your plastic bags back to Food Lion for recycling."
- In 2007, recycled 7,730,869 pounds of plastic.

C. Publix:

- Offers in-store recycling of paper and plastic bags at all retail locations. Not only can customers drop off any brand plastic shopping bag for recycling, they can recycle plastic sleeves from dry cleaning and newspapers.
- Recycled 6,700 tons of plastic in 2008.

- Has sold reusable shopping bags made of canvas for many years. Since first offering the 99-cent reusable bag in mid-2007, Publix has sold over 7.5 million and given away many more.
- Initiatives to reduce the use of plastic bags include improved training for front service clerks; bag reduction goals for every store; monthly progress reporting; communication campaigns to encourage the use of reusable bags; and the distribution of free reusable bags through various partnerships.
- These initiatives have helped reduce Publix's use of plastic bags by over two-hundred million per year.

D. Target:

- Has given away or sold over 8.5 million reusable bags.
- Does participate in recycling programs in certain markets, but none currently in Florida.
- Currently reviewing its bag program to determine future plans.

E. Walgreens:

- Supports goal adopted by Progressive Bag Affiliates to increase recycled content of plastic bags supplied in stores to 40% by 2015 and make in-store recycling available to customers.

F. Walmart:

- Sells reusable bags (Walmart estimates it has sold enough reusable bags to eliminate the need for more than one billion plastic shopping bags.) Sells bags at two price points: one for \$1.00 and a second for \$0.50.
- Offers in-store recycling of plastic bags.
- Recycles shrink wrap, garment bags, and other loose plastic.
- All plastic and plastic bags collected for recycling are pressed between cardboard stacks in Walmart's "sandwich baler" process and sent to certified recyclers for processing. It is estimated this has eliminated more than 44 million pounds of plastic from landfills since 2006.
- Committed to reducing plastic bag usage in U.S. stores by 25% per store by 2013.
- Using a comprehensive approach to reduce plastic bag usage, including training associates regarding bagging efficiency and reduction of bag use.
- Has a company-wide sustainability goal to generate zero-net waste.

G. Winn Dixie:

- Sells reusable bags.
- Offers in-store recycling of plastic bags.
- Adopted use of Junior Bag in express and self checkout, which uses 20% less resin. (This is equivalent to a reduction of 308,000 pounds used on an annual basis.)

Appendix C: List of Groups, Organizations and Grass-Roots Efforts

Groups Interested in Reducing the Use of Disposable Retail Bags:

- Sierra Club Florida (Waste Minimization) www.florida.sierraclub.org
- www.reusablebags.com (Sells Reusable Bags)
- ChicoBag www.chicobag.com (Sells Reusable Bags)
- Audubon Society (Support Waste Minimization/Litter Reduction for Land Conservation Purposes) www.audubon.org
- Californians Against Waste www.cawrecycles.org (Non-profit environmental research and advocacy organization)
- Heal the Bay www.healthebay.org (Non-profit organization)
- Blogs/Grassroots
 - Group on Facebook “Reduce the Use of Plastic Bags”
 - www.natural-environment.com
 - 64 petitions on www.thepetitionsite.com that relate to plastic bag use reduction
 - http://noplasticbags.blogspot.com
 - www.bringyourown.org
 - www.squidoo.com/noplasticbags
 - www.conserveplasticbags.blogspot.com

Groups Interested in Increasing Bag Recycling:

- American Chemistry Council (www.plasticbagrecycling.org, www.americanchemistry.com, www.plasticsmythbuster.org, www.plasticbagfacts.org)
 - Operation Clean Sweep www.opcleansweep.org Plastics Industry initiative to help prevent the release of plastic resin pellets (nurdles) into the environment
- Hilex Poly (Plastic Bag Manufacturer) www.hilexpoly.com
- Raymond Communications www.raymond.com Recycling Policy Consultant firm
- American Forest & Paper Association (Paper Bag Manufacturers) www.afandpa.org - generally support bans that only relate to plastic because then paper bag use goes up
- NAPCOR (National Association for PET Container Recyclers) www.napcor.com support plastic recycling
- Save the Plastic Bag www.savetheplasticbag.com group of businesses and citizens opposed to plastic bag bans
- SPI (The Society of the Plastics Industry)/Film and Bag Federation - www.plasticbag.com Plastics Manufacturing Industry
- www.myrecycledbags.com - blog about crocheting plastic bags into other products

Groups Interested in Improving Bag Technology:

- American Chemistry Council (www.plasticbagrecycling.org, www.americanchemistry.com, www.plasticsmythbuster.org, www.plasticbagfacts.org)
- Hilex Poly (Plastic Bag Manufacturer) www.hilexpoly.com
- Raymond Communications www.raymond.com Recycling Policy Consultant firm

Florida Department of Environmental Protection, Retail Bags Report

- American Forest & Paper Association (Paper Bag Manufacturers) www.afandpa.org
- NAPCOR (National Association for PET Container Recyclers) www.napcor.com support plastic recycling
- Save the Plastic Bag www.savetheplasticbag.com group of businesses and citizens opposed to plastic bag bans
- SPI (The Society of the Plastics Industry)/Film and Bag Federation - www.plasticbag.com Plastics Manufacturing Industry
- BASF www.basf.com - makes "Performance Polymers" aka biodegradable plastics
- Symphony Environmental www.degradable.net - makes degradable plastics
- BPI (Biodegradable Products Institute) www.bpiworld.org - professional association promoting biodegradable plastics

Appendix D: Local Enacted Regulations in the United States

Location Name	Estimated Population	Year Effective	Ban	Fee	Recycling Requirement	Voluntary	Provide alternatives*
30 small communities, AK	16,500	1998	X				
Albany County, NY	298,130	2008			X		
Austin, TX	656,562	2007				X	
Chicago, IL	2,853,114	2008			X		
Edmonds, WA	40,158	2009	X				
Fairbanks, AK	35,132	2010		X			
Fairfax, CA	7,066	2008	X				
Kauai County, HI	63,689	2011	X				
Lake County, IL	712,453	2007			X		
Los Angeles, CA	3,833,995	2008				X	
Madison, WI	231,916	2009			X		
Malibu, CA	13,009	2008	X				
Manhattan Beach, CA**	36,605	2008	X				
Marshall County, IA	39,523	2009					X
Maui County, HI	143,574	2011	X				
Nassau County, NY	1,351,652	2008			X		
New York City, NY	8,363,710	2008			X		
Oakland, CA**	404,155	2007	X				
Outer Banks, NC	33,518	2009	X				
Paia, HI	2,752	2008	X				
Palo Alto, CA	59,395	2009	X				
Phoenix, AZ	1,567,924	2007				X	
Rockland County, NY	298,545	2008			X		
San Francisco, CA	808,976	2007					X
Solana Beach, CA	12,825	2008				X	
Suffolk County, NY	1,512,224	2007			X		
Tempe, AZ	175,523	2008				X	
Tucson, AZ	541,811	2009			X		
Washington, DC	591,833	2010	X	X			
Westchester County, NY	953,943	2008			X		
Westport, CT	26,051	2009	X				
Total***			13	2	10	5	2
*Provide alternatives means to provide alternative bags such as compostable or reusable bags							
** Under lawsuit, not in effect							
***Washington DC has both a ban and a fee							

Appendix E: National and International Bag Regulations

The following is the detailed information that is available to the public on DEP's dedicated Retail Bag Report website. These lists are associated with the maps and can be accessed in two ways – the user can directly go to the lists, or can click on the country, state or city of interest on the map and go directly to that location's information. This information is updated regularly as DEP receives information about retail bag policies worldwide.

North America

UNITED STATES OF AMERICA

- United States – H. R. 2091, the “Plastic Bag Reduction Act of 2009” was introduced in the U.S. Congress on April 22, 2009 and is still in committee. This act would place a five cent fee on “single-use” bags from grocery stores and other retail outlets. The act goes on to increase the fee in 2015 to twenty-five cents. Some of the money from the fee would go to the Land and Water Conservation Fund, some to state and local programs and some to reduce national debt.
http://moran.house.gov/apps/list/press/va08_moran/Plastic.shtml

Alaska

- Alaska – In 2009, Senate Bill 22 was introduced to the Alaskan Legislature. This bill would charge a fifteen cent fee for disposable plastic bags given out by retailers. The fee would fund the “Alaska litter and marine debris reduction and recycling fund.” This bill was referred to the Resources and Finance Committees as of January 21, 2009. The bill remained in this committee at session adjournment.
 - 30 villages/communities in Alaska, US - In Western Alaska, at least 30 communities have banned plastic bags since 1998. The ban was in response to plastic bag litter from dumps and ill-effects on Alaskan wildlife including salmon and seals.
 - Fairbanks, Alaska – On September 10, 2009 the Fairbanks North Star Borough Assembly voted to enact a five cent tax upon each plastic bag given out by all retail sellers in the community of Fairbanks. The tax will be effective January 1, 2010. The retail sellers are allowed to keep three percent of the total amount collected while the rest of the money will go to a local recycling program special revenue fund. The ordinance cites that some municipalities have estimated a collection and disposal cost of seventeen cents per plastic bag.

Arizona

- Arizona - In 2008, bills were introduced in the Arizona state government for review that proposed to place a surcharge on plastic and paper bags and asking retailers to offer recycling collection of the bags. These bills did not pass during the 2008 legislative session.
 - Phoenix, Arizona – In Phoenix, the city and the Arizona Food Marketing Alliance worked together with stores to create Bag Central Station. This program, started in

2007, is a voluntary program in which stores encourage reusable bags and must accept plastic bags for recycling.

- Tempe Arizona - In Tempe, the Bag Central Station program has been expanded from its start in Phoenix. The program started in Tempe in 2008 and is a voluntary program in which stores encourage reusable bags and must accept plastic bags for recycling.
- Tucson, AZ - In Tucson, the Bag Central Station program was codified in March 2009. The city council adopted a new city code requiring retail establishments of over 10,000 square feet to provide recycling bins for plastic bags.

California

- California - In 2006, the state of California passed a law, effective July 1, 2007, mandating that all retail establishments of a certain size or larger label their bags for return to the store for recycling, have recycling bins available to customers and to provide reusable bags for customers to purchase.
- California - In 2009, Assembly Bill 1141 was introduced in the California Legislature. The bill would require that all plastic carryout bags contain a specified percentage of recycled plastic. Plastic bag producers would be charged a producer's responsibility fee of one-half cent per bag. The bill was held without recommendation by the Assembly Committee on Natural Resources (April 27, 2009).
- California - In 2009, Senate Bill 228 was introduced in the California Legislature. The bill would require all marine degradable or compostable plastic bags to be readily distinguishable from non-biodegradable plastic bags. The bill remains in the Senate Appropriations Committee (May 28, 2009).
- California - In February 2009, Senate Bill 531 was introduced in the California Legislature. Initially, the bill would have required suppliers of paper or plastic single-use carryout bags to pay a fee of one cent per bag to the State Board of Equalization. Monies generated would fund grants for litter reduction education. The bill was amended in April 2009 to only add details to existing plastic bag manufacturer obligations regarding recycling education. The bill was referred to the Committee on Natural Resources on June 15, 2009.
 - Fairfax, California - The City Council of Fairfax, California passed a ban on plastic bags in 2007 only to withdraw the ban because of a threatened lawsuit regarding the environmental benefit of such a ban. Subsequently, the Council asked stores to voluntarily stop giving out plastic bags. In response, citizens of Fairfax made the issue a ballot initiative. In November 2008, voters passed the initiative.
 - Los Angeles, California - In 2008, the LA County Supervisors initially proposed a ban on plastic bags. After discussion the ban was supplanted by a voluntary program asking retailers to encourage consumers to use reusable bags. The ban will be revisited if the use of bags in LA County does not decrease by 30% by July 2010 and by 65% by July 2013.
 - Manhattan Beach, California - In July 2008, the City Council of Manhattan Beach passed a ban on all plastic bags used for carrying purchased goods. Currently, the

ban is on hold due to a lawsuit. One clause of the suit states that the city did not perform an Environmental Impact Report (EIR) and the second states that the city does not have the power to ban plastic bags.

- Oakland, California - In June 2007, the city of Oakland passed an ordinance banning non-biodegradable plastic take-away bags. This ban applied only to retail establishments that gross \$1 million in annual sales. The ordinance allows paper bags provided that they meet recycled content requirements. The ordinance has been rescinded after a lawsuit against the city was upheld in April 2008. The suit cites that the city had not performed adequate environmental study regarding the possible adverse effects of a ban.
- San Francisco, California - The city of San Francisco passed an ordinance in April 2007 requiring retail stores (pharmacies and supermarkets) that gross annual sales of \$2 million to provide paper bags, compostable bags and/or reusable bags.
- Malibu, California - In May 2008 the Malibu City Council approved a ban on all non-reusable plastic bags excluding produce bags. The ban went into effect in November 2008.
- Solana Beach, California - In August 2008, the city of Solana Beach began a voluntary recycling program for plastic bags. The program utilizes three collection bins in public buildings and sends the clean plastic bags directly to Trex Co. Inc. Trex makes deck boards and fencing from wood and recycled plastic fibers. Previously, in December 2007, the city enacted a law prohibiting plastic bags used for advertising that are thrown onto driveways and yards or hung on doorknobs.

Connecticut

- Connecticut - In 2009, House Bill 5466 was introduced in the Connecticut General Assembly. The bill would require all retailers that give out plastic shopping bags to also accept the bags back and have those bags recycled.
- Connecticut - In 2009, House Bill 5273 was introduced in the Connecticut General Assembly. The bill would ban all retailers from using non-biodegradable bags starting January 1, 2011.
- Connecticut - In 2009, House Bill 5207 was introduced in the Connecticut General Assembly. The bill would require a tax to be paid on all paper and plastic bags. The purpose of this bill is to help reduce waste, litter, dependence on foreign oil and to help foster sustainability and environmental responsibility.
- Connecticut - In 2009, House Bill 5107 was introduced in the Connecticut General Assembly. The bill would require retail stores to charge a tax of five cents per plastic bag. Money from this tax would be used for the renewable energy fund.
- Connecticut - In 2009, House Bill 5479 was introduced in the Connecticut General Assembly. The bill would also require a five cent fee per plastic bag. This is intended to encourage the use of reusable bags and to reduce plastic waste.

- Connecticut - In 2009, House Bill 5492 was introduced in the Connecticut General Assembly. The bill would require the recycling of plastic shopping bags and charge a fee on each plastic or paper shopping bag.
- Connecticut - In 2009, House Bill 6314 was introduced in the Connecticut General Assembly. The bill would require a five cent fee per bag given out at grocery stores. This is intended to reduce the amount of plastic waste that enters landfills.
- Connecticut - In January 2009, House Bill 5005 was introduced in the Connecticut General Assembly. If enacted, this bill would prohibit retail establishments from providing plastic bags for purchased goods at the point of sale. This bill was referred to the Joint Committee on Environment and stayed there until adjournment of the Assembly.
- Connecticut - In January 2009, House Bill 5215 was introduced in the Connecticut General Assembly. The bill would require a five cent fee per bag given out at grocery stores. Monies generated from the tax would be transferred to the Department of Environmental Protection. It remains "Tabled for the Calendar" in the Committee on Finance, Revenue, and Bonding (May 2009).
 - Westport, Connecticut - In 2008, Westport Connecticut passed a ban on most plastic shopping bags beginning in 2009. Bags used for produce are exempted.

Colorado

- Colorado - In 2009, Senate Bill 156 was introduced in the Colorado General Assembly. This bill would ban retail stores of a certain size from providing free plastic bags. The bill would also charge a fee of six cents per plastic bag of which the store would keep half the money and the state would receive the other half for use in plastic bag use reduction education.

Delaware

- Delaware - In March 2009, the Delaware House of Representatives passed House Bill 15, requiring stores exceeding 7,000 square feet to establish an at-store recycling program for plastic bags. The governor signed the bill into law on August 17, 2009.

Florida

- Florida - The Energy, Climate Change, and Economic Security Act of 2008 (House Bill 7135) signed into law by Governor Crist created Section 403.7033, Florida Statutes. This section requires the DEP to perform an analysis and submit a report to the Legislature by February 1, 2010 regarding the necessity and efficacy of both statewide and local regulation of bags used by consumers to carry products from retail establishments. Until such time that the Legislature adopts the recommendations of DEP, no local or state government may enact any regulation or tax on the use of such retail bags.

Hawaii

- Hawaii - In 2009, House Bill 1357 (same as Senate Bill 1292) was introduced in the Hawaii Legislature proposing a ban on all non-biodegradable/compostable plastic bags and

requiring retailers to provide either recyclable paper bags, compostable plastic bags or reusable bags. If enacted this ban would apply only to stores that gross at least \$250,000 in revenue annually. This bill remained in the House Energy and Environment Committee at Legislative adjournment.

- Hawaii - In January 2009, House Concurrent Resolution 43 was offered to the Hawaii House of Representatives. This resolution requires the Hawaii Food Industry Association to form a working group with a representative from each County, the Department of Health, producers of polystyrene and plastic bags made in Hawaii, affected trade organizations and environmental organizations. The working group would establish minimum statewide standards for biodegradability of plastic grocery bags and food containers. This resolution remained in the Senate Committee on Health at Legislative adjournment.
- Hawaii - In February 2009, House Concurrent Resolution 61 was offered to the Hawaii House of Representatives. House Concurrent Resolution 61 (same as House Resolution 49) urges Honolulu and Kauai Counties to reduce the use, sale, and environmental degradation caused by non-compostable plastic bags. This resolution remained in the House Energy and Environment Committee at Legislative adjournment.
- Hawaii - In January 2009, Senate Bill 244 was introduced in the Hawaii Legislature. If enacted this bill would have required each retail establishment to provide the consumer with either a refund or a store credit if the consumer purchased goods or products and declined to use a plastic shopping bag that the retail establishment offers at no additional charge. In February, the Senate Committee on Energy and Environment deferred the measure.
- Hawaii - In January 2009, Senate Bill 245 was introduced in the Hawaii Legislature. This bill would have established a statewide at-store plastic carryout bag recycling program. The program would have been implemented at stores with over 10,000 square feet of retail space and a licensed pharmacy or a store with annual sales of \$2,000,000 or more. This bill was deferred by the committee on Energy and Environment.
- Hawaii - In January 2009, Senate Bill 584 was introduced in the Hawaii Legislature. This bill would have prohibited retail stores and supermarkets from distributing plastic shopping bags. The bill was referred to the Energy and Environment Committee where the measure was recommended to be passed with amendments. From the Energy and Environment Committee, the measure was sent to the Judiciary and Government Operations Committee where it remained at Legislative adjournment.
- Hawaii - In January 2009, Senate Bill 1163 was introduced in the Hawaii Legislature. This bill would have required distributors that sell and distribute plastic shopping bags to stores for the stores to give to consumers to pay a fee of five cents per bag. This fee would be payable to the Department of Health and would be remitted to the "keiki first steps trust fund." This bill was referred to the Energy and Environment Committee and the Human Services Committee. Both committees deferred the measure in February.
- Hawaii - In January 2009, Senate Bill 1292 (same as House Bill 1357) was introduced in the Hawaii Legislature. This bill would have required all businesses that gross over \$250,000

annually to cease distributing non-biodegradable plastic shopping bags and only distribute recyclable paper bags, compostable plastic bags or reusable bags. This bill was referred to the Energy and Environment Committee and the Judiciary and Government Operations Committee where the measure remained at Legislative adjournment.

- Paia, Hawaii – In 2008, the town of Paia became “plastic bag free” when all of the town traders agreed to cease handing out plastic takeaway bags.
- Maui County, Hawaii – In 2008, Maui County voted to ban plastic bags by 2011.
- Hawaii County, Hawaii – In August 2008, the Hawaii County Council voted to ban businesses from offering plastic checkout bags. The ban needed the signature of the mayor to go into effect but the mayor opposed the ban and vetoed it. The County Council then voted again in October 2008 but there were not enough votes to override the mayor’s veto.
- Kauai County, Hawaii - In October 2009, the Kauai County Council voted to ban plastic carryout bags. Stores must now offer only biodegradable, 100% recyclable paper or reusable tote bags at checkout. The stores are allowed to charge for the bags. The ban will go into effect on January 11, 2011.

Illinois

- Illinois – House Bill 0334 was introduced in the Illinois Legislature in January 2009. The bill was referred to the Rules Committee, then assigned to the Environmental Health Committee and then Re-referred to the Rules Committee in March 2009. If enacted, this bill would create the “Grocers’ Mandatory Plastic Bag Recycling Act,” which would require grocery stores to implement recycling programs for plastic bags. The bill remained in committee at session adjournment.
 - Chicago, Illinois – In May 2008, the City Council of Chicago enacted an ordinance requiring certain retail establishments to establish an in-store plastic bag recycling program. The program must include specific labeling on the bags, recycling bins available to customers for bag drop-off and provide reusable bags for customers to purchase.
 - Lake County, Illinois - In August 2007, the Governor of Illinois signed the Plastic Bag Bill creating a pilot program in Lake County requiring retailers over a certain size that give out plastic bags to take the bags back for recycling.

Iowa

- Marshall County, Iowa - On September 16, 2008, the Marshall County Board of Supervisors voted to require the use of compostable plastic, recyclable paper and/or reusable checkout bags by all retail stores in unincorporated areas of the county. This requirement went into effect on April 9, 2009.

Maine

- Maine – In 2009, Legislative Document 367, An Act to Reduce the Amount of Plastic Introduced into the Waste Stream, was introduced. This bill would require retailers to

charge ten cents for each plastic bag given to a customer. The money would be deposited into the Waste Reduction and Recycling Loan Fund. This bill was revised to resolve that the Executive Department, State Planning Office should create a work group, through a partnership with state agencies and other appropriate entities to work to create an overall reduction of disposable checkout bag distribution and waste. This resolution was signed by the governor on May 19, 2009. (Resolve Chapter 54)

- Maine – In 2009, Legislative Document 622 (equivalent to HP 436) was introduced in the Maine Legislature. This bill would require retailers with more than 30,000 square feet of retail sales area to provide a cloth or durable fabric bag to customers at least twice a year. This bill went to committee and was unanimously voted “ought not to pass.”

Maryland

- Maryland - In 2009, House Bill 1210 was introduced in the Maryland Legislature. If enacted, this bill would have required stores to charge and collect a five cent fee for each carryout bag (paper or plastic) provided to a customer. Of this fee, one cent would be retained by the store if the store did not have a Customer Bag Credit Program or if the store did have such a program then the store could retain two cents. The remaining amount would be remitted to the Chesapeake and Atlantic Coastal Bays 2010 Trust Fund. The Customer Bag Credit Program is a voluntary program for stores in which the store would pay a customer at least five cents for each bag that is provided by the customer. This bill was read in the Environmental Matters Committee but was never moved out of committee.
 - Annapolis, Maryland – In 2007, Annapolis Maryland lawmakers proposed a plastic bag ban. The ban did not pass but an alternative plan passed involving an expanded recycling campaign, encouraging use reduction and free reusable bag giveaways.
 - Baltimore, Maryland - In 2008, two bills were introduced to the Baltimore City Council in order to regulate plastic bag use. Bill 08-0208 proposes levying a twenty-five cent tax per plastic bag distributed by any retail establishment. Monies collected from the tax would go into the general fund. Bill 08-0205 would prohibit all stores from distributing plastic bags. Both bills are now in committee and were scheduled for a public hearing to the Judiciary and Legislative Investigations Committee on January 5, 2010.

Massachusetts

- Massachusetts – On March 12, 2009, the Massachusetts Department of Environmental Protection signed a Memorandum of Understanding (MOU) with the Massachusetts Food Association. The Massachusetts Food Association is an industry organization that represents more than 500 individual grocery stores. The MOU sets a goal to see a 33% reduction in the distribution of paper and plastic disposable grocery bags by 2013. This reduction is to be achieved through incentives to customers to reduce demand and increased reusable bag usage, improved recycling of bags at stores, and increased recycled

content or use of biodegradable bags offered for distribution. This effort is voluntary for all stores that are members of the Massachusetts Food Association.

- Massachusetts – In January 2009, House Bill 719, “An Act Relative to Plastic Bag Reduction,” was introduced in the Massachusetts Legislature. If enacted this bill would have required stores grossing more than \$2,000,000 annually to provide only recyclable paper bags, compostable plastic bags or reusable bags to customer. This bill has been referred to the Joint Committee on Environment, Natural Resources and Agriculture. A public hearing was held on this bill on May 14, 2009.
- Massachusetts – In January 2009, House Bill 798, “An Act relative to decreasing environmental hazards, toxins and litter,” was introduced in the Massachusetts Legislature. This bill calls for the responsible reduction of plastic carryout bags by prohibiting any store with a gross income of more than \$500,000 in the previous tax year from providing plastic carryout bags to consumers. This bill has been referred to the Joint Committee on Environment, Natural Resources and Agriculture. A public hearing was held on this bill on May 14, 2009.
- Massachusetts – In January 2009, House Bill 2686, “An Act relative to an excise on plastic carryout bags in supermarkets,” was introduced in the Massachusetts Legislature. This bill would excise five cents per plastic carryout bag provided to customers, from any supermarket with a gross income of more than \$1,000,000 in the previous tax year. The funds excised would be credited to the General Fund. This bill has been referred to the Joint Committee on Revenue. A public hearing was held on this bill on April 12, 2009.
- Massachusetts – In January 2009, Senate Bill 395, “An Act relative to the responsible reduction in the use of plastic bags,” was introduced in the Massachusetts Legislature. This bill would prohibit any store located or doing business in Massachusetts from giving, providing or making available plastic carryout bags to consumers. This bill has been referred to the Joint Committee on Environment, Natural Resources and Agriculture. A public hearing was held on this bill on May 14, 2009.
- Massachusetts – In January 2009, Senate Bill 1284, “An Act relative to the selection and use of plastic bags in certain stores,” was introduced in the Massachusetts Legislature. This bill would require every store to pay to the commissioner an excise equal to two cents per plastic carryout bag provided to customers. This bill has been referred to the Joint Committee on Revenue. A public hearing was held on this bill on April 12, 2009.
 - Plymouth, Massachusetts – The Board of Health in Plymouth Massachusetts reviewed a ban on plastic bags in late 2008. The board ultimately decided not to pass the ban.
 - Sturbridge, Massachusetts – In 2008, the Board of Selectmen, in Sturbridge Massachusetts, sponsored an article to ban the use of plastic bags in stores of or larger than 35,000 square feet within the city limits. At a town meeting in April 2008, the article was voted down.
 - Boston, Massachusetts - In late 2007, Boston Massachusetts lawmakers proposed both a ban and a required collection and recycling plan. None of the proposals passed but most grocery stores accept plastic bags for recycling.

Michigan

- Michigan - In December 2008, bill number SB 1611 was introduced in the Michigan Legislature. If enacted the bill would phase out the retail distribution of “noncompostable plastic carryout bags” by 2012. This bill was referred to the Committee on Natural Resources and Environmental Affairs on November 6, 2008. The bill remained in committee at session adjournment.

Minnesota

- Minnesota - HF0041 was introduced in the Minnesota State Legislature in January 2009. If enacted, this bill would require in-store recycling programs for plastic carryout bags. Additionally, manufacturers of plastic carryout bags would be required, if requested by store operators, to make arrangements for collection, transport, and recycling of all plastic carryout bags and other film plastic that is collected as part of the in-store recycling program. This bill was referred to the Environment Policy and Oversight Committee where it stayed until legislative adjournment.
- Minnesota - HF403 (companion SF0383) was introduced in the Minnesota State Legislature in January 2009. If enacted, this bill would not only require that any bag or container used to deliver yard waste to a yard waste compost facility be compostable but also require specific labeling for all compostable, biodegradable, and degradable plastic bags, including those used in retail stores. The bill was referred to a number of committees and ended up in the Environment and Natural Resources Finance Division Committee at legislative adjournment.
- Minnesota - HF576 (companion SF267) was introduced in the Minnesota State Legislature in January 2009. If enacted this bill would have required in-store recycling programs for all plastic carryout bags and have required labeling of plastic carryout bags to say “Please Reuse or Recycle at a Participating Store.” This bill was referred to the Environment Policy and Oversight Committee where it remained at legislative adjournment.
- Minnesota - SF383 was introduced in the Minnesota State Legislature in 2009. This bill requires that plastic bags used for yard waste or source-separated compostable materials meet ASTM Standard Specification for Compostable Plastics. Additionally, this bill requires that until standards are created, plastic bags sold in the state of Minnesota may not be labeled as biodegradable or degradable. Any bags labeled as compostable must meet the ASTM Standard Specification for Compostable Plastics and labeled to reflect that the bag meets the standard. This bill was added to HF2123 and was signed by the governor in May 2009.

Missouri

- Missouri - In 2009, Senate Bill 340 was introduced to the Missouri General Assembly. If enacted this bill would require stores to only provide recyclable paper bags, compostable plastic bags, reusable bags or any combination of the three. This bill was referred to the

Commerce, Consumer Protection, Energy and the Environment Committee on February 11, 2009. The bill remained in committee at session adjournment.

Nevada

- Nevada – In 2009, Senate Bill 397 was introduced in the Nevada State Legislature. This bill, if passed, would establish a Plastic Bag Environmental Cleanup Fund and impose both a fee and a ban on certain types of bags. Customers would pay a fee on non-biodegradable and on non-compostable plastic bags from October 1, 2009 through June 30, 2011. Beginning July 1, 2011, all non-biodegradable and non-compostable plastic bags would be banned from distribution. This bill was referred to the Commerce and Labor Committee and was not heard again as of session adjournment.

New Hampshire

- New Hampshire – In 2008, both the House and the Senate of New Hampshire passed “A Resolution Encouraging the Use of Reusable Shopping Bags.” This resolution encourages both consumers and retailers alike to switch to reusable bags. The resolution was promoted by a group of teenagers from Hanover, New Hampshire as part of the group “Kids for a Cooler Planet.”

New Jersey

- New Jersey – In 2007, New Jersey lawmakers proposed a ban on retail bags. The ban was not passed during the 2008 session.

New York

- New York – In 2009, Senate Bill 544 was introduced in the New York State Legislature. This bill would require retail businesses to restrict the use of non-compostable plastic bags by 50% of their current use volume by 2012. The bill goes on to completely ban non-compostable plastic bags by 2014.
- New York – In 2009, Assembly Bill 6537 was introduced in the New York State Legislature. This bill would enact a tax on plastic shopping bags that are used to transport every sale of tangible personal property by consumers. The tax would be fifteen cents per plastic bag.
- New York – In 2009, Assembly Bill 6070 was introduced in the New York State Legislature. This bill would effectively ban plastic bags at retail stores by requiring that all stores provide only paper, compostable plastic and/or reusable bags as checkout bags.
- New York - In 2009, Assembly Bill 6937 was introduced in the New York State Assembly. If passed, this bill would establish a state commission to evaluate and make recommendations regarding the reduction of improper disposal of plastic and paper merchandise bags.
- New York -In April 2009, a bill (AB7844/SB4866) was introduced in the Assembly and Senate proposing a five cent tax on plastic carryout bags. The tax would apply to all stores located within cities with populations exceeding 1 million. The bill has been forwarded to the Committee on Cities.

- New York- In April 2009, Senate Bill 5067 was introduced in the New York State Legislature. This bill would enact a five cent sales tax on all plastic shopping bags. The first \$75 million generated from the tax would be deposited in an environmental fund. The remaining monies would be deposited into the NY State General Fund. This bill has been referred to the Investigations and Government Operations Committee.
- New York - In 2009, Senate Bill 4595 was introduced in the New York State Legislature. If passed this bill would amend the 2008 law that requires all large grocery store chains and retailers to implement recycling of plastic bags. The amendment would, among other things, remove preemption for local laws enacted by a city of one million or more. In April 2009 the bill was referred to the Environmental Conservation Committee.
- New York - Assembly Bill 6144 was introduced in the New York State Legislature in 2009. If passed, this bill would require store operators to pay customers at least two cents per carry-out bag brought in by the customer to carry out goods purchased. This bill was referred to the Environmental Conservation Committee in February 2009.
 - Albany County, New York - Albany County, in New York State passed an in-store recycling program for plastic bags in March of 2008. This program requires stores to have collection bins and to recycle the bags.
 - Nassau County, New York - In Nassau County, a county on Long Island in New York, a local plastic bag reduction and recycling law was passed in June 2008. This law requires that plastic bags be labeled with specific language, requires stores to have a bin for collection and to recycle the bags.
 - New York City, New York - In 2008, the New York City Council passed a bill requiring retail chains and large stores to collect and recycle plastic retail bags.
 - Rockland County, New York - In May 2008, the County Legislature in Rockland County, New York passed a law requiring stores to recycle plastic bags and plastic film, have collection bins available for customer use and make reusable bags available for purchase.
 - Suffolk County, New York - Suffolk County, in New York State passed a carryout bag reduction and recycling initiative in 2007.
 - Westchester County, New York - In October 2008, a law went into effect in Westchester County, New York that requires all retailers that provide plastic carry-out bags to customers to have a collection bin and to recycle the bags.
 - Ulster County, New York - Local Law No. 3 of 2009 was introduced to the Legislature of the County of Ulster to impose a minimum fee of ten cents for each plastic bag provided to customers at the point of sale. The measure was referred to the Environmental Committee and a public hearing was held May 6, 2009. A number of proposed changes were offered at the public meeting and the proposed law was sent back to the Environmental Committee for reconsideration.

North Carolina

- North Carolina - In 2009, Senate Bill 1018 (equivalent to House Bill 810) was introduced in the North Carolina General Assembly. This bill, if passed, would ban retail stores from

providing plastic bags to customers and would allow paper bags to be given away only if the paper bag is recyclable. This bill was revised to ban retail stores in the Outer Banks of North Carolina from distributing plastic bags to customers and allows paper bags to be given away only if the bag is made of recycled content.

- North Carolina - In 2009, House Bill 1288 was introduced in the North Carolina General Assembly. If enacted, this bill would increase the state goal for plastic bag recycling from 25% to 75% and require retailers to provide in-store recycling. This bill has been referred to the Committee on Commerce, Small Business and Entrepreneurships as of April 9, 2009.

Ohio

- Ohio - For Earth Day 2009, the Ohio Department of Natural Resources (DNR) and Ohio Grocers Association (OGA) announced the cooperative Plastic Bag Recycling Program. The OGA will provide recycling bins to its retail members in order to collect plastic from consumers and to recycle pallet and shrink wrap.

Oregon

- Portland, Oregon - In 2007, a ban on plastic bags was proposed in Portland, Oregon. The ban did not pass and neither did the alternative plan of a tax on plastic bags.

Pennsylvania

- Pennsylvania - In May 2009, Senate Bill 864 was introduced in the state legislature. The bill proposes a two cent tax on all plastic retail bags from retail establishments that gross over \$1,000,000 in sales per year. Proceeds from this tax would be divided equally between the State and the retail establishments in order for each to fund programs that would improve recycling practices and education. This bill has been forwarded to the Committee on Finances.
- Pennsylvania - Senate Bill 609 was introduced to the Pennsylvania Legislature in 2009. This bill, if enacted, would prohibit grocery stores from providing consumers with paper and plastic bags. The bill was referred to the Environmental Resources and Energy Committee on March 19, 2009.
 - Philadelphia, Pennsylvania - In 2009, bill 090075 was presented to the City Council of Philadelphia that would enact a twenty-five cent fee on all plastic bags received by a customer at retail stores within the city. Large businesses, with more than \$1 million in annual sales, would send 75% of the fees back to the city while smaller businesses would be able to keep the money. This bill was referred to the Committee on the Environment and a public hearing was held on June 10, 2009. It is in council for a second reading.
 - Philadelphia, Pennsylvania - In February 2009, Bill 090074 was introduced in the City of Philadelphia Council. This bill if it had been enacted would have banned supermarkets and pharmacies from providing bags other than recyclable paper bags, compostable plastic bags or reusable bags. This bill was referred to the

Committee on the Environment and two hearings were held. The bill was read but did not pass the Council vote on June 18, 2009.

- Philadelphia, Pennsylvania - On November 19, 2009 a resolution titled "Calling on All Philadelphia Retail Stores to Implement Plastic Bag Recycling" was introduced to the City Council of Philadelphia. This resolution is currently "in council" or ready for consideration by the council.

Rhode Island

- Rhode Island - In 2004, the state of Rhode Island established a statewide voluntary recycling program for plastic bags. This program utilized an anti-litter campaign called "Why Knot." This campaign encouraged residents to tie plastic bags into knots to reduce the likelihood that the bags would become litter. In 2008 the legislation was amended to expand the program to all large retailers, require reporting and to expand the products accepted for recycling.
- Rhode Island - Senate Bill 804 was introduced in the Rhode Island Legislature in January 2009. If enacted, this bill would require retail establishments to provide a five cent per bag rebate for every reusable bag a customer provides in order to carry purchases from the establishment. Additionally, retailers would be required to charge a fifteen cent fee per plastic bag provided to customers in order to carry purchases from the establishment. This bill was referred to the Senate Environment and Agriculture Committee on March 24, 2009.
- Rhode Island - In 2008, House Bill 7630 was introduced in the Rhode Island Legislature. The bill would have promoted paper bag usage by imposing a tax equal to one cent per plastic bag used by consumers for grocery or other purchases. This bill was referred to the House Finance Committee and in May 2008 the committee recommended the measure be held for further study.

Texas

- Texas - In February 2009, House Bill 1361 was filed in the Texas Legislature. This bill, if enacted would impose a seven cent fee for certain plastic bags provided to customers by retailers. Retailers would retain part of the money and the rest would go to fund a Local Recycling Program Assistance Account. In March 2009, the bill was referred to the "Ways & Means" committee where the bill was left pending as of April 22, 2009.
- Texas - Senate Bill 338 was filed in late 2008 with the Texas Legislature. If enacted, this bill would place requirements upon businesses with more than 51 employees that offer plastic checkout bags to customers. These requirements would include offering a reusable bag for sale at a reasonable price, asking customers if they would like to purchase a reusable bag before offering the customer a plastic checkout bag and having a recycling program for those plastic checkout bags. The bill also provides for civil and administrative penalties for those businesses that do not comply with the requirements. In April 2009, the bill went to the Business and Commerce Committee and was passed and then referred to the Environmental Regulation Committee. In May 2009, the bill was left pending in that committee.

- Texas - House Bill 3427, introduced in the Texas Legislature in 2009, would have required businesses or shopping malls that offer plastic checkout bags to customers to offer reusable bags at a reasonable price for sale to customer and establish in-store checkout bag recycling programs. The bill also required the Texas Commission on Environmental Quality to establish an online clearinghouse of information relating to the use and recycling of plastic checkout bags. Lastly, the bill required a study to (1) examine the bill's impact on businesses and the environment, (2) determine what happens to plastic checkout bags after they are collected in bins at the in-store recycling programs, (3) determine how many businesses are collecting the plastic checkout bags and recycling them, and (4) determine the feasibility and costs to businesses of using alternative material checkout bags. This bill was left pending in the House Environmental Regulation Committee at Legislative adjournment.
 - Austin, Texas - In 2007, the city of Austin passed a voluntary use reduction and recycling of plastic bags program. Since that time, the retailers have reported a 40% reduction in the use of plastic bags as well as a 20% increase in recycling of plastic bags at the stores participating.

Vermont

- Vermont - In 2009, House Bill 262 was introduced in the General Assembly. This bill would enact a seventeen-cents tax on each plastic bag purchased or received during a retail transaction in Vermont. If passed, the tax will go into effect on January 1, 2010.
- Vermont - In 2009, Senate Bill 33 was introduced in the General Assembly. This bill would enact a three cent tax on each plastic bag purchased or received during a retail transaction in Vermont. If passed, the tax will go into effect on January 1, 2010.
- Vermont - In 2008, both the House and the Senate of Vermont passed a joint resolution that supported the Hanover High School Kids for a Cooler Planet reusable shopping bag campaign. This resolution encourages both consumers and retailers alike to switch to reusable bags. The resolution was promoted by a group of teenagers from Hanover, New Hampshire as part of the group "Kids for a Cooler Planet."

Virginia

- Virginia - In 2009, bills that would have banned disposable plastic bags from being distributed to customers or that placed a fee on the bags were both pulled by their sponsors.
- Virginia - House Bill 1814 (same as SB873) was filed with the Virginia Legislature in January 2009. If enacted the bill would have banned the use of plastic carryout bags by retailers at the point of sale unless the bags were durable plastic bags with handles, at least 2.25 mils thick and were specifically designed and manufactured for multiple reuse. This bill was referred to the Committee on Agriculture, Chesapeake and Natural Resources where it remained at Legislative adjournment.
- Virginia - House Bill 2010 was filed with the Virginia Legislature in January 2009. If enacted the bill would have imposed a five cent fee on paper and plastic bags used by

customers to carry items from the place of purchase. Durable, reusable plastic bags and bags used for ice cream, meat, fish, and poultry would have been exempt from the fee. The revenues raised by the fee would have been deposited in the Water Quality Improvement Fund. This bill was referred to the Committee Finance where it remained at Legislative adjournment.

- Virginia – Senate Bill 971 was filed with the Virginia Legislature in January 2009. If enacted the bill would have required on-premises recycling for plastic bags be available at stores that are part of a chain or occupy more than 5,000 square feet and distribute plastic bags to consumers. This bill was referred to the Committee on Agriculture, Chesapeake and Natural Resources where it was stricken at the request of a Patron in Agriculture, Chesapeake and Natural Resources.
- Virginia – Senate Joint Resolution 445 was offered February 13, 2009. This resolution commended Farm Fresh Food and Pharmacy for its exceptional environmental leadership and its commitment to reducing plastic bag use by encouraging customers to switch to reusable bags.

Washington

- Washington – House Bill 1189 was introduced in the Washington Legislature in January 2009. The bill, if it had been enacted, would have banned retail stores from providing free carryout bags unless the carryout bags were compostable plastic, recyclable paper or reusable. This bill would also have pre-empted any local city, town, county or municipality within the state from enacting more restrictive laws on retail bags. This bill was referred to the House Committee on Environmental Health where it failed to receive action at a final public hearing.
 - Seattle, Washington – In July 2008, the City Council of Seattle passed a twenty cent “green fee” on all disposable shopping bags starting in 2009. This fee has been placed on hold until August 2009, when a city-wide vote allowed Seattle voters to vote for or against the “green fee.” On August 18, 2009 the “green fee” was voted down 58% to 42%.
 - Edmonds, Washington – In July 2009, the City Council of Edmonds, Washington voted unanimously to ban retail establishments from distributing single use plastic bags. The ordinance was effective August 27, 2009.

West Virginia

- West Virginia – In 2008, a ban on plastic bags from retail establishments was proposed in the state of West Virginia. The bill was not passed during the 2008 session.
- West Virginia – In March 2009, House Bill 3058 was introduced in the West Virginia Legislature. If enacted this bill would phase out the use of light plastic bags by July 1, 2012. Retailers would be required to provide customers with compostable bags, label bags to return to the store for recycling and place recycling bins for customer use or make reusable bags available for purchase. This bill was referred to the Energy, Industry and Labor, Economic Development and Small Business Committee.

Washington, DC

- Washington, DC – In 2009, the “Anacostia River Clean Up and Protection Act of 2009,” was introduced in the Council of the District of Columbia. This act would ban the use of disposable, non-recyclable plastic retail bags as well as establish a five cent fee for all other disposable bags, including but not limited to paper and plastic retail bags. If passed, part of the money would be placed in the Anacostia River Cleanup and Protection Fund. On June 2, 2009, the City Council of Washington DC voted unanimously to create a five cent tax on both paper and plastic bags in order to promote the use of reusable shopping bags. One cent per bag would stay with the business which sold the bag and four cents would go to fund a cleanup of the Anacostia River. In order to become law the bill was again voted upon in late June when the DC Council unanimously voted to pass the bill. The Mayor of DC signed the bill on July 7, 2009. The fee went into effect January 1, 2010.

Wisconsin

- Wisconsin - In March 2009, Assembly Bill 170 was introduced to the Wisconsin Legislature. If enacted this bill would ban retail stores from providing any bag for a customer’s purchase unless that bag is a compostable plastic bag, a cloth or plastic bag intended for multiple reuses or a recyclable paper bag. This bill was referred to the Committee on Jobs, the Economy and Small Business.

CANADA

British Columbia

- Vancouver, British Columbia, Canada – In 2008, the city of Vancouver proposed a ban on plastic disposable shopping bags. Currently, the proposal is under review by the British Columbia government in the legal department. In addition, the Retail Council of Canada, the Canadian Grocery Distributors, the Canadian Federation of Independent Grocers and the Canadian Association of Chain Drug Stores have submitted a plan to reduce plastic bag distribution by 50% over a five year period.

Manitoba

- Leaf Rapids, Manitoba, Canada – In April 2007, the municipality of Leaf Rapids in Manitoba, Canada banned plastic shopping bags. Initially, the town started with a levy on the bags and then moved to an outright ban.

Nova Scotia

- Nova Scotia, Canada – All liquor stores in Nova Scotia, Canada agreed to cease giving out plastic bags as of fall 2008.

Ontario

- Toronto, Canada – The Toronto City Council has approved a charge on plastic shopping bags that took effect on June 1, 2009.

Quebec

- Quebec, Canada – All liquor stores in Quebec, Canada agreed to ban plastic bags by 2009.
 - Montreal, Quebec, Canada – Montreal Canada planned to ban plastic shopping bags some time in 2009. Additionally, a popular liquor store, SAQ, instituted a surcharge policy on plastic and paper bags as of September 2008. This surcharge is expected to reduce the use of such bags by 4%. The policy goes on to ban plastic and paper bags from stores by January 2009.
 - Huntingdon, Quebec, Canada – In January 2008, the small town of Huntingdon Quebec passed a bylaw that bans plastic bags.
 - Amqui, Quebec, Canada – In 2008, the town of Amqui, in Quebec, Canada had a voluntary plastic bag use reduction pact with merchants and instituted a small tax on the bags.

MEXICO

- Mexico City, Mexico - On August 19, 2009, a new ordinance was enacted that prohibits businesses from giving out thin plastic bags that are not biodegradable. The law affects all stores, production facilities and service providers within the city limits.

Africa

Eritrea

- Eritrea – In 2005, the Eritrean government banned plastic bags outright.

Ethiopia

- Ethiopia - In 2008, the Ethiopian government passed a new law (Proclamation 513) that bans the manufacture and import of plastic bags less than 0.33mm in thickness.

Ghana

- Ghana - In July 2004 the Ghanaian government created a Recycling Taskforce to hire waste collectors to collect and deliver plastic bags to warehouses for recycling. The plastic producers are required to help fund the project. One quote regarding plastic bags in Ghana: "Plastic waste has had a terrible impact on tourism, particularly on the beaches east of Accra, where rain water carries the waste," Ghana's Tourism Minister Jake Obetsebi Lamptey told the IRIN News Service. "And the visible mountains of refuse in Accra give foreign tourists the impression that Ghana is a filthy country."

Kenya

- Kenya – In January 2008, the country of Kenya applied a thickness rule to plastic bags.

Lesotho

- Lesotho - Lesotho has proposed a thickness rule on plastic bags. The outcome of this proposal is not known at this time.

Rwanda

- Rwanda - In 2005 the Rwandan government banned plastic bags outright.

Somaliland

- Somaliland, an autonomous region of Somalia banned plastic bags completely as of March 2005.

South Africa

- South Africa - In 2003, the country of South Africa applied a thickness rule to plastic bags.

Tanzania

- Tanzania - In 2006, Tanzania banned plastic bags.
 - Zanzibar - Zanzibar, a city within Tanzania, banned plastic bags in 2006.

Uganda

- Uganda - In June 2007, Uganda imposed a thickness rule on plastic bags.

Asia

Bangladesh

- Bangladesh - The country of Bangladesh banned plastic bags in March 2002.
 - Dhaka, Bangladesh banned plastic bags in January 2002.

Bhutan

- Bhutan - The country of Bhutan banned plastic bags in June 2005. They did this to help reduce litter and thus raise the national happiness quotient.

China

- China - In January 2008, the country of China imposed a ban on specific plastic bags and also imposed a minimum thickness rule.
 - In Hong Kong, China a tax or charge is levied on plastic bags.

India

- India - In 2002, the Indian government mandated a thickness rule on plastic bags. All bags must be greater than 20 microns in thickness. This rule was implemented to reduce malaria outbreaks, aid in storm water runoff management and also to prevent the sacred cows of India from inadvertently ingesting plastic bags.
 - Maharashtra, India - In June 2005, the government in the state of Maharashtra enacted a plastic bag ban. This was done in response to localized flooding that was caused by plastic bags clogging waterways.
 - Delhi, India - In January 2009, the city of Delhi, India announced a ban on the use, storage and sale of all plastic bags. There are heavy fines for violators while citizens

and visitors are encouraged to use alternative material bags such as jute, cotton, recycled-paper and compostable bags.

Israel

- Israel – In June 2008, the Israeli government enacted a tax or charge upon plastic bags.

Maldives

- Baa Atoll - In 2009, Baa Atoll initiated “Say no to plastic bags”, a campaign that distributes cloth bags to all residents.

Philippines

- Philippines - In 2008, bill 4134 was introduced to House legislature that would place an excise tax on non-biodegradable plastic bags. All money generated from the tax would be used to support government initiated environmental protection programs. This bill was referred to committees and is pending there as of June 2009.
- Philippines - In 2007 SB1443 was introduced to the Senate that would have created the Plastic Bag Recycling Act. This bill was left pending in committee.

Taiwan

- Taiwan – In Taiwan, a plastic bag ban and tax or charge was enacted in January 2003.

Australia

- Australia (whole country) – In December 2002, the country of Australia enacted a reduction and phase out plan for plastic retail bags.
 - Victoria – In 2006, the state of Victoria opted to charge consumers for each plastic bag used at a store. The fee went into place as a trial in 2008 in a few locations.
 - South Australia – In 2008 South Australian government considered a proposal to ban polyethylene plastic bags that are 35 microns or less thick. Compostable and biodegradable bags would be exempted from the ban. The ban was passed and went into effect May 2009.
 - Coles Bay, Tasmania – Coles Bay, Tasmania is a tourist town, famous for the close proximity to whale migration. The town opted to go “plastic bag free” in April 2003. This move effectively banned plastic takeaway bags. Retailers offer reusable paper bags for a fee and also sell fabric bags.
 - Huskisson – A seaside location and whale watching tourism helped prompt the town of Huskisson to ban plastic bags in November 2003.
 - Kangaroo Valley – In November 2003, all retailers in the town committed to banning plastic bags. Reusable cloth bags are available for purchase at all shops.
 - Mogo – In September 2003, local retailers and the Mogo Progress Association worked together to go “plastic bag free.”

- Loddon Shire - In December 2005, Loddon Shire became “plastic bag free”. Effectively, a ban on take away plastic bags, the Loddon Shire Council purchased reusable shopping bags and distributed these bags free to retailers to kick start the program.

Europe

Belgium

- Belgium - The country of Belgium passed a tax on plastic bags in 2007 along with a tax on plastic films (like dry cleaning bags), aluminum foil, and disposable cutlery. The tax went into effect July 1, 2007.

Denmark

- Denmark - In Denmark, there is a tax on plastic bags. Starting in 1994 with a tax on packaging materials that was charged to retailers, it progressed to a tax in 2005 on waste. This waste tax makes it more expensive to send waste to a landfill or to incinerate it.

England

- London, England - In 2007, a proposed ban on plastic bags was introduced in London. By November 2008, the proposal was withdrawn. This ban withdrawal came after the ministers of the London Councils supported the implementation of a minimum charge on plastic bags. The government pledged that it would impose a minimum charge on shopping bags should retailers fail to make a voluntary and significant cut in the number of bags they give out. If the retailers fail to comply, the minimum charge will be imposed across England and Wales - this should bring about an even greater reduction in bag usage than London Councils’ Bill, which would only have affected London.
- Modbury, England - On May 1, 2007, the small town of Modbury and the resident shops and businesses enacted a ban on plastic bags (self-regulated). Shops offer reusable bags as well as compostable bags for items like fruit and meats.
- Girton, England- The shops in the village of Girton have stopped giving out free plastic bags as of January 2008. Reusable cotton bags were handed out to residents and shops will have cotton bags in stock to offer in place of plastic.
- Kew, England - In July 2008, the town of Kew began a plastic bag free campaign that encourages shops to forgo free giveaway bags and asks residents to bring their own reusable bags.
- Aylsham, England - On May 3, 2008, the historic market town of Aylsham went plastic bag free. The shops charge a fee for disposable bags including plastic, cornstarch and paper (shop determined fee and type of bag).
- Henfield, England - In May of 2008, the town of Henfield gave a free cotton bag to each household and all shops went “plastic bag free”. Shops charge for the use of paper or cornstarch bags and also have reusable cotton and canvas bags for sale.

- Hebden Bridge, England – This historic market town went “plastic bag free” in December 2007 using a campaign encouraging reusable bags. Residents were also given a free cotton bag as a kickoff for the program.
- Tisbury, England – In January 2008, the village of Tisbury went “plastic bag free;” shops encourage reusable bags and residents were charged with making the change from getting free bags at the store to bringing their own bags.
- Overton, England – Shopkeepers in the village of Overton switched from plastic bags to biodegradable cornstarch bags in October 2007.

France

- France – By 2010, plastic bags will be completely outlawed in France.
 - Corisca, France – The French island, Corsica, banned plastic bags in large stores in 1999.
 - Paris, France – In January 2007, the city of Paris banned non-biodegradable plastic bags in large stores. This was done in order to help reduce pollution in the city.

Germany

- Germany – In Germany, all stores that provide plastic takeaway bags must pay a recycling fee to the government to help enhance recycling programs.

Ireland

- Ireland – In March 2002, the Republic of Ireland passed a law enacting a tax on plastic bags. This tax, known widely as the “PlasTax,” caused a reduction in plastic bag use of 90%. Since 2002, the reduction has become markedly less (meaning that consumers are using more plastic bags) and so in 2007, the government opted to increase the tax.

Italy

- Italy – In May 2007, Italy passed a law banning non-biodegradable plastic bags starting in 2010. Previously, the country had a plastic bag tax from 1989 to 1992.

Macedonia

- Macedonia – Beginning in January 2009, plastic bags were banned by the Environmental Ministry from the retail and food sectors as well as at markets. For heavier items, plastic bags of a 14 micron thickness with a carrying capacity of at least 5kg (about 11 lbs) can be purchased by customers. A review of this order in early 2009 showed a reduction of the use of plastic bags by retailers of up to 82% as compared to numbers from November 2008. The review also showed that there was a need to increase the minimum thickness for the bags used to carry heavier items and so starting in May 2009, the thickness for such bags is 21 microns.

Scotland

- Scotland – In 2006, the Plastic Bag Levy Bill was introduced in the Scottish Executive. The bill would have required supermarkets and other retailers to charge a fee for every plastic bag supplied to a customer. The bill was withdrawn before it could be voted upon.
 - Banchory, Scotland – In January 2008, the town of Banchory started a campaign to encourage consumers to bring reusable bags to shops and also asked shop owners to cease carrying free plastic bags.
 - Selkirk, Scotland – On April 4, 2008, this town became plastic bag free. The town encourages the use of reusable bags and funded local shops to buy paper bags made with recycled content for general shopping bag use and compostable cornstarch bags for food, meat and fish.

Spain

- Spain - Spain has enacted a law to halve the country's consumption of plastic bags by the end of 2009.

Wales

- Wales - The Environmental Minister of Wales proposed a plastic bag charge between 5-15pence at all retail establishments. Revenues generated from the tax would be used to fund environmental programs. Currently, supermarkets are working on a voluntary basis to reduce the amount of distributed plastic bags by 50%. It is estimated that Wales uses 480 million plastic bags per year. On November 3, 2009 the Environmental Minister confirmed that by May 2011, shoppers will be charged up to 15pence each for single-use plastic bags.
 - Hay-On-Wye, Wales – In December 2007, the Chamber of Commerce and citizens of Hay-On-Wye decided to go plastic bag free. The shops charge for cornstarch takeaway bags and the town is encouraging the use of reusable bags.
 - Llandysilio, Wales - In 2007, the small village of Llandysilio in Pembrokeshire Wales banned plastic bags from being given out at all shops including the post office.

South America

Argentina

- Buenos Aires province, Argentina – The government of Buenos Aires province mandated biodegradable bags and banned give away polyethylene plastic bags in September 2008.

Brazil

- Brazil – A bill (PL 612/2007) was introduced in the Brazilian Chamber of Deputies in March 2007. The bill promoted the replacement of conventional bags with biodegradable bags in retail outlets throughout Brazil. This bill was not passed.
- Brazil - In March 2008 an agreement was signed between the Government of the State of São Paulo and the São Paulo Association of Supermarkets (APAS), which provides for joint environmental awareness campaigns promoted by the Environment Ministry of St. Paul and retail entities. Also in March 2008 the Ministry of Environment launched the campaign

"Conscious Consumption of packaging", with the exhibition "Best practices and innovations in packaging," organized as a starting point of educational work that will spread across Brazil.

Chile

- Chile - In 2008, Senators in the Chilean government proposed a bill that prohibits the distribution of non-degradable plastic bags and a tax or fee on non-degradable bag producers that cannot be passed onto customers.

Uruguay

- Uruguay - In 2008, Uruguayan lawmakers proposed a tax on plastic bags and a transition from plastic bags to biodegradable bags in a two-year period. The bill was passed by the House of Representatives on September 17, 2009 and was transferred to the Senate for review. In addition, on September 2, 2009 the Ministry of Housing and Environment launched a campaign called "Get Bags Out of the Environment" ("Sacá la Bolsa del Medio").
- Uruguay - In 2007, Ordinance No. 260/2007 was adopted which required merchants to implement actions to minimize waste, generation of plastic bags, and to develop management plants for their rational use, reuse and recycling.

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RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE; FLORIDA EXPRESSING ITS OPPOSITION TO ANY INCREASE IN GASOLINE TAXES BY THE CONGRESS OF THE UNITES STATES OR THE LEGISLATURE OF THE STATE OF FLORIDA; PROVIDING DIRECTIONS TO THE VILLAGE CLERK AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS)

WHEREAS, it has been many years since consumers have experienced the monetary relief currently afforded by the recent reductions in gasoline prices; and

WHEREAS, the lower gasoline prices will provide both citizens and businesses with the opportunity to engage in activities and opportunities that were not previously available to them; and

WHEREAS, it is hoped that the current gasoline prices will be maintained or further reduced, during the upcoming year; and

WHEREAS, the benefits afforded by the cost reductions should be allowed to be experienced for as long as possible; and

WHEREAS, although there has been much discussion over the last few years of the decaying infrastructure across the country and the inability of the Federal and State Governments to fund needed repairs, the current reductions of gasoline prices should not be seen as an opportunity to raise gasoline taxes to fund the infrastructure repairs; and

WHEREAS, any such increases in gasoline taxes would negate the recent reductions in gasoline prices and limit, if not eliminate, the benefits that should explore all other available sources of revenue to secure whatever funding is required for infrastructure repairs without authorizing increases in Federal or State gasoline taxes.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The above Recitals are true and correct and incorporated herein by this reference.

Section 2. Opposition to Increase in Gasoline Taxes. North Bay Village hereby opposes the imposition of any increase in gasoline taxes by the Federal Government or by the State of Florida.

Section 3. Transmittal. The Village Clerk is hereby directed to transmit copies of this Resolution to the United States Congress, Florida Legislature, Florida League of Cities, Miami-Dade County League of Cities, and the municipalities of Miami-Dade County.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by _____, who moved for its adoption. This motion was seconded by _____, and upon being put to a vote, the vote was as follows:

FINAL VOTE AT ADOPTION:

Mayor Connie Leon-Kreps	_____
Vice Mayor Jorge Gonzalez	_____
Commissioner Richard Chervony	_____
Commissioner Wendy Duvall	_____
Commissioner Eddie Lim	_____

PASSED and ADOPTED this 10th day of March 2015.

MAYOR CONNIE LEON-KREPS

ATTEST:

YVONNE P. HAMILTON, CMC
Village Clerk

APPROVED AS TO FORM:

Robert L. Switkes & Associates, P.A.
Village Attorney

City of North Bay Village Resolution: Opposing the imposition of increase in gasoline taxes by the Federal Government or by the State of Florida.



North Bay Village

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MEMORANDUM

North Bay Village

DATE: March 2, 2015

TO: Yvonne P. Hamilton
Village Clerk

FROM: Connie Leon-Kreps
Mayor

SUBJECT: Introduction of Resolution

Pursuant to Section 3.08 of the Village Charter, I hereby introduce the following Resolution:

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE; FLORIDA EXPRESSING ITS OPPOSITION TO ANY INCREASE IN GASOLINE TAXES BY THE CONGRESS OF THE UNITES STATES OR THE LEGISLATURE OF THE STATE OF FLORIDA; PROVIDING DIRECTIONS TO THE VILLAGE CLERK AND SETTING AN EFFECTIVE DATE.

Accordingly, please place the item on the next available agenda.

CLK:yph

Mayor
Connie Leon-Kreps

Vice Mayor
Jorge Gonzalez

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Eddie Lim

ORDINANCE NO: _____

AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 38 OF THE CODE OF ORDINANCES ENTITLED "CONFLICT OF INTEREST AND CODE OF ETHICS" BY REVISING SECTION 38.36 TO REMOVE THE REQUIREMENT FOR ELECTED OFFICIALS, ADVISORY BOARDS AND COMMITTEE MEMBERS TO RECEIVE ETHICS TRAINING THROUGH LIVE INSTRUCTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE ATTORNEY ROBERT SWITKES)

WHEREAS, on February 12, 2013, the Village Commission approved and adopted Ordinance No. 2013-03 amending Chapter 38 of the Village Code of Ordinances and creating Section 38.36 to add requirements for elected officials, advisory boards and committee members to receive ethics training; and

WHEREAS, the Village Commission has reviewed Section 38.36, which requires that ethics training required under Section 38.36 be received through live instruction; and

WHEREAS, the Village Commission has determined that the live instruction requirement imposed by Section 38.36 is not consistent with the requirements imposed by Florida Statute and the State Ethics Commission.

NOW, THEREFORE, BE IT ENACTED BY THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1: **Recitals Adopted.** The foregoing whereas clauses are hereby ratified and confirmed as being true and the same are hereby made a specific part of this Ordinance.

Section 2: **Village Code Amended.** That Chapter 38, Section 38.36 of the North Bay Village Code of Ordinances is amended to read as follows:

§ 38.36 - Ethics training.

Notwithstanding the provisions of § 38-01, the provisions of this subsection shall apply exclusively to the Mayor and Commissioners and members of the Advisory Boards and Committees to the Commission.

(A) The Mayor and each Commissioner shall complete a minimum of four certified hours of ethics training on an annual basis and members of Advisory Boards and Committees at least once during their term of office. ~~Such training shall be by participation in a live training.~~

(B) For purposes of this section, "ethics training" shall mean a course, seminar, workshop or other training ~~by live participation~~ that pertains to the conflict of interest and code of ethics provisions in F.S. Chapter 112, Chapter 2 of the Miami Dade County Code and Chapter 38 of the Village Code.

(C) The Mayor, each Commissioner (elected or appointed), and members of the Advisory Boards and Committees to the Commission who have not completed ethics training within one year prior to the date that the person takes the oath of office, shall complete at least four certified hours of ethics training within 120 days after the date the person takes the oath of office. The Mayor and each Commissioner shall complete ethics training at least one time annually thereafter while in office. The members of the Advisory Boards and Committees shall complete the training at least once during their term of office.

(D) The ethics training required under this section shall be completed in accordance with the requirements imposed by Florida Statute and the Florida Commission on Ethics, offered through live instructions from the Miami Dade County Commission on Ethics, the Florida League of Cities, the Florida Institute of Government at any recognized Florida university or any related entity that offers a course covering the statutes and codes specified in subsection 38-36(B).

Section 3: **Repeal.** All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are repealed to the extent of such conflict.

Section 4: **Severability.** The provisions of this Ordinance are declared to be severable, and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance, and they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 5: **Inclusion in the Code.** It is the intention of the Village Commission, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of North Bay Village; that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "section" or other appropriate word.

Section 6: **Effective Date.** This Ordinance shall take effect immediately upon approval.

A motion to approve the foregoing Ordinance on first reading on _____ was offered by _____, seconded by _____.

THE VOTES WERE AS FOLLOWS:

Mayor Connie Leon-Kreps _____
Vice Mayor Jorge Gonzalez _____
Commissioner Richard Chervony _____
Commissioner Wendy Duvall _____
Commissioner Eddie Lim _____

APPROVED ON FIRST READING this ____ day of _____, 2015.

A motion to approve the foregoing Ordinance on second reading on _____ was offered by _____, seconded by _____.

FINAL VOTES AT ADOPTION:

Mayor Connie Leon-Kreps _____
Vice Mayor Eddie Lim _____
Commissioner Richard Chervony _____
Commissioner Wendy Duvall _____
Commissioner Jorge Gonzalez _____

DULY PASSED AND ADOPTED this ____ day of _____, 2015.

Connie Leon-Kreps
Mayor

ATTEST:

Yvonne P. Hamilton, CMC
Village Clerk

APPROVED AS TO FORM FOR THE USE OF
NORTH BAY VILLAGE ONLY:

Robert L. Switkes & Associates, P.A.
Village Attorney

North Bay Village Ordinance: Removal of Live Instruction Requirement for Ethics Training.



North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

MEMORANDUM

North Bay Village

DATE: March 2, 2015

TO: Yvonne P. Hamilton
Village Clerk

FROM: Robert L. Switkes
Village Attorney

SUBJECT: Introduction of Resolution

Pursuant to Section 3.08 of the Village Charter, I hereby introduce the following Ordinance:

AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 38 OF THE CODE OF ORDINANCES ENTITLED "CONFLICT OF INTEREST AND CODE OF ETHICS" BY REVISING SECTION 38.36 TO REMOVE THE REQUIREMENT FOR ELECTED OFFICIALS, ADVISORY BOARDS AND COMMITTEE MEMBERS TO RECEIVE ETHICS TRAINING THROUGH LIVE INSTRUCTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE VILLAGE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

Accordingly, please place the item on the next available agenda.

RS:yph

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 36 OF THE VILLAGE CODE ENTITLED "PROCUREMENT REQUIREMENTS" BY REVISING SECTION 36.25(J) GIVING PREFERENCE TO FLORIDA VENDORS FOR SELECTION UNDER THE PIGGY-BACK PURCHASE PROVISION; PROVIDING FOR CONFLICT, CODIFICATION, SEVERABILITY; AND AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

WHEREAS, the Village Commission enacted Chapter 36 of the Village Code to regulate the Village's purchasing procedures; and

WHEREAS, the Village Commission desires to amend the purchasing regulations to provide that Florida contractors and suppliers be given first preference when considering purchases under the piggy-back provision in Section 36.25(J) of the Village's purchasing regulations.

NOW, THEREFORE, BE IT ENACTED BY THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. The above stated recitals are true and correct and incorporated herein by this reference.

Section 2. Village Code Amended. Section 36.25(J) of the North Bay Village Code is amended to read as follows¹:

§ 36.25 - Procurement requirements.

- (A) *Purpose.* The purpose of this procurement code is to maximize the purchasing value of public funds in the procurement of goods and services, to provide safeguards for maintaining a procurement system of quality and integrity, and to provide for the fair and equitable treatment of all persons involved in purchasing by North Bay Village. This Code applies to contracts for the purchase of goods and services, and, to the maximum extent feasible, to the granting of franchises after the effective date of the adopting ordinance. When procurement involves the expenditure of federal, State or county funds, the procurement shall be conducted in accordance with any mandatory applicable law and grant contract terms. Nothing in this code shall prevent the Village from complying with the terms and conditions of any grant, gift, or bequest that is consistent with applicable law.
- (B) *Responsibilities of the Village Manager.* The Village Manager shall act as the Village's purchasing agent and have exclusive control over the purchase of all goods and services, and approve all vouchers for the payment of goods and services.

¹ Additions to the text are shown in underline. Deletions to the text are shown in ~~strikethrough~~.
Additions shown by Underlining and deletion shown by ~~strikethrough~~.

The Village Manager shall be responsible for the development of procurement specifications, contract administration, inspection of vendor books and records, and inspection and acceptance of goods and services.

The Village Manager shall also be responsible for the management and disposal of surplus property. The Village Manager may delegate responsibility for the administration of this Code as he or she deems necessary.

(C) *Methods of procurement.* All contracts of the Village shall be awarded by competitive sealed bidding except as provided by paragraph (E) (competitive sealed proposals), paragraph (F) (contracting for designated professional services), paragraph (G) (small purchases), paragraph (H) (sole source procurement), paragraph (I) (emergency procurement) and (J) ("Piggy back" purchases).

(D) *Competitive sealed bidding.*

(1) *Invitation to bid.* An invitation to bid shall be issued and shall include specifications and all material contract terms and conditions.

(2) *Public notice.* Adequate public notice of the invitation to bid shall be given a minimum of 14 calendar days prior to the date set for the opening of bids, or as otherwise provided by law. The notice shall be published in a newspaper of general circulation and posted on the official public notice bulletin board in Village Hall. The invitation to bid and notice shall state the place, date and time of bid opening.

(3) *Bid opening.* Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid, and such other relevant information as the Village Manager deems appropriate, together with the name of each bidder shall be recorded. The record and each bid shall be open to public inspection.

(4) *Bid acceptance and bid evaluation.* Bids shall be accepted without alteration or correction, except as authorized in this Code. Bids shall be evaluated based on the requirements set forth in the invitation to bid, which may include criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose.

Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The invitation to bid shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluation that are not set forth in the invitation for bids.

- (5) *Correction or withdrawal of bids.* Correction or withdrawal of inadvertently erroneous bids before bid opening is permitted. Mistakes discovered before bid opening may be modified or withdrawn by written or electronic notice received in the office designated in the invitation to bid prior to the time set for bid opening. After bid opening, no changes in bid prices or other provisions of bids shall be permitted. A low bidder alleging a clerical mistake may be permitted to withdraw its bid if the mistake is clearly evident on the face of the bid document and the bidder submits convincing evidence that a mistake was made.
- (6) *Award.* The contract shall be awarded with reasonable promptness by appropriate written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation to bid.
- (7) *Bonds.*
 - (a) *Construction contracts greater than \$50,000.00.* For construction contracts exceeding \$50,000.00, contractors shall submit the following with the bid documents:
 1. A bid guarantee equal to five percent of the bid price;
 2. A performance bond for 100 percent of the contract price; and
 3. A payment bond for 100 percent of the contract price.
 - (b) *All other contracts.* The Village Manager may require any or all of the three bonds or guarantees listed above. The bid specification shall include the amount and type of bond(s) or guarantees that are required.
- (E) *Competitive sealed proposals.*
 - (1) *Conditions for use.* When the Village Manager determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the Village, a contract may be entered into by use of the competitive sealed proposals method. An adequate number of sources shall be solicited.
 - (2) *Request for proposals.* Proposals shall be solicited through a request for proposals (RFP) or similar method (RFQ, RFLI, etc.), all of which shall be referred to in this ordinance as RFPs. The intent being that the Village Manager shall choose the most appropriate alternative. The RFP shall clearly identify the relative importance of price and other evaluation factors, and the weight given to each factor. A process for fairly and thoroughly evaluating the proposals shall be established before the solicitation is issued.
 - (3) *Public notice.* Adequate public notice of the request for proposals shall be given in the same manner as provided in subparagraph (D)(2) (competitive sealed bidding, public notice) except the period may be longer or shorter if the Village Manager so states in the specifications or as otherwise required by law. Except when required by state law, the Village may, in lieu of the newspaper advertisement required by this section, publish the public notice on the Village web site and the official bulletin board in Village Hall.

Additions shown by Underlining and deletion shown by ~~strikethrough~~.

- (4) *Proposal opening.* Competitive sealed proposals shall be publicly opened by the Village Clerk or designee.
- (5) *Negotiations.* The request for proposals may provide that negotiations be conducted with responsible offerors who submit proposals determined to be reasonably acceptable for selection ~~suseptible of being selected~~ for award for the purpose of clarification to assure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting negotiations, there shall be no disclosure of the identity of competing offerors or of any information derived from proposals submitted by competing offerors until award is finalized.
- (6) *Award.* Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the Village, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the written basis on which the award is made.

(F) *Contracting for designated professional services.*

- (1) *Authority.* In procuring architectural, engineering, landscape architectural, surveyor services, or other professional services as defined in F.S. § 287.055(2). The Village Manager shall comply with the requirements of the Consultant's Competitive Negotiation Act, (CCNA), F.S. § 287.055 or other Florida Statutes that require the use of the CCNA requirements.

(G) *Small purchases.*

- (1) *General.* Any contract not exceeding \$15,000.00 over the life of the contract may be made in accordance with the small purchase procedures authorized in this section. Contract requirements shall not be artificially divided so as to constitute a small purchase under this section.
- (2) *Small purchases of \$5,000.00 or less.* The Village Manager shall have the discretion to purchase goods and services that do not exceed \$5,000.00 in the manner he or she deems most appropriate.
- (3) *Small purchases over \$5,000.00.* The Village Manager shall purchase goods and services in excess of \$5,000.00 but that do not exceed \$15,000.00, upon obtaining price quotations from no less than three businesses, or, in the alternative, from a supplier that is on the current approved vendors list of, or who has been selected in a competitive process within the last 24-month period by another governmental entity or public agency in the State of Florida. Award shall be made to the business offering the lowest acceptable quotation.

The names of the businesses submitting quotations, and the date and amount of each quotation, shall be recorded in writing and maintained as a public record.

Additions shown by Underlining and deletion shown by ~~strikethrough~~.

- (H) *Sole source procurement.* A contract may be awarded without competition when the Village Manager determines in writing, after conducting a good faith review of available sources, that there is only one source for the required supply, service, or construction item. The Village Manager shall conduct negotiations, as appropriate, as to price, delivery, and terms. A record of sole source procurements shall be maintained as a written public record and shall list each contractor's name, the amount and type of each contract.
- (I) *Emergency procurements.* Notwithstanding any other provisions of this ordinance, the Village Manager may make emergency procurements of goods and services when there exists a threat to public health, welfare, or safety; provided that such emergency procurements shall be made with such competition as is practicable under the circumstances. The Village Manager may also make emergency procurements of design, engineering, construction management and construction services as provided by F.S. § 255.20. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the written contract file. As soon as practicable, a record of each emergency procurement shall be made and shall set forth the contractor's name, the amount and type of the contract, and a listing of the item(s) procured under the contract.
- (J) *"Piggy back" purchases.* A contract may be awarded without sealed bidding upon a determination by the Village Manager that the purchase meets acceptability criteria and the supplier has been selected in a competitive process within the last 36-month period by another governmental entity or public agency. ~~in the State of Florida.~~ Suppliers or contractors within the State of Florida shall be considered first.
- (K) *Not for profit government related organizations.* The Village may enter into a contract for goods or services from a governmental related professional organization without the requirement for the competitive bidding process. Organizations that the Village can contract for goods or services include (but are not limited to) the Federal, State and County League of Cities, the state and national professional organizations of the City Managers, City Attorneys, City Clerks, City Planners and Finance Officers Associations, and Florida Sheriffs' Association.
- (L) *Best interest of Village.* The Village Commission may award a contract without sealed bidding upon a finding that the process of competitive bidding and competitive proposals is not in the best interest of the Village.
- (M) *Other exceptions.* With the approval of the Village Manager, the following supplies and services may be procured without competition, subject to the requirements of this Code:
- (1) Servicing or warranty work of equipment by an authorized dealer or representative when work by another party would void a warrantee or guarantee;
 - (2) Renewal of software licenses;
 - (3) Used equipment and machinery;
 - (4) Advertising in newspapers, periodicals and related publications, television, radio and billboards;

Additions shown by Underlining and deletion shown by ~~strikethrough~~.

- (5) Commodities available only from the federal government, the State of Florida or Florida local governments;
- (6) Fees, including medical fees and physician fees;
- (7) Freight, storage charges, and demurrage;
- (8) Licenses;
- (9) Membership in professional, trade and other similar associations;
- (10) Postage;
- (11) Published books, manuals, maps, periodicals, films, technical pamphlets, CDs, DVDs, and copyrighted educational aids for use in libraries and for other informational and instructional purposes in instances in which other applicable law does not provide a restrictive means for the acquisition of them;
- (12) Real property;
- (13) Services of visiting speakers, lecturers, facilitators, and performing artists;
- (14) Utility services, the rates for which are subject to regulation by a county, state or federal regulatory agency.

(N) *Miscellaneous provisions.*

- (1) If less than three responsive bids or proposals in response to a bid or an RFP or other competitive sealed proposal are received, the Village Manager may either: (a) reject the bids or proposals, change the bid specifications, evaluation criteria, or other material terms and conditions and re-solicit the procurement; or, (b) negotiate the best terms and conditions with the responsive bidders or proposers. The Village Manager shall document the reasons that negotiating with the responsive bidders or proposers is in the best interest of the Village in lieu of re-soliciting competitive sealed bids or proposals.
- (2) The Village Manager may create a selection committee to evaluate proposers' statements of qualifications, responses to RFPs, design-build proposals and franchise proposals. Members of the selection committee may be department heads or employees of departments charged with responsibility relating to the procurement, planning, building and engineering consultants to the Village, and other persons who possess the professional or business expertise to evaluate the qualifications and proposals.

The selection committee will evaluate and rank proposers, and make a written report and recommendation to the Village manager.

- (O) *Cancellation of invitations for bids or requests for proposals.* An invitation for bids, a request for proposals, or other solicitation may be cancelled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is for good cause and in the best interests of the Village. The reasons for cancellation shall be made part of the purchasing file. Each solicitation issued by the Village shall state that the solicitation may be cancelled and that any bid or proposal may be rejected in whole or in part for good cause when in the best interests of the Village. Notice of cancellation shall be sent to all businesses solicited. The notice shall identify the solicitation, explain the reason for cancellation and, where appropriate, explain that an opportunity will be given to compete on any re-solicitation or any further procurement of similar items. Reasons for rejection shall be provided upon request to any unsuccessful bidders or offerors.
- (P) *Determination of nonresponsibility.* If a bidder or offeror who otherwise would have been awarded a contract is found nonresponsible, a written determination of nonresponsibility, setting forth the basis of the finding, shall be prepared by the Village Manager. The unreasonable failure of a bidder or offeror to supply promptly information in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsibility. A copy of the determination shall be sent promptly to the nonresponsible bidder or offeror. The final determination shall be made part of the purchasing file and be made a public record.
- (Q) *Contract clauses and their administration.*
- (1) *Contract clauses.* All contracts for goods and services shall include provisions necessary to define the responsibilities and rights of the parties to the contract. Contract clauses may address, among others, the following subjects:
- (a) The unilateral right of the Village to order in writing changes in the work within the scope of the contract;
 - (b) The unilateral right of the Village to order in writing temporary stopping of the work or delaying performance that does not alter the scope of the contract;
 - (c) Variations occurring between estimated quantities of work in contract and actual quantities;
 - (d) Defective pricing;
 - (e) Liquidated damages;
 - (f) No damages for delay by the Village;
 - (g) Specified excuses for delay or nonperformance;
 - (h) Termination of the contract for default;
 - (i) Termination of the contract due to unavailability of funds in succeeding fiscal periods;
 - (j) Termination of the contract in whole or in part for the convenience of the Village;

Additions shown by Underlining and deletion shown by ~~strikethrough~~.

- (k) Suspension of work on a construction project ordered by the Village; and
- (l) Site conditions differing from those indicated in the contract, or ordinarily encountered, except that a differing site conditions clause need not be included in a contract:
 - (i) When the contract is negotiated;
 - (ii) When the contractor provides the site or design; or
 - (iii) When the parties have otherwise agreed with respect to the risk of differing site conditions.
- (2) *Standard clauses and their modification.* The Village Manager, after consultation with the Village Attorney, may establish standard contract clauses for use in Village contracts.
- (R) *Contract administration.* A contract administration system designed to insure that a contractor is performing in accordance with the solicitation under which the contract was awarded, and the terms and conditions of the contract, shall be maintained by the Village Manager.
- (S) *Village procurement records.*
 - (1) *Purchasing file.* All determinations and other written records pertaining to the solicitation, award, or performance of a contract shall be maintained for the Village in a purchasing file by the Village Clerk.
 - (2) *Retention of procurement records.* All procurement records shall be retained and disposed of by the Village in accordance with the records retention guidelines and schedules approved by the Florida Department of State.
- (T) *Bid protests.*
 - (1) *Right to protest.* Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the Village Commission. Protestors must seek resolution of their complaints initially with the Village Manager. A protest of a solicitation of an invitation to bid or request for proposals shall be submitted in writing to the Village Manager prior to the opening of bids or the closing date of proposals, unless the aggrieved person did not know and could not have known of the facts giving rise to such protest prior to bid opening or the closing date for proposals. A protest of an award of a contract, or the discovery of facts relating to a claim of irregularity in the solicitation, shall be submitted in writing to the Village Manager within ten days of the award of the contract.
 - (2) *Stay of procurements during protests.* In the event of a timely protest under this paragraph, the Village Manager shall not proceed further with the solicitation or award of the contract until all administrative and judicial remedies have been exhausted or until the Village Commission makes a determination on the record that the award of a contract without delay is necessary to protect substantial interests of the Village.

Additions shown by Underlining and deletion shown by ~~strikethrough~~.

- (3) *Protest bond.* A protestor shall post a protest bond, equal to 15 percent of the bid amount, payable to the Village in the event the protest is denied.

(U) *Contract claims.*

- (1) *Decision of the Village Manager.* All claims by a contractor against the Village relating to a contract shall be submitted in writing to the Village Manager for a decision. The contractor may request a conference with the Village Manager on the claim. Claims include, without limitation, disputes arising under a contract, and those based upon breach of contract, mistake, misrepresentation, or other cause for contract modification or rescission.
- (2) *Notice to the contractor of the Village Manager's decision.* The decision of the Village Manager shall be promptly issued in writing, and shall be immediately mailed or otherwise furnished to the contractor. The decision shall state the reasons for the decision reached, and shall inform the contractor of its appeal right under subparagraph (U)(3).
- (3) *Finality of Village Manager's decision; contractor's right to appeal.* The Village Manager's decision shall be final and conclusive unless, within ten calendar days from the date of receipt of the decision, the contractor files a written appeal with the Village Commission. The contractor must exhaust these administrative remedies before petitioning the circuit court for review of the Village's administrative decision.
- (4) *Failure to render timely decision.* If the Village Manager does not issue a written decision regarding any contract controversy within ten days after written request for a final decision, or within such longer period as may be agreed upon between the parties, then the contractor may proceed as if an adverse decision had been received.

Section 3. Conflicts. All ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. Codification. This Ordinance shall be codified and become part of the North Bay Village Code. The sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. Severability. If any section, clause, sentence, or phrase of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this Ordinance.

Section 6. Effective Date. This Ordinance shall take effect immediately upon enactment.

Additions shown by Underlining and deletion shown by ~~strikethrough~~.

A motion to approve the foregoing Ordinance on first reading was offered by _____, seconded by _____.

The Votes were as follows:

Mayor Connie Leon-Kreps _____
Vice Mayor Jorge Gonzalez _____
Commissioner Richard Chervony _____
Commissioner Wendy Duvall _____
Commissioner Eddie Lim _____

FINAL VOTES AT ADOPTION:

Mayor Connie Leon-Kreps _____
Vice Mayor Jorge Gonzalez _____
Commissioner Richard Chervony _____
Commissioner Wendy Duvall _____
Commissioner Eddie Lim _____

DULY PASSED AND ADOPTED this ____ day of _____, 2015.

Connie Leon-Kreps
Mayor

ATTEST:

Yvonne P. Hamilton, CMC
Village Clerk

**APPROVED AS TO FORM FOR THE USE OF
NORTH BAY VILLAGE ONLY:**

Village Attorney
Robert L. Switkes & Associates, P.A.

North Bay Village Ordinance: Amendment to 36.25(J) allowing Preference to Florida Residents for piggy-back purchases.

Additions shown by Underlining and deletion shown by ~~strikethrough~~.



North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

MEMORANDUM

North Bay Village

DATE: March 2, 2015

TO: Yvonne P. Hamilton
Village Clerk

FROM: Frank K. Rollason
Village Manager

SUBJECT: Introduction of Ordinance

Pursuant to Section 3.08 of the Village Charter, I hereby introduce the following Ordinance:

AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 36 OF THE VILLAGE CODE ENTITLED "PROCUREMENT REQUIREMENTS" BY REVISING SECTION 36.25(J) GIVING PREFERENCE TO FLORIDA VENDORS FOR SELECTION UNDER THE PIGGY-BACK PURCHASE PROVISION; PROVIDING FOR CONFLICT, CODIFICATION, SEVERABILITY; AND AN EFFECTIVE DATE.

Accordingly, please place the item on the next available agenda.

FKR:ypb



North Bay Village

12C

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

NORTH BAY VILLAGE RECOMMENDATION MEMORANDUM

DATE: March 10, 2015

TO: Mayor Connie Leon Kreps
Vice-Mayor Jorge Gonzalez
Commissioner Eddie Lim
Commissioner Dr. Richard Chervony
Commissioner Wendy Duvall

RECOMMENDED BY: Frank Rollason, Village Manager

PRESENTED BY STAFF: Leilani Calzadilla
Building & Zoning Clerk

SUBJECT: Section 151.11, North Bay Village Code, Building Permit Fees

RECOMMENDATION:

It is recommended that the Commission approve the attached Ordinance on first reading, which would change the building permit fees in Chapter 151.11 (A). These changes will reword and clarify some of the fees and specify the ones that are non-refundable.

BACKGROUND:

On July 8, 2014, the Commission approved several major changes to the Village's building permit fee schedule. The Building Department Clerk found that certain language in the regulations needed to be clarified in order to properly apply the fees. Two of the main areas for clarification are the refunding of certain permit fees and the fee amounts.

The Village incurs expenses reviewing the plans before the building permit fees are paid. However, unless there are specific non-refundable statements in the code, the Village would lose this cost recovery funding if a permit is not issued.

If the permit is issued the applicant will receive full benefit of the monies paid up front.

Mayor
Connie Leon-Kreps

Vice Mayor
Jorge Gonzalez

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Eddie Lim

FINANCIAL IMPACT:

This will ensure that the Village is not underwriting the review process for permit applications that are not issued.

BUGETARY IMPACT

Minimal impact, if any.

PERSONNEL IMPACT:

None.

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, AMENDING CHAPTER 151 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES RELATING TO “BUILDING PERMIT FEES” BY REVISING SECTION 151.11; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

WHEREAS, the Village Commission adopted Ordinance No. 2014-07 on July 8, 2014 making significant revisions to Section 151.11 of the North Bay Village Code of Ordinances pertaining to Building Permit Fees; and

WHEREAS, the Village Commission desires to further amend Chapter 151.11 to clarify certain fees.

BE IT ENACTED BY THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. **Village Code Amended.** Section 151.11 of the North Bay Village Code of Ordinances is amended to read as follows¹:

PERMIT; FEES.

§ 151.11 - Permits; fees.

(A) No person shall erect or construct, or proceed with the erection or construction of any building or structure, nor add to, enlarge, move, improve, alter, convert, extend or demolish any building or structure, where the cost of the work is more than \$500.00 without first obtaining a building permit.

Exception: Any construction activities, regardless of the value, that includes structural, electrical, plumbing, or mechanical work shall require a permit.

An applicant for a building permit shall tender a non-refundable permit fee in the amount of \$125.00 with the application. The minimum permit fee shall be \$125.00.

When the base permit fee exceeds \$400.00, there shall be imposed a nonrefundable plan review fee equal to one-third of the base total building permit fees (including electrical, plumbing, and mechanical) to be paid at the time of submittal of the building permit application. This fee shall be applied to deducted from the total fees at the time of issuance of the building permit. Should building permit not be issued, this fee shall not be refunded.

¹ Additions to the text are shown in underline. Deletions to the text are shown in ~~strikethrough~~.

An additional plan review fee in the amount of \$125.00 per hour or the actual cost of engineering services to the Village shall be passed through and imposed upon the contractor or owner by the Village Building Department to fully offset all fees and costs incurred by the Village in providing the structural engineering review mandated by Miami-Dade County.

An additional plan review fee in the amount of \$125.00 per hour or the actual cost of zoning services to the Village shall be passed through and imposed upon the contractor or owner by the Village Building Department to fully offset all fees and costs incurred by the Village in providing the zoning review mandated by the Village Code.

These fees shall be paid by the contractor or owner to the Village prior to the issuance of a permit and shall, if not paid, constitute a lien upon the property for which a building permit is sought. These fees shall be due and payable without regard to whether or not a permit is issued by the Building Department.

If the applicant has not picked up the resulting building permit within 90 days of receipt of notice from the Village that the application is approved and ready for pick up, then the Village may close the application out and maintain the proper records as required by Florida Statutes. An applicant wishing to ~~If the applicant wishes to~~ receive a permit after the 90-day period ~~they~~ must reapply with a new application. There shall be ~~is~~ no refund of any prior payments or fees if the application has expired.

For purposes of determining the permit fee, the value of the work to be performed under the permit shall be determined as follows:

- (1) For new construction of and additions to the Florida Building Code occupancies the construction value of the work shall be the current values established by the Miami-Dade Board of County Commission
- (2) For miscellaneous permit activity not otherwise provided for in this section, including but not limited to repair, or alterations, or changes to electrical service, the value of the work shall be the actual value of such work as determined by the applicant and approved by the Building Official. The applicant shall be responsible for accurate reporting of the value of the work, and the reported value shall be subject to review and verification by the Building Official.

~~When the base permit fee exceeds \$400.00, there shall be imposed a nonrefundable plan review fee equal to one third of the base total building permit fees (including electrical, plumbing, and mechanical) to be paid at the time of submittal of the building permit application. This fee shall be applied to deducted from the total fees at the time of issuance of the building permit. Should building permit not be issued, this fee shall not be refunded.~~

~~An additional plan review fee in the amount of \$125.00 per hour or the actual cost of engineering services to the Village shall be passed through and imposed upon the contractor or owner by the Village Building Department to fully offset all fees and costs incurred by the Village in providing the structural engineering review mandated by Miami-Dade County.~~

~~An additional plan review fee in the amount of \$125.00 per hour or the actual cost of zoning services to the Village shall be passed through and imposed upon the contractor or owner by the Village Building Department to fully offset all fees and costs incurred by the Village in providing the zoning review mandated by the Village Code.~~

~~These fees shall be paid by the contractor or owner to the Village prior to the issuance of a permit and shall, if not paid, constitute a lien upon the property for which a building permit is sought. These fees shall be due and payable without regard to whether or not a permit is issued by the Building Department.~~

(1) New buildings and/or additions:

Permit fee shall be square footage or fractional part of the floor area × \$1.00, plus additional fees for electrical, plumbing, and mechanical, sign permits as listed herein.

Minimum fee\$125.00

(2) Commercial construction:

Permit fee shall be square footage times a factor of \$0.75.

Section 3. Conflicts. All ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are repealed.

Section 4. Codification. This ordinance shall be codified and included in the code of ordinances.

Section 5. Severability. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this ordinance.

Section 6. Effective Date. This Ordinance shall take effect immediately upon enactment.

A motion to approve the foregoing Ordinance on first reading was offered by _____, seconded by _____.

The Votes were as follows:

Mayor Connie Leon-Kreps	_____
Vice Mayor Jorge Gonzalez	_____
Commissioner Wendy Duvall	_____
Commissioner Richard Chervony	_____
Commissioner Eddie Lim	_____

A motion to approve the foregoing Ordinance on final reading was offered by _____
seconded by _____.

FINAL VOTES AT ADOPTION:

Mayor Connie Leon-Kreps _____
Vice Mayor Jorge Gonzalez _____
Commissioner Wendy Duvall _____
Commissioner Richard Chervony _____
Commissioner Eddie Lim _____

DULY PASSED AND ADOPTED this ____ day of ____ 2015.

Connie Leon-Kreps
Mayor

ATTEST:

Yvonne P. Hamilton, CMC
Village Clerk

**APPROVED AS TO FORM FOR THE USE OF
NORTH BAY VILLAGE ONLY:**

Robert L. Switkes & Associates, P.A.
Village Attorney



North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

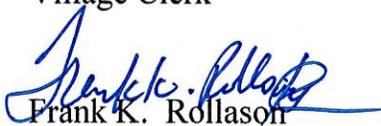
Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

MEMORANDUM

North Bay Village

DATE: March 2, 2015

TO: Yvonne P. Hamilton
Village Clerk

FROM: 
Frank K. Rollason
Village Manager

SUBJECT: Introduction of Resolution

Pursuant to Section 3.08 of the Village Charter, I hereby introduce the following Ordinance:

AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, AMENDING CHAPTER 151 OF THE NORTH BAY VILLAGE CODE OF ORDINANCES RELATING TO "BUILDING PERMIT FEES" BY REVISING SECTION 151.11; PROVIDING FOR CONFLICTS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Accordingly, please place the item on the next available agenda.

FKR:yph

Mayor
Connie Leon-Kreps

Vice Mayor
Jorge Gonzalez

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Eddie Lim

**North Bay Village**

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com**NORTH BAY VILLAGE
RECOMMENDATION MEMORANDUM****DATE:** March 10, 2015**TO:** Mayor Connie Leon-Kreps
Vice Mayor Jorge Gonzalez
Commissioner Richard Chervony
Commissioner Wendy Duvall
Commissioner Eddie Lim**FROM:** Frank Rollason
Village Manager**SUBJECT:** Sponsor Resolution for Assistance Florida Fish & Wildlife Conservation Commission Florida Boating Improvement Program for design and planning of a recreational boat dock at Vogel Park.**RECOMMENDATION:**

It is recommended that the Village Commission approve the attached Resolution authorizing the Village Manager or his designee to submit a grant application under the Florida Fish and Wildlife Conservation Commission Florida Boating Improvement Program for design and planning of the Dr. Paul Vogel Community Park Recreational Boat Dock.

BACKGROUND:**Funding Source:** Florida Fish and Wildlife Conservation Commission**Grant Title:** Florida Boating Improvement Program - 2015**Due Date:** April 9, 2015**Request Amount:** up to \$200,000 **Match:** 25% - 50% (cash/ in-kind)

The Florida Fish & Wildlife provides funding assistance to local governments for projects designed to serve the needs of boaters and boating-related activities on coastal and/or inland waters within the State. Project types eligible for planning, construction and maintenance of:

Mayor
Connie Leon-KrepsVice Mayor
Jorge GonzalezCommissioner
Dr. Richard ChervonyCommissioner
Wendy DuvallCommissioner
Eddie Lim

Boat Ramps, Piers, and Docks; Public Launching Facilities; Boater Education; and Economic Development Initiatives. Matching funds are required from 25–50% (applicants that match 50% of the project cost will receive more points). The application package requires the attached resolution of support for the Village project entitled, “Vogel Park Recreational Boat Dock” in the amount of up to \$200,000.

RECOMMENDATION:

It is recommended that the Village Commission approve the attached Resolution in support of a grant application under the Florida Fish & Wildlife Conservation Commission Florida Boating Improvement Program for design and planning of a recreational boat dock at Vogel Park.

BUDGETARY IMPACT:

Approval of a grant application to assist in the construction of these improvements will reduce the amount of funding required by the Village to undertake the work by up to 50%.

CONTACT

Lakeesha Morris
Village Grant Writer



North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

MEMORANDUM

North Bay Village

DATE: March 3, 2015

TO: Yvonne P. Hamilton
Village Clerk

FROM: 
Frank K. Rollason
Village Manager

SUBJECT: Introduction of Resolution

Pursuant to Section 3.08 of the Village Charter, I hereby introduce the following Ordinance:

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER OR HIS DESIGNEE TO SUBMIT A GRANT APPLICATION UNDER THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FLORIDA BOATING IMPROVEMENT PROGRAM FOR DESIGN AND PLANNING OF THE DR. PAUL VOGEL COMMUNITY PARK RECREATIONAL BOAT DOCK; PROVIDING CERTIFICATIONS AND PROVIDING FOR AN EFFECTIVE DATE.

Accordingly, please place the item on the next available agenda.

FKR:yph

Mayor
Connie Leon-Kreps

Vice Mayor
Jorge Gonzalez

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Eddie Lim

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING THE VILLAGE MANAGER OR HIS DESIGNEE TO SUBMIT A GRANT APPLICATION UNDER THE FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FLORIDA BOATING IMPROVEMENT PROGRAM FOR DESIGN AND PLANNING OF THE DR. PAUL VOGEL COMMUNITY PARK RECREATIONAL BOAT DOCK; PROVIDING CERTIFICATIONS; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)

WHEREAS, North Bay Village (the "Village") is interested in developing a recreational boat dock ("the Project") for enjoyment of the general public; and

WHEREAS, the Village has identified Dr. Paul Vogel Community Park as an ideal location for the recreational boat dock; and

WHEREAS, the purpose of the Florida Boating Improvement Program is to provide funds through competitive grants for projects designed to serve the needs of boaters and boating-related activities on coastal and inland waters within the State; and

WHEREAS, the Village Commission desires to apply for funding through the Florida Boating Improvement Program for the Project in the amount of up to \$200,000; and

WHEREAS, the Village has the ability and intention to finance its share of the cost of the Project and the project will be operated and maintained at the expense of the Village for public use; and

WHEREAS, the Village finds that this resolution will promote the health, safety and welfare of the Village.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND VILLAGE COMMISSIONERS OF THE NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. **Recitals Adopted.** That each of the above stated recitals is hereby adopted and confirmed.

Section 2. **Project Authorization.** The Village Commission supports the application in the amount of up to \$200,000. The purpose of this project is construct a recreational boat dock at Dr. Paul Vogel Community Park.

Section 3. **Manager Authorized.** The Village Commission hereby authorizes the Village Manager or his designee to submit an application to the Florida Fish & Wildlife Conservation Commission on behalf of North Bay Village.

Section 4. **Effective Date.** This resolution shall become effective immediately upon adoption hereof.

The foregoing Resolution was offered by _____, who moved for its adoption. This motion was seconded by _____, and upon being put to a vote, the vote was as follows:

FINAL VOTE AT ADOPTION:

Mayor Connie Leon-Kreps _____
Vice Mayor Jorge Gonzalez _____
Commissioner Richard Chervony _____
Commissioner Wendy Duvall _____
Commissioner Eddie Lim _____

PASSED and ADOPTED this 10th day of March 2015.

MAYOR CONNIE LEON-KREPS

ATTEST:

YVONNE P. HAMILTON, CMC
Village Clerk

APPROVED AS TO FORM:

Robert L. Switkes & Associates, P.A.
Village Attorney

City of North Bay Village Resolution: Sponsor Resolution for Assistance Florida Fish & Wildlife Conservation Commission Florida Boating Improvement Program for design and planning of a recreational boat dock at Dr. Paul Vogel Community Park.

ORDINANCE NO. _____

AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 94 OF THE VILLAGE CODE ENTITLED "GARBAGE, TRASH, AND WEEDS" TO INCLUDE SECTION 94.020 TO PROHIBIT THE SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY VILLAGE CONTRACTORS; AMENDING CHAPTER 97, "PARK RULES AND REGULATIONS" TO INCLUDE SECTION 97.04(13), PROHIBITION ON POLYSTYRENE; PROVIDING FOR CONFLICT, PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY)

WHEREAS, North Bay Village has a duty to protect the natural environment, the economy, and the health of its citizens; and

WHEREAS, reusing food ware and using compostable food ware made from renewable resources help to reduce the negative environmental impacts of disposable and non-compostable food service ware; and

WHEREAS, polystyrene foam is a common and persistent environmental pollutant; and

WHEREAS, polystyrene foam is notorious as a pollutant that breaks down into smaller, non-biodegradable pieces that are ingested by marine life and other wildlife thus harming or killing them; and

WHEREAS, due to the physical properties of expanded polystyrene, the EPA states that "such materials can have serious impacts on human health, wildlife, the aquatic environment and the economy; and

WHEREAS, polystyrene materials constitute a portion of the litter in the Village's streets, parks, public places, and waterways; and

WHEREAS, the goal of the Village is to replace expanded polystyrene food service articles with reusable, recyclable or compostable alternatives; and

WHEREAS, this Ordinance will preserve and enhance the environment of the Village; and

WHEREAS, the Commission finds that this Ordinance is necessary for the preservation of the public health, safety, and welfare of the residents of the Village.

NOW, THEREFORE, BE IT ENACTED BY THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. The above stated recitals are true and correct and incorporated herein by this reference.

Section 2. Village Code Amended. Chapter 94, Section 94.020 of the North Bay Village Code is created to read as follows¹:

§ 94.020 Prohibition regarding sale or use of expanded polystyrene food service articles by Village contractors.

(A) Definitions. For purposes of this section, or as applicable by reference in other sections, the following definitions apply.

1. Village contractor means a contractor, vendor, lessee, concessionaire of the Village, or operator of a Village facility.

2. Expanded polystyrene means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead foam), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene).

3. Expanded polystyrene food service article means plates, bowls, cups, containers, lids, trays, coolers, ice chests, and all similar articles that consist of Expanded Polystyrene.

(B) Village contractors shall not sell, use, provide food in, or offer the use of Expanded Polystyrene Food Service articles in Village facilities or on Village property. A violation of this section shall be deemed a default under the terms of the Village contract, lease, or concession agreement. This subsection shall not apply to Expanded Polystyrene Food Service Articles used for prepackaged food that have been filled and sealed prior to receipt by the Village Contractor.

(C) Any Village contract, lease, or concession agreement entered into prior to the effective date of this section shall not be subject to the requirements of this section, unless the Village Contractor voluntarily agrees thereto.

¹ Additions to the text are shown in underline. Deletions to the text are shown in ~~strikethrough~~.

Section 3. **Chapter 97.04(13) of the Village Code is created to read as follows:**

§ 97.04(13)

It shall be unlawful for any person to use, carry, place or discard any Expanded Polystyrene (as defined in Section 94-03 of the Village Code) product into any park within the Village.

Section 4. Conflicts. All ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are repealed.

Section 5. Codification. This ordinance shall be codified and become part of the North Bay Village Code, that sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions, and that the word ordinance shall be changed Section or other appropriate word.

Section 6. Severability. If any section, clause, sentence, or phrase of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this ordinance.

Section 7. Effective Date. This Ordinance shall take effect immediately upon enactment.

A motion to approve the foregoing Ordinance on first reading on January 13, 2015 was offered by Commissioner Wendy Duvall, seconded by Commissioner Richard Chervony.

The Votes were as follows:

Mayor Connie Leon-Kreps	<u>Yes</u>
Vice Mayor Jorge Gonzalez	<u>Yes</u>
Commissioner Richard Chervony	<u>Yes</u>
Commissioner Wendy Duvall	<u>Yes</u>
Commissioner Eddie Lim	<u>Yes</u>

A motion to approve the foregoing Ordinance on first reading was offered by _____, seconded by _____.

FINAL VOTES AT ADOPTION:

Mayor Connie Leon-Kreps	_____
Vice Mayor Jorge Gonzalez	_____
Commissioner Richard Chervony	_____
Commissioner Wendy Duvall	_____

Commissioner Eddie Lim _____

DULY PASSED AND ADOPTED this _____ day of _____ 2015

Connie Leon-Kreps
Mayor

ATTEST:

Yvonne P. Hamilton, CMC
Village Clerk

APPROVED AS TO FORM FOR THE USE OF
NORTH BAY VILLAGE ONLY:

Village Attorney
Robert L. Switkes & Associates, P.A.

North Bay Village Ordinance: Prohibition on the sale and use of Styrofoam Products.



North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

MEMORANDUM

North Bay Village

DATE: December 30, 2014

TO: Yvonne P. Hamilton
Village Clerk

FROM: Dr. Richard Chervony 
Commissioner

SUBJECT: Introduction of Ordinance

Pursuant to Section 3.08 of the Village Charter, I hereby introduce the following Ordinance:

AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 94 OF THE VILLAGE CODE ENTITLED "GARBAGE, TRASH, AND WEEDS" TO INCLUDE SECTION 94.020 TO PROHIBIT THE SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY VILLAGE CONTRACTORS; AMENDING CHAPTER 97, "PARK RULES AND REGULATIONS" TO INCLUDE SECTION 97.04(13), PROHIBITION ON POLYSTYRENE; PROVIDING FOR CONFLICT, PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.

Accordingly, please place the item on the next available agenda.

RC:yph

Mayor
Connie Leon-Kreps

Vice Mayor
Jorge Gonzalez

Commissioner
Dr. Richard Chervony

Commissioner
Wendy Duvall

Commissioner
Eddie Lim



**NORTH BAY VILLAGE
NOTICE OF PUBLIC HEARING**

PUBLIC NOTICE IS HEREBY GIVEN THAT THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, WILL HOLD A REGULAR MEETING ON **TUESDAY, MARCH 10, 2015** AT 7:30 P.M., OR AS SOON AS POSSIBLE THEREAFTER, AT VILLAGE HALL, 1666 KENNEDY CAUSEWAY, #101, NORTH BAY VILLAGE, FLORIDA. DURING THIS MEETING THE COMMISSION WILL CONSIDER THE FOLLOWING AT PUBLIC HEARING:

1. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 94 OF THE VILLAGE CODE ENTITLED "GARBAGE, TRASH, AND WEEDS" TO INCLUDE SECTION 94.020 TO PROHIBIT THE SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY VILLAGE CONTRACTORS; AMENDING CHAPTER 97, "PARK RULES AND REGULATIONS" TO INCLUDE SECTION 97.04(4)(3), PROHIBITION ON EXPANDED POLYSTYRENE; PROVIDING FOR CONFLICT, PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE. *(SECOND READING)*

INTERESTED PERSONS ARE INVITED TO APPEAR AT THIS MEETING OR BE REPRESENTED BY AN AGENT, OR TO EXPRESS THEIR VIEWS IN WRITING ADDRESSED TO THE COMMISSION C/O THE VILLAGE CLERK, 1666 KENNEDY CAUSEWAY, #300, KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FL 33141.

THE DOCUMENTS PERTAINING TO THIS PUBLIC HEARING MAY BE INSPECTED AT THE OFFICE OF THE VILLAGE CLERK DURING REGULAR BUSINESS HOURS AT 1666 KENNEDY CAUSEWAY, #300. INQUIRIES MAY BE DIRECTED TO THAT DEPARTMENT AT (305) 756-7171.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES IF ANY PERSON DECIDES TO APPEAL ANY DECISION BY THE COMMISSION WITH RESPECT TO THIS OR ANY MATTER CONSIDERED AT ITS MEETING OR ITS HEARING, SUCH PERSON MUST ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

THIS NOTICE DOES NOT CONSTITUTE CONSENT BY THE VILLAGE FOR THE INTRODUCTION OR ADMISSION OF OTHERWISE INADMISSIBLE OR IRRELEVANT EVIDENCE, NOR DOES IT AUTHORIZE CHALLENGES OR APPEALS NOT OTHERWISE ALLOWED BY LAW.

TO REQUEST THIS MATERIAL IN ACCESSIBLE FORMAT, SIGN LANGUAGE INTERPRETERS, INFORMATION ON ACCESS FOR PERSON WITH DISABILITIES, AND/OR ANY ACCOMMODATION TO REVIEW ANY DOCUMENT OR PARTICIPATE IN ANY VILLAGE-SPONSORED PROCEEDING, PLEASE CONTACT (305) 756-7171 FIVE DAYS IN ADVANCE TO INITIATE YOUR REQUEST. TTY USERS MAY ALSO CALL 711 (FLORIDA RELAY SERVICE).

YVONNE P. HAMILTON, CMC
VILLAGE CLERK
(February 18, 2015)



FREE!
THE CAB CALLOWAY ORCHESTRA
Directed by Cab's Grandson CALLOWAY BROOKS

Friday, February 27, 2015 - 7 p.m.
North Shore Park Bandshell
Collins Avenue at 73 Street
Prof. Seth H. Bronson, Miami Beach's official City Historian
will speak on the incredible history of Miami Beach at 6 p.m. (shomp)



mbculture.com | 305.673.7577

For additional information, please call 305.673.7577 and select 1 for English or 2 for Spanish. See poster for full event details.



**NOTICE OF SPECIAL ELECTION
TO BE HELD TUESDAY, APRIL 21, 2015
TO FILL THE VACANCY OF THE OFFICE OF COUNCIL MEMBER FOR
THE TOWN OF BAY HARBOR ISLANDS, FLORIDA**

Please take notice that a special election to fill the vacancy of the office of Council Member will be held in conjunction with the General Election on April 21, 2015, in accordance with Section 2.05 of the Town Charter.
As provided by applicable law, the polling place shall be the same as in other elections, and the polls shall be opened on the day of the election from 7:00 a.m. until 7:00 p.m. on the same day.
In accordance with the constitution and laws of the State of Florida, all qualified electors of the Town shall be entitled to vote in the Special Election to which this notice pertains:

Martene Marante
Town Clerk

**AVISO DE ELECCION ESPECIAL
EL JUEVES, 21 DE ABRIL DEL 2015
PARA LLENAR LA VACANTE DE LA OFICINA DEL MIEMBRO DEL CONSEJO
DEL MUNICIPIO DE BAY HARBOR ISLANDS**

Aviso - Por favor, tenga en cuenta una eleccion especial para cubrir la vacante del cargo de miembro del Consejo se celebrara en conjuncion con las Elecciones Generales del 21 de abril de 2015, de acuerdo con el Articulo 2.05 de la Carta Constitucional del Municipio de Bay Harbor Islands.
De acuerdo con la ley, los centros de votacion seran los mismos usados en otras elecciones y estaran abiertos el dia de las elecciones desde las 7:00 a.m. hasta las 7:00 p.m., en el mismo dia.
De acuerdo con las leyes constitucionales y del Estado de la Florida, todas las personas calificadas para votar del Municipio podran votar en la Eleccion Especial mencionada en este aviso.

Martene Marante
Secretaria Municipal



North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

MEMORANDUM

North Bay Village

DATE: February 20, 2015

TO: Mayor Connie Leon-Kreps
Vice Mayor Jorge Gonzalez
Commissioner Richard Chervony
Commissioner Wendy Duvall
Commissioner Eddie Lim

FROM: Frank K. Rollason
Village Manager

SUBJECT: Resolution Opposing the Proposed Development of Pine Rockland Acreage Near Zoo Miami in Unincorporated Miami-Dade County

At its meeting held on February 10, 2015, the Village Commission deferred the proposed Resolution in order to receive supporting documents. Attached please find email information from Mr. Richard Kuper, Executive Director of Miami-Dade County League of Cities, with President Lerner's request for the Commission to review and consider a similar Resolution adopted by the Village of Pinecrest. Also attached are resolutions adopted by City of South Miami, the Town of Cutler Bay, and the Village of Palmetto Bay.

Commissioner Chervony has withdrawn sponsorship of the Resolution. Accordingly, another member of the Commission will have to sponsor the item to move it forward for adoption, or it will die with no action.

FRK:yph

RESOLUTION NO. _____

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, OPPOSING THE PROPOSED DEVELOPMENT OF PINE ROCKLAND ACREAGE NEAR ZOO MIAMI IN UNINCORPORATED MIAMI-DADE COUNTY; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY)

WHEREAS, forest land generally located at Southwest 152 Street and Southwest 127 Avenue, near Zoo Miami, in unincorporated Miami-Dade County, is being considered for development as a mixed use project; and

WHEREAS, the property consists of one of the last intact tracts of endangered pine rockland within Miami-Dade County; and

WHEREAS, pine rockland is a globally imperiled habitat containing an array of rare plants, animals, and insects which are rare and exclusive to that habitat; and

WHEREAS, some of the endangered species for which the property provides a habitat include the bald eagle, indigo snake, the Florida bonneted bat, and two rare butterflies; and

WHEREAS, as part of the development process, the Miami-Dade Board of County Commissioners will consider declaring the area blighted; and

WHEREAS, North Bay Village is concerned about the loss of this valuable natural area and desires to express its opposition to the development of the property.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. That the Village Commission hereby opposes the designation of the pine rockland property near Zoo Miami as blighted and further opposes the development of this natural area - one of the last intact tracts of endangered pine rockland within Miami-Dade County.

Section 2. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by _____, who moved for its adoption. This motion was seconded by _____, and upon being put to a vote, the vote was as follows:

FINAL VOTE AT ADOPTION:

Mayor Connie Leon-Kreps _____
Vice Mayor Jorge Gonzalez _____
Commissioner Richard Chervony _____
Commissioner Wendy Duvall _____
Commissioner Eddie Lim _____

PASSED and ADOPTED this 10th day of February 2015.

MAYOR CONNIE LEON-KREPS

ATTEST:

YVONNE P. HAMILTON, CMC
City Clerk

APPROVED AS TO FORM:

Robert L. Switkes & Associates, P.A.
Village Attorney

North Bay Village Resolution: Opposing the Proposed Development of Pine Rockland Acreage near Zoo Miami in unincorporated Miami-Dade County.



North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

MEMORANDUM

North Bay Village

DATE: February 2, 2015

TO: Yvonne P. Hamilton, CMC
Village Clerk

FROM: 
Dr. Richard Chervony
Commissioner

SUBJECT: Introduction of Resolution

Pursuant to Section 3.08 of the Village Charter, I hereby introduce the following Resolution:

A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, OPPOSING THE PROPOSED DEVELOPMENT OF PINE ROCKLAND ACREAGE NEAR ZOO MIAMI IN UNINCORPORATED MIAMI-DADE COUNTY; PROVIDING FOR AN EFFECTIVE DATE.

Accordingly, please place the item on the next available agenda.

RC:yph



Miami Dade County League of Cities

226 East Flagler Street | Suite 200 | Miami, Florida 33131 | T 305-416-4155 | F 305-416-4157

Board Members:

President Lerner asked that I forward Pinecrest Resolution 2015-5 for your review and consideration.

Thank you,

Richard Kuper, Esq.
Executive Director
Miami-Dade County League of Cities
226 East Flagler Street, Ste. 200
Miami, FL 33131
[\(305\) 416-4155](tel:3054164155)
[\(305\) 416-4157](tel:3054164157)
mdclc@bellsouth.net
www.mdclc.org



Yvonne Hamilton

From: Evelyn Herbello
Sent: Thursday, January 29, 2015 9:10 AM
To: All Commissioners
Cc: Yvonne Hamilton; Jenorgen Guillen (JGuillen@nbvillage.com); Frank Rollason (FRollason@nbvillage.com)
Subject: FW: Village of Pinecrest Resolution 2015-5
Attachments: 20150116100754[1].pdf

Please review the attached and the below email and if you are interested in having a similar resolution go before you at the March Commission meeting please advise Yvonne.

Thank you

Evelyn Herbello
Executive Assistant to the Village Manager and Commission/Grant Coordinator



North Bay Village
1666 Kennedy Causeway, Suite 300
North Bay Village, FL 33141
Office: (305) 756-7171 Ext 45
Mobile: (786) 224-8070
eherbello@nbvillage.com
Website: www.nbvillage.com

From: Frank Rollason
Sent: Thursday, January 29, 2015 8:46 AM
To: Evelyn Herbello
Cc: Yvonne Hamilton; Jenorgen Guillen (JGuillen@nbvillage.com)
Subject: Village of Pinecrest Resolution 2015-5

Please send to the Commission and request they advise Yvonne if they want a similar Reso on our March 13th Commission meeting, Frank.

Frank Rollason, Village Manager
North Bay Village
1666 Kennedy Causeway, Ste 300
Tel: 305-756-7171 Ext 21
Fax: 305-756-7722
Mobile: 305-299-7300
frollason@nbvillage.com
www.nbvillage.com

From: Miami-Dade County League of Cities [<mailto:mdclc@bellsouth.net>]
Sent: Wednesday, January 28, 2015 3:37 PM
To: Miami-Dade County League of Cities
Subject: Village of Pinecrest Resolution 2015-5

RESOLUTION 2015-5

A RESOLUTION OF THE VILLAGE OF PINECREST, FLORIDA, OPPOSING THE PROPOSED DEVELOPMENT OF PINE ROCKLAND ACREAGE NEAR ZOO MIAMI IN UNINCORPORATED MIAMI-DADE COUNTY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, forest land generally located at Southwest 152 Street and Southwest 127 Avenue, near Zoo Miami, in unincorporated Miami-Dade County, is being considered for development as a mixed use project; and

WHEREAS, the property consists of one of the last intact tracts of endangered pine rockland within Miami-Dade County; and

WHEREAS, pine rockland is a globally imperiled habitat containing an array of rare plants, animals, and insects which are rare and exclusive to that habitat; and

WHEREAS, some of the endangered species for which the property provides a habitat include the bald eagle, indigo snake, the Florida bonneted bat, and two rare butterflies; and

WHEREAS, as part of the development process, the Miami-Dade Board of County Commissioners will consider declaring the area blighted; and

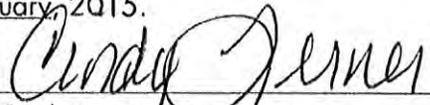
WHEREAS, the Village of Pinecrest is concerned about the loss of this valuable natural area and desires to express its opposition to the development of the property;

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF PINECREST, FLORIDA, AS FOLLOWS:

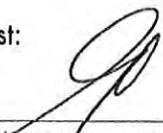
Section 1. That the Village Council hereby opposes the designation of the pine rockland property near Zoo Miami as blighted and further opposes the development of this natural area - one of the last intact tracts of endangered pine rockland within Miami-Dade County.

Section 2. This resolution shall be effective immediately upon adoption.

PASSED AND ADOPTED this 13th day of January, 2015.

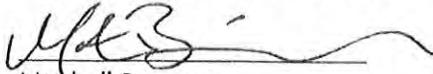

Cindy Lerner, Mayor

Attest:



Guido H. Inguanzo, Jr., CMC
Village Clerk

Approved as to Form and Legal Sufficiency:



Mitchell Bierman
Village Attorney



Motion by: Vice Mayor Ross
Second by: Councilmember McDonald

Vote: Councilmembers Ball, Kraft, McDonald, Vice Mayor Ross, and Mayor Lerner voting Yes

Yvonne Hamilton

From: Payne, Nkenga <NPayne@southmiamifl.gov>
Sent: Tuesday, February 10, 2015 4:47 PM
To: Payne, Nkenga
Subject: Proposed Development of Pine Rockland acreage near Zoo Miami
Attachments: Res No 014-15-14353.pdf

Good Afternoon,

The City of South Miami City Commission adopted Resolution No. 014-15-14353 on February 3, 2015. This resolution opposes the designation of the pine rockland property near Zoo Miami as blighted and further opposes the development of this natural area - one of the last intact tracts of endangered pine rockland within Miami-Dade County.

Mayor Philip Stoddard is the sponsor of this resolution.

Please share this resolution with your elected officials.

Sincerely,

Nkenga "Nikki" Payne, CMC
Deputy City Clerk
City of South Miami
6130 Sunset Drive
South Miami, FL 33143
(305)663-6340 office
(305)663-6348 fax
npayne@southmiamifl.gov
www.southmiamifl.gov

Please note: The state of Florida has a very broad public records law. Written communications, including emails, are therefore subject to disclosure to the public and media upon request.

RESOLUTION NO. 014-15-14353

A Resolution of the City of South Miami opposing the proposed development of pine rockland acreage near Zoo Miami located in unincorporated Miami-Dade County.

WHEREAS, forest land generally located at Southwest 152 Street and Southwest 127 Avenue, near Zoo Miami, in unincorporated Miami-Dade County, is being considered for development as a mixed use project; and

WHEREAS, the Property consists of one of the last intact tracts of endangered pine rockland (“Rockland”) within Miami-Dade County; and

WHEREAS, pine rockland is a globally imperiled habitat containing an array of plants, animals, and insects which are rare and exclusive to that habitat; and

WHEREAS, some of the endangered species for which Rockland provides a habitat include the bald eagle, indigo snake, the Florida bonneted bat, and two rare butterflies; and

WHEREAS, as part of the development process, the Miami-Dade Board of County Commissioners will consider declaring the area blighted; and

WHEREAS, the City of South Miami (the “City”) is concerned about the loss of this valuable Rockland and desires to express its opposition to the development of the Property.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSIONERS OF THE CITY OF SOUTH MIAMI, FLORIDA:

Section 1. That the City of South Miami hereby opposes the designation of the pine rockland property near Zoo Miami as blighted and further opposes the development of this natural area – one of the last intact tracts of endangered pine rockland within Miami-Dade County.

Section 2. City Clerk. The City Clerk is hereby directed to transmit this Resolution to the Mayor and County Commissioners of Miami-Dade County, Florida and all elected municipal officials in Miami-Dade County.

Section 3. Severability. If any section clause, sentence, or phrase of this resolution is for any reason held invalid or unconstitutional by a court of competent jurisdiction, the holding shall not affect the validity of the remaining portions of this resolution.

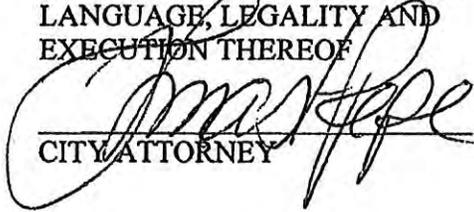
Section 4. Effective Date. This resolution shall become effective immediately upon adoption by vote of the City Commission.

PASSED AND ADOPTED this 3rd day of February, 2015.

ATTEST:


CITY CLERK

READ AND APPROVED AS TO FORM,
LANGUAGE, LEGALITY AND
EXECUTION THEREOF


CITY ATTORNEY

APPROVED:


MAYOR

COMMISSION VOTE:	5-0
Mayor Stoddard:	Yea
Vice Mayor Harris:	Yea
Commissioner Edmond:	Yea
Commissioner Liebman:	Yea
Commissioner Welsh:	Yea

Yvonne Hamilton

From: Jacqueline Wilson <JWilson@cutlerbay-fl.gov>
Sent: Monday, October 20, 2014 12:44 PM
To: tsoroka@cityofaventura.com; clerk@balharbour.org; mmarante@bayharborislands.net; villageclerk@biscayneparkfl.gov; cityclerk@coralgables.com; barbara.herrera@cityofdoral.com; cmontealegra@villageofportal.org; cityclerk@floridacityfl.gov; info@goldenbeach.us; mrubio@hialeahfl.gov; mjoffee@cityofhialeahgardens.com; esewell@cityofhomestead.com; mlima@icups.org; calvarez@keybiscayne.fl.gov; haboada@townofmedley.com; thannon@miamigov.com; rafaelgranado@miamibeachfl.gov; rtaylor@miamigardens-fl.gov; tejedam@miamilakes-fl.gov; estepb@miamishoresvillage.com; gonzaleze@miamisprings-fl.gov; Yvonne Hamilton; metienne@northmiamifl.gov; pamela.latimore@citynmb.com; jflores@opalockafl.gov; malexander@palmettobay-fl.gov; clerk@pinecrest-fl.gov; mmendez@southmiamifl.gov; jhines@sibfl.net; snovoa@townofsurfsidefl.gov; mschmidt@cityofsweetwater.fl.gov; mfernandez@viriniagardens-fl.gov; anneryg@cityofwestmiami.org
Cc: Teri Samuels
Subject: Resolution 14-60
Attachments: 14-60 Opposing Development of Pine Rockland Located within Unincorporated MDC.pdf

Dear Miami Dade County Clerks,

Attached please find Resolution 14-60 adopted at the August 20, 2014 Town of Cutler Bay Town Council meeting. It is being forwarded to you on behalf of the Mayor and Town Council. Should you have any questions, please feel free to contact Debra Eastman, Town Clerk at deastman@cutlerbay-fl.gov.

Thank you.

Jacqueline Wilson
Record Specialist
Office of the Town Clerk

Town of Cutler Bay
Cutler Bay Town Center
10720 Caribbean Blvd.
Suite 105
Cutler Bay, Florida 33189
Tel: (305) 234-4262
Fax: (305) 234-3525

www.cutlerbay-fl.gov

RESOLUTION 14-60

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, OPPOSING THE PROPOSED DEVELOPMENT OF APPROXIMATELY 88 ACRES OF PINE ROCKLAND GENERALLY LOCATED ALONG S.W. 152 STREET AND S.W. 127TH AVENUE WITHIN UNINCORPORATED MIAMI-DADE COUNTY; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it has been recently reported that approximately 88 acres of forest land generally located along S.W. 152 Street and S.W. 127 Avenue in unincorporated Miami-Dade County is to be developed as a mixed use development (the "Property"); and

WHEREAS, the Property consists of one of the last intact tracts of endangered pine rockland ("Rockland") within Miami-Dade County; and

WHEREAS, Rockland is a globally imperiled habitat containing an array of rare plants, animals, and insects which are rare and exclusive to that habitat; and

WHEREAS, some of the endangered species for which Rockland provides a habitat include the bald eagle, indigo snake, the Florida bonneted bat, and two rare butterflies; and

WHEREAS, preservation of the native Rockland, and the species for which it provides a home, is of great importance for the protection of our native forest's unique and endangered environment; and

WHEREAS, the Town of Cutler Bay (the "Town") is concerned about the loss of this valuable Rockland and desires to express its opposition to the development of the Property; and

WHEREAS, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AS FOLLOWS:

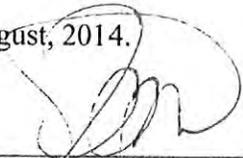
Section 1. Recitals. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. Opposition. The Town Council hereby opposes the proposed development of the Property.

Section 3. Transmittal. The Town Council hereby authorizes the Town Clerk to transmit this Resolution to the Board of the Miami-Dade County Commissioners and Craig W. Aubrey, South Florida field supervisor for the U.S. Fish and Wildlife Service.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 20th day of August, 2014.


EDWARD P. MACDOUGALL

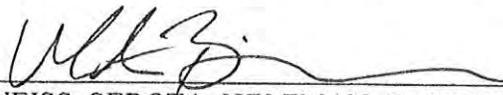
Mayor

Attest:


DEBRA E. EASTMAN, MMC
Town Clerk



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE SOLE
USE OF THE TOWN OF CUTLER BAY:


WEISS, SEROTA, HELFMAN, PASTORIZA,
COLE & BONISKE, P.L.
Town Attorney

Moved By: Council Member Bell
Seconded By: Council Member Mixon

FINAL VOTE AT ADOPTION:

Mayor Edward P. MacDougall	yes
Vice Mayor Ernest N. Sochin	yes
Council Member Peggy R. Bell	yes
Council Member Sue Ellen Loyzelle	yes
Council Member Mary Ann Mixon	yes

RESOLUTION NO. 2014-74

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, OPPOSING THE PROPOSED DEVELOPMENT OF APPROXIMATELY 88 ACRES OF PINE ROCKLAND GENERALLY LOCATED ALONG S.W. 152 STREET AND S.W. 127TH AVENUE WITHIN UNINCORPORATED MIAMI-DADE COUNTY; PROVIDING FOR TRANSMITTAL; AND PROVIDING AN EFFECTIVE DATE. (Sponsored by Mayor Shelley Stanczyk)

WHEREAS, it has been recently reported that approximately 88 acres of forest land generally located along S.W. 152 Street and S.W. 127 Avenue in unincorporated Miami-Dade County is to be developed as a mixed use development (the "Property"); and

WHEREAS, the Property consists of one of the last intact tracts of endangered pine rockland ("Rockland") within Miami-Dade County; and

WHEREAS, Rockland is a globally imperiled habitat containing an array of rare plants, animals, and insects that are exclusive to that habitat; and

WHEREAS, some of the endangered species for which Rockland provides a habitat include the bald eagle, indigo snake, the Florida bonneted bat, and two rare butterflies; and

WHEREAS, preservation of the native Rockland, and the species for which it provides a home, is of great importance for the protection of our native forest's unique and endangered environment; and

WHEREAS, the Village of Palmetto Bay is concerned about the loss of this valuable Rockland and desires to express its opposition to the development of the Property; and

WHEREAS, the Village Council finds that this Resolution is in the best interest and welfare of the residents of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

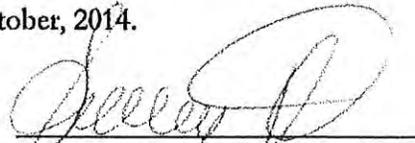
Section 2. The Village Council hereby opposes the proposed development of the Property.

Section 3. The Village Council hereby authorizes the Village Clerk to transmit this Resolution to the Board of the Miami-Dade County Commissioners and Craig W. Aubrey, South Florida field supervisor for the U.S. Fish and Wildlife Service.

Section 4. This resolution shall take effect immediately upon approval.

PASSED and ADOPTED this 6th day of October, 2014.

Attest: 
Meighan Alexander
Village Clerk


Shelley Stanczyk
Mayor

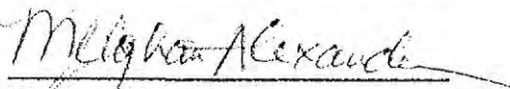
APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
USE AND RELIANCE OF THE VILLAGE OF PALMETTO BAY ONLY:


Dexter W. Lehtinen
Village Attorney

FINAL VOTE AT ADOPTION:

Council Member Patrick Fiore	<u>YES</u>
Council Member Tim Schaffer	<u>YES</u>
Council Member Joan Lindsay	<u>YES</u>
Vice-Mayor John DuBois	<u>YES</u>
Mayor Shelley Stanczyk	<u>YES</u>

This Resolution was filed in the Office of the Villager Clerk on this 6th day of October, 2014.


Meighan Alexander
Village Clerk



North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

16A

NORTH BAY VILLAGE

HARBOR ISLAND PARKING WORKSHOP MINUTES

VILLAGE HALL
1666 KENNEDY CAUSEWAY, FIRST FLOOR
NORTH BAY VILLAGE, FL 33141

SATURDAY, FEBRUARY 21, 2015

10:00 A.M.

1. CALL TO ORDER

The workshop commenced at 10:17 A.M. Present were Mayor Connie Leon-Kreps, Vice Mayor Jorge Gonzalez, Commissioner Richard Chervony, and Commissioner Eddie Lim. Commissioner Wendy Duvall was absent. Also present were Village Manager Frank K. Rollason, Deputy Village Manager/HR Director Jenice Rosado, Lieutenant Brian Collins, Finance Director Bert Wrains, Public Works Director Rodney Carrero-Santana, Village Attorney Robert Switkes, and Village Clerk Yvonne P. Hamilton.

2. PRESENTATION AND DISCUSSION BY STAFF

Village Attorney Robert L. Switkes spoke on the issue of the residents of Bayshore Yacht & Tennis Club Condominium Association (Bayshore) not parking on Coletta's parking lot at 7911 West Drive, in accordance with the conditions imposed when the property was transferred to condominium use and its impact on the parking problem on Harbor Island.

The Village Manager Frank K. Rollason discussed proposed options to alleviate the parking problem on Harbor Island:

1. Prohibit parking in public spaces for residents of Bayshore Yacht and Tennis Club.
2. Decal Program, residents and guests of Bayshore Yacht and Tennis Club would not be issued parking decals, enforce the decal parking program when violations are observed.

3. Utilize the former Village Hall location located at 7903 East Drive for temporary public parking.
4. Take back swales from condos properties and pave and mark them to create parking spaces.
5. Parking meters for East and West Drive.
6. P3 project on Al Coletta's parking lot to include parking, office/retail, and Village Hall.
7. Establish a process for visitor parking

Art Noriega, Director of Miami Parking Authority, made a presentation on ways to address the parking issues on Harbor Island such as: the use of parking meters, decal parking, changing from parallel to angle parking to create more spaces, recapturing of parking areas, and consideration of a joint partnership for use of Coletta's parking lot.

The parking problems on Harbor Island are experienced during the nighttime; not the daytime.

3. QUESTION AND ANSWER SESSION BY COMMISSION

Discussion, comments, and questions included:

- Whether the buildings on Harbor Island have the number of parking spaces that were approved by the Village.
- The Village has every right not to allow Bayshore to operate, if the parking issue with Coletta is not resolved.
- Bayshore must have adequate parking for their building based on restrictions that were placed on them to operate with parking spaces.
- Bayshore should not park on the street, if there is no agreement to resolve their parking issue.
- What would happen to Bayshore, if the residents do not reach an agreement and do not receive a parking decal, when the Village's Parking Decal Program is in effect.
- Commission to ensure there is free parking.
- Concern about commercial vehicles parking overnight in violation of the Village's Code.
- The need to address the proper parking of motorcycles on the island.
- What is the handicapped parking ratio on the island?
- What is the number of potential parking spaces that can be generated from removal of the bulbouts on the island?
- Use of Decal Parking and Pay by Phone systems are good ideas.
- How many spaces can be created by using parallel parking, rather than angle parking.

- Staff to review language on old City Hall deed to see if there is a way that the site can be utilized for public parking.

4. PUBLIC INPUT

Al Coletta, of 7904 West Drive, Satoka Umeda, Treasurer of Chateau Isle Co-op, Ted Williams, of 7904 West Drive, Scott Tremil, 7939 West Drive, Javier Lluch, 7938-7940 West Drive, Gustavo Farfan, 1881 Kennedy Causeway, Mike Spanno, 7939 West Drive, Tanya Savaron, 7904 West Drive, and Paula Guzman, Assistant Manager, Bayshore Yacht & Tennis Club.

Public comments included:

- The parking spaces were not taken away from Bayshore Yacht & Tennis Club Condominium Association; they do not want to pay for the parking lot.
- Continue sidewalk to park and create tandem parking.
- Require no decals for parking in front of Dr. Paul Vogel Park to allow use of the park and proposed baywalk.
- Create a section of the park for bicycles.
- Correct the situation where the parking spaces are protruding into the street at the Space 1 Building, 7934 West Drive.
- Enforce proper code and give Bayshore Yacht & Tennis Club a time line to resolve the parking issue with Al Coletta.
- Opposition to ripping up sidewalk
- The Village should create a Streetscape Program.
- The Village should provide parking at cost.
- The Village should have businesses pay for parking for their employees.
- The Village should ensure that there is a long-term parking plan in the Comprehensive Plan.
- Bayshore Yacht & Tennis Club Condominium is breaking the law by not having parking spaces for the unit owners.
- Parking Decals should not be issued to residents and owners of Bayshore Condominium.
- Parking ticket violations should be issued to residents of Bayshore Condominium who park in decal parking spaces; they should be fined; and their licenses taken away.
- The Village should allow a private building on Coletta's lot with public parking as a donation.
- The Village should enforce a Parking Decal Program opposite of what was done previously.
- A Parking Decal Program will not solve the parking problem.

- The Village should close down Bayshore Yacht & Tennis Club Condominium Association, if they do not resolve their parking issue.
- The Village should help to restore Bayshore's parking issue as Coletta does not want to help.
- The Village should lease the space from Coletta for Bayshore.

The Village Attorney explained Bayshore's responsibility to park on Coletta's lot, which is a condition for parking when the building was constructed. A permit parking program will preclude residents of Bayshore from parking.

Javier Lluch, of 7938-7940 West Drive, offered the Village the use of the lot for parking until it's ready for development.

5. COMMISSION DISCUSSION AND WRAP UP

The following were discussed:

- The Commission has to act now to resolve the parking problem on Harbor Island.
- The Commission has to take action regarding the parking issue at Bayshore Yacht & Tennis Club.
- Bayshore Yacht & Tennis Club Condominium Association and Al Coletta need to resolve the parking issue.
- The Parking Decal Program and Pay by Phone are good ideas.
- The Village should consider if it really wants to remove the bulbouts.
- The Village should explore the option of angle parking.
- The Village should look into whether the old City Hall site can be used for public parking.
- The Village should enforce regulations and impose fines on cars that straddle parking spaces.
- The Village should contact the owner of 7923-7925 East Drive to see if the lot can be used for parking.
- The Village should think of proper planning for a long-term parking solution.
- The Village should install sidewalks on both sides of the streets.
- The Village should implement a Streetscape Program that is compatible to the entire island.

Meeting scheduled with the Village Attorney and Al Coletta to discuss Bayshore issues. Whether Bayshore Yacht & Tennis Club residents can be involved in the meeting.

The Village Attorney's offer to meet with Bayshore Yacht & Tennis Club residents at a separate meeting.

6. ADJOURNMENT

The workshop adjourned at 12:25 p.m.

(The Minutes are not a verbatim transcript of the meeting.)



North Bay Village

Administrative Offices

1666 Kennedy Causeway, Suite 300 North Bay Village, FL 33141

Tel: (305) 756-7171 Fax: (305) 756-7722 Website: www.nbvillage.com

OFFICIAL MINUTES

REGULAR VILLAGE COMMISSION MEETING

**NORTH BAY VILLAGE
1666 KENNEDY CAUSEWAY, #101
NORTH BAY VILLAGE, FL 33141**

FEBRUARY 10, 2015

7:30 P.M.

1. CALL TO ORDER.

The meeting was called to order by Mayor Connie Leon-Kreps at 7:35 p.m.

PLEDGE OF ALLEGIANCE

Resident Reinaldo Trujillo led the recitation of the Pledge of Allegiance.

ROLL CALL

Present were the following:

Commissioner Richard Chervony
Vice Mayor Eddie Lim
Mayor Connie Leon-Kreps
Commissioner Jorge Gonzalez
Commissioner Wendy Duvall

Village Manager Frank K. Rollason
Deputy Village Manager/HR Director Jenice Rosado
Village Attorney Robert L. Switkes
Finance Director Bert Wrains
Public Works Director Rodney Carrero-Santana
Police Chief Robert Daniels

Deputy Village Clerk Jenorgen Guillen
Village Clerk Yvonne P. Hamilton

2. A. PROCLAMATIONS AND AWARDS

1. North Bay Village Passport Acceptance Agents

Employees Dionisia Fecht and Nancy Pantoja were recognized for their exemplary passport services.

2. Ligia Santos Rivera/Campaign Manager, Light The Night The Leukemia & Lymphoma Society/Southern Florida and Puerto Rico

Ligia Santos Rivera was presented with a proclamation joining North Bay Village with the Leukemia & Lymphoma Society in commemorating February 4, 2015 as World Cancer Day.

B. SPECIAL PRESENTATIONS

There were no special presentations.

C. ADDITIONS AND DELETIONS

Mayor Connie Leon-Kreps requested that Item 10J be removed from the Consent Agenda to be discussed separately.

3. GOOD & WELFARE

Jorge Brito, of North Bay Village, Ann Bakst, of 1865 Kennedy Causeway, Al Coletta, of 7904 West Drive, and Sergio Evora, of 1865 Kennedy Causeway, addressed the Commission.

4. BOARD REPORTS

A. COMMUNITY ENHANCEMENT BOARD

A report was not provided.

B. PLANNING & ZONING BOARD

The Chair Renaldo Trujillo reported on the February 3, 2015 Board Meeting.

5. **PUBLIC SAFETY DISCUSSION**

Chief Robert Daniels led the public safety discussion.

6. **COMMISSIONERS' REPORTS**

Mayor Connie Leon-Kreps, Vice Mayor Jorge Gonzalez, Commissioner Richard Chervony, Commissioner Wendy Duvall, and Commissioner Eddie all Lim provided verbal reports.

7. **VILLAGE ATTORNEY'S REPORT**

Village Attorney Robert L. Switkes provided a verbal report.

8. **VILLAGE MANAGER'S REPORT**

Village Manager Frank K. Rollason discussed his written report, which was included in the agenda package and responded to questions posed by the Commission and the public.

Commissioner Richard Chervony made a motion to hold a Special Commission Meeting on February 24, 2015 at 7:30 p.m. Commissioner Wendy Duvall seconded the motion, and all voted in favor.

A. Grant Writer's Report

Village Grant Writer Lakeesha Morris provided an update on the status of grants.

9. **FINANCE REPORT**

Finance Director Bert Wrains discussed the Village's Financial Report as of December 31, 2014.

10. **CONSENT AGENDA: (Matters on the Consent Agenda are self-explanatory and are not expected to require discussion or review. Items will be enacted by one motion. If discussion is desired by any member of the Commission, that item must be removed from the Consent Agenda and will be considered separately.)**

Item 10J was removed from the Consent Agenda to be discussed separately.

- A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, ACCEPTING AND ENDORSING THE "CALOOSAHATCHEE WATERSHED-REGIONAL WATER MANAGEMENT ISSUES" REPORT DATED DECEMBER 16, 2014, WHICH SETS FORTH SHORT TERM AND LONG TERM STRATEGIC PLANNING GOALS TO ADDRESS WATER STORAGE AND TREATMENT WITHIN KISSIMMEE, LAKE OKEECHOBEE AND CALOOSATCHEE WATERSHEDS; AND PROVIDING AN EFFECTIVE DATE. *(INTRODUCED BY VICE MAYOR JORGE GONZALEZ)*
- B. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE; FLORIDA AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE PROPOSED AGREEMENT WITH THE FLORIDA LEAGUE OF CITIES FOR THE TELECOMMUNICATION COST RECOVERY PROGRAM; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE TERMS OF THE AGREEMENT; AND SETTING AN EFFECTIVE DATE. *(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)*
- C. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AUTHORIZING AN INTERLOCAL AGREEMENT WITH MIAMI-DADE COUNTY FOR USE OF THE COUNTY SOLID WASTE DISPOSAL WASTE MANAGEMENT SYSTEM; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. *(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)*
- D. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE; FLORIDA AUTHORIZING THE VILLAGE MANAGER TO TRANSFER A USED SURPLUS POLICE VEHICLE TO THE VILLAGE OF EL PORTAL POLICE DEPARTMENT; AND SETTING AN EFFECTIVE DATE. *(INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)*

- E. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, ACCEPTING A FISCAL YEAR 2015 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG)-COUNTY-Wide AWARD IN THE AMOUNT OF \$2,751; AMENDING THE FY 2015 GENERAL FUND BUDGET; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE GRANT DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**
- F. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, ACCEPTING A FISCAL YEAR 2015 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) – FDLE DIRECT AWARD IN THE AMOUNT OF \$1,000; AMENDING THE FY 2015 GENERAL FUND BUDGET; AUTHORIZING THE VILLAGE MANAGER TO EXECUTE THE GRANT DOCUMENTS; AND PROVIDING AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE MANAGER FRANK K. ROLLASON)**
- G. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA AUTHORIZING THE INSTALLATION OF THE OFFICIAL MOTTO OF THE UNITED STATES AND THE STATE OF FLORIDA, “IN GOD WE TRUST” BEHIND THE DAIS IN THE VILLAGE COMMISSION CHAMBERS; AND SETTING AN EFFECTIVE DATE. (INTRODUCED BY VICE MAYOR JORGE GONZALEZ AND COMMISSIONER RICHARD CHERVONY)**
- H. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, RESOLVING THE MATTER OF CODE ENFORCEMENT SPECIAL MASTER FINES IMPOSED AGAINST THR FLORIDA LP, 7510 COQUINA DRIVE, NORTH BAY VILLAGE, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE ATTORNEY ROBERT L. SWITKES)**
- I. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, RESOLVING THE MATTER OF CODE ENFORCEMENT SPECIAL MASTER FINES IMPOSED AGAINST FLORVEST LLC, 1601 KENNEDY CAUSEWAY, NORTH BAY VILLAGE, FLORIDA; AUTHORIZING THE APPROPRIATE VILLAGE OFFICIALS TO FILE ANY REQUIRED DOCUMENTS WITH THE CLERK OF THE COURT; AND PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY VILLAGE ATTORNEY ROBERT L. SWITKES)**

Vice Mayor Jorge Gonzalez made a motion to adopt the Consent Agenda Items. Commissioner Richard Chervony seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Mayor Connie Leon-Kreps, Commissioner Eddie Lim, Commissioner Richard Chervony, Commissioner Wendy Duvall, and Vice Mayor Jorge Gonzalez all voting Yes.

10J. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, OPPOSING THE PROPOSED DEVELOPMENT OF PINE ROCKLAND ACREAGE NEAR ZOO MIAMI IN UNINCORPORATED MIAMI-DADE COUNTY; PROVIDING FOR AN EFFECTIVE DATE. (INTRODUCED BY COMMISSIONER RICHARD CHERVONY)

The Village Clerk read the Resolution by title.

The Mayor opened the floor to public comments.

Ann Bakst, of 1865 Kennedy Causeway, addressed the Commission.

The Mayor closed the floor to public comments.

Commissioner Eddie Lim made a motion to defer the item to the next Commission Meeting in order to obtain supporting documents. Commissioner Wendy Duvall seconded the motion, which was adopted by a 4-1 roll call vote. The vote was as follows: Vice Mayor Jorge Gonzalez, Commissioner Wendy Duvall, Mayor Connie Leon-Kreps, and Commissioner Eddie Lim all voting Yes. Commissioner Richard Chervony voted No.

11. PLANNING & ZONING CONSENT AGENDA

No Items.

12. ORDINANCES FOR FIRST READING AND RESOLUTION

A. A RESOLUTION OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, RECOGNIZING FEBRUARY 4, 2015 AS WORLD CANCER DAY; SETTING AN EFFECTIVE DATE. (INTRODUCED BY MAYOR CONNIE LEON-KREPS)

Item 12A was withdrawn from the agenda by Mayor Connie Leon-Kreps since a proclamation on the same matter was issued earlier in the agenda.

13. ORDINANCE FOR SECOND READING (PUBLIC HEARING):

- A. AN ORDINANCE OF THE COMMISSION OF NORTH BAY VILLAGE, FLORIDA, AMENDING CHAPTER 94 OF THE VILLAGE CODE ENTITLED “GARBAGE, TRASH, AND WEEDS” TO INCLUDE SECTION 94.020 TO PROHIBIT THE SALE OR USE OF EXPANDED POLYSTYRENE FOOD SERVICE ARTICLES BY VILLAGE CONTRACTORS; AMENDING CHAPTER 97, “PARK RULES AND REGULATIONS” TO INCLUDE SECTION 97.04(13), PROHIBITION EXPANDED ON POLYSTYRENE; PROVIDING FOR CONFLICT, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE. (*INTRODUCED BY COMMISSIONER RICHARD CHERVONY*)**

The Village Clerk read the Ordinance by title.

The Village Attorney advised that this reading of the ordinance should be the first reading, since the item was inadvertently placed on the Consent Agenda, when it was first read.

Commissioner Chervony introduced Michael DiFillip of the Miami Beach Sustainability Committee who addressed the Commission on behalf of this ordinance.

Commissioner Richard Chervony made a motion to approve the Resolution, and Vice Mayor Jorge Gonzalez seconded the motion.

The Mayor opened the floor to public comments.

Ann Bakst, of 1865 Kennedy Causeway, Kevin Vericker, of 7520 Hispanola Avenue, Reinaldo Trujillo, of 7601 E. Treasure Drive, Mario Garcia, of 7540 Cutlass Avenue, and Jorge Brito addressed the Commission.

The motion was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Vice Mayor Jorge Gonzalez, Mayor Connie Leon-Kreps, Commissioner Eddie Lim, and Commissioner Richard Chervony all voting Yes.

14. UNFINISHED BUSINESS

There was no unfinished business.

15. NEW BUSINESS

- A. APPOINTMENT OF ADVISORY BOARD MEMBERS**

1. BUSINESS DEVELOPMENT ADVISORY BOARD

The votes for appointing members to the Business Development Advisory Board were cast by ballots, and the Village Clerk read the votes into the record as follows:

Mayor Connie Leon-Kreps voted for:

Miguel Barbagallo

Business Owner: Developer of 1555 & 1755 Kennedy Causeway

Mohammed Z. Hossain, Resident of 7511 Coquina Drive

Kamrul H. Kahn, Surfside Resident

Business Owner: Bay Mini Market, 7601 E. Treasure Drive

Nazrul Kahn, Resident of 7933 West Drive

Business Owner: Island Market, 7904 West Drive

Michael Weil, Resident of 7935 East Drive

Vice Mayor Jorge Gonzalez voted for:

Miguel Barbagallo

Business Owner: Developer of 1555 & 1755 Kennedy Causeway

Scott Greenwald

Business Owner: Developer, The Lexi

Mohammed Z. Hossain, Resident of 7511 Coquina Drive

Nazrul Kahn, Resident of 7933 West Drive

Business Owner of Island Market, 7904 West Drive

Michael Weil, Resident of 7935 East Drive

Commissioner Richard Chervony voted for:

Miguel Barbagallo

Business Owner: Developer of 1555 & 1755 Kennedy Causeway

Scott Greenwald

Business Owner: Developer, The Lexi

Mohammed Z. Hossain, Resident of 7511 Coquina Drive

Nazrul Kahn, Resident of 7933 West Drive

Business Owner of Island Market, 7904 West Drive

Michael Weil, Resident of 7935 East Drive

Commissioner Eddie Lim voted for:

Miguel Barbagallo

Business Owner: Developer of 1555 & 1755 Kennedy Causeway

Scott Greenwald

Business Owner: Developer, The Lexi

Mohammed Z. Hossain, Resident of 7511 Coquina Drive

Nazrul Kahn, Resident of 7933 West Drive

Business Owner of Island Market, 7904 West Drive

Michael Weil, Resident of 7935 East Drive

Commissioner Wendy Duvall voted for:

Miguel Barbagallo

Business Owner: Developer of 1555 & 1755 Kennedy Causeway

Mohammed Z. Hossain, Resident of 7511 Coquina Drive

Kamrul H. Kahn, Surfside Resident

Business Owner: Bay Mini Market, 7601 E. Treasure Drive

Nazrul Kahn, Resident of 7933 West Drive

Business Owner of Island Market, 7904 West Drive

Michael Weil, Resident of 7935 East Drive

The Village Clerk pointed out that Michael Weil did not meet the minimum two-year residency requirement pursuant to the Code.

Commissioner Richard Chervony made a motion to approve the five qualified members to the Business Development Advisory Board: Miguel Barbagallo, Mohammed Z. Hossain, Kamrul Kahn, Nazrul Kahn, and Scott Greenwald. Vice Mayor Jorge Gonzalez seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Vice Mayor Jorge Gonzalez, Mayor Connie Leon-Kreps, Commissioner Eddie Lim, and Commissioner Richard Chervony all voting Yes.

2. YOUTH & EDUCATION SERVICES BOARD

The votes for appointing members to the Youth & Education Services Board were cast by ballots, and the Village Clerk read the votes into the record as follow:

Mayor Connie Leon-Kreps , Vice Mayor Jorge Gonzalez, Commissioner Richard Chervony, and Commissioner Wendy Duvall all voted for:

Kerry Allen, 7901 Hispanola Avenue

Ana Fonseca, 7928 West Drive

Rosa Neely, 7901 Hispanola Avenue

Keir Rocha, 7900 Harbor Island Drive

Jason Strom, 1440 North Treasure Drive

Commissioner Eddie Lim voted for:

Scott Grenald, 7700 Beach View Drive

Ana Fonseca, 7928 West Drive

Rosa Neely, 7901 Hispanola Avenue

Keir Rocha, 7900 Harbor Island Drive

Jason Strom, 1440 North Treasure Drive

Commissioner Richard Chervony made a motion to appoint Kerry Allen, Ana Fonseca, Rosa Neely, Keir Rocha, and Jason Strom, to the Youth & Education Services Board. Mayor Connie Leon-Kreps seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Vice Mayor Jorge Gonzalez, Mayor Connie Leon-Kreps, Commissioner Eddie Lim, and Commissioner Richard Chervony all voting Yes.

B. COMMISSION MEMBERS AS EX OFFICIO MEMBERS OF ADVISORY BOARDS (*MAYOR CONNIE LEON-KREPS*)

The Village Attorney will bring back information to the Commission to allow members of the Commission to serve as ex officio members to the Advisory Boards, with the exclusion of the Planning & Zoning Board.

16. APPROVAL OF MINUTES

A. REGULAR COMMISSION MEETING – JANUARY 13, 2015

Commissioner Richard Chervony made a motion to approve the Minutes of the January 13, 2015 Commission Meeting as submitted. Vice Mayor Jorge Gonzalez seconded the motion, which was adopted by a 5-0 roll call vote. The vote was as follows: Commissioner Wendy Duvall, Vice Mayor Jorge Gonzalez, Mayor Connie Leon-Kreps, Commissioner Eddie Lim, and Commissioner Richard Chervony all voting Yes.

17. ADJOURNMENT

The meeting adjourned at 10:15 p.m.

*Prepared by: Yvonne P. Hamilton, CMC
Village Clerk*

Adopted by North Bay Village on

this 10th day of March 2015.

Connie Leon-Kreps, Mayor

(Note: The Minutes are not a verbatim record of the meeting. A copy of the audio recording is available at the Village Clerk's Office until the time for disposition in accordance with the Records Disposition and other Public Records Law.)