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## Regional Process

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- Cupertino is one of 24 agencies, which includes 5 others from Santa Clara County, that participated in the Environmental Impact Report prepared for the San Mateo County Department of Health and certified by their Board of Supervisors.
- In joining this regional process, Cupertino follows Council Direction dating as far back as 2009, when a Resolution to support the Santa Clara Cities Association regional approach to disposable, single-use bags was adopted. The City anticipates that this multi-jurisdictional strategy would eliminate local economic disadvantages and reduce broader customer confusion.
- Over the past two years, the City worked with local businesses through its GreenBiz program ([www.cupertino.org/greenbiz](http://www.cupertino.org/greenbiz)) to make the transition to reusable bags. To date ~40 businesses have been certified through the program, though the City has also hosted informational meetings with over 100 businesses on this and related topics.
- It is anticipated that a comparable bag ordinance will be considered within each of the municipalities participating in the Final Program EIR. As of December 7th:
  - San Mateo County, Mountain View, Pacifica, and South San Francisco have adopted an ordinance,
  - Colma, Daly City, Foster City, Los Altos and Portola Valley, like the City of Cupertino, are in the process of considering an ordinance for adoption.
- Similar ordinances are active in the bordering cities of San Jose and Sunnyvale.

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## The Draft Ordinance

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- The City's draft reusable bag ordinance will be made available online on **January 9<sup>th</sup>**.
- To ensure consistency with San Mateo's ordinance, Cupertino's draft ordinance would require all Cupertino retail establishments to charge ten cents for carryout bags; either recycled paper or durable plastic bags designed as multiple-use shopping bags. .
- As outlined in the EIR, all carryout bag-related revenue would be retained by affected stores to compensate for any increased costs related to compliance with the proposed ordinance, including costs associated with providing recyclable paper carryout or durable multi-use shopping bags.
- The draft ordinance would not require retailers to label the carryout bags sold to their customers, nor would retailers be required to display any particular signage in their stores.
- Retailers would be required to keep a record of the purchase and sale of any carryout bag, for three years from the purchase or sale date. The records must be made available to a City Inspector at no cost to the City during regular business hours.
- The City will share informational materials prepared for its upcoming business and resident meetings (see schedule below), by December 17<sup>th</sup>. On the City's web page,

**City of Cupertino**  
**Proposed Reusable Bag Ordinance**  
**Background and Overview: December 11, 2012**



**CUPERTINO**

[www.cupertino.org/reusebags](http://www.cupertino.org/reusebags). Questions will be answered by City staff upon request. Email questions to [environmental@cupertino.org](mailto:environmental@cupertino.org)

- Cupertino's draft ordinance will closely mirror that passed in San Mateo County on November 6, 2012, available on the City's informational web page: [www.Cupertino.org/ReuseBags](http://www.Cupertino.org/ReuseBags) Notable differences in Cupertino's draft include:
  - Cupertino's draft ordinance would not require bag labeling.
  - If adopted as currently proposed, Cupertino's ordinance would not take effect until **October 1<sup>st</sup>, 2013** to give retail stores time to prepare for the change and to allow shoppers time to collect reusable bags and begin the practice of using them at local stores.

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**Draft Ordinance Exemptions**

*A plastic or paper bag provided:*

- By restaurants, take-out food establishments, or any other business that receives 90% of its revenue from the sale of prepared food and drinks to be eaten on or off premises;
- By a nonprofit charitable reuser;
- By any retailer to customers purchasing food with WIC and Cal Fresh food stamps;
- Without handles, as a "protective" bag used to segregate items such as prepared food, produce, meat, loose items purchased in bulk, prescription medication and greeting cards, and intended to fit inside a carryout bag; or
- As a garment bag or garment cover used to protect and transport clothing or other textiles.

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**City Activities and Timeline<sup>1</sup>**

- Friday, Dec. 7<sup>th</sup> - The City prepared and sent a letter and survey to approximately 300 retail businesses in Cupertino inviting them to attend an informational meeting about a proposed reusable carryout bag ordinance.
- Tuesday, Jan. 8<sup>th</sup> – The City will host an informational meeting for Cupertino businesses in the Cupertino Room at Quinlan Center on Stelling Road from 9:30 to 11a.m.
- Wednesday, Jan. 9<sup>th</sup> – The City will host an informational meeting for residents at City Hall on Torre Avenue from 7 – 8:30pm.
- Wednesday, Jan. 9<sup>th</sup>, The draft ordinance and staff report will also be posted on the city's website as part of the Council Agenda.
- Tuesday, Jan. 15<sup>th</sup> - Council will consider the draft ordinance at their regularly scheduled meeting.

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<sup>1</sup> Note that the City also prepared notices for the "Local Bulletin" in the Courier weekly from Dec. 7<sup>th</sup> – Jan. 11<sup>th</sup>, included articles in the Nov. and Dec. Cupertino Scene, and included a message on all November Recology garbage and recycling service invoices.