
CITY COUNCIL WORKSHOP AGENDA

Notice is hereby given that the Rockport City Council will hold a workshop meeting on Tuesday, March 24, 2015, at 1:30 p.m. The meeting will be held at Rockport City Hall, 622 E. Market, Rockport, Texas. The matters to be discussed are as follows:

Opening Agenda

1. Call meeting to order.

Regular Agenda

2. Hear and deliberate on a proposed Ordinance amending the City of Rockport, Texas Code of Ordinances Chapter 54 "Health and Sanitation," changing Article I. "In General" to Article I. "Regulation of Single-Use Plastic (checkout) Bags"; setting out definitions, prohibitions and requirements, scope and applicability, and exemptions; establishing implementation of a voluntary ban and setting date of mandatory compliance.
3. Hear and deliberate on Public Funds Investment Policy and recommended changes.
4. Hear and deliberate on proposal for water service for Coastal Paradise RV Resort.
5. Hear and deliberate on staff reports to Council process.
6. Adjournment.

Special Accommodations

This facility is wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretive services must be made 48 hours prior to this meeting. Please contact the City Secretary's office at (361) 729-2213, ext. 225 or FAX (361) 790-5966 or email citysec@cityofrockport.com for further information. Braille is not available. The City of Rockport reserves the right to convene into executive session under Government Code 551.071-551.074 and 551.086.

Certification

I certify that the above notice of meeting was posted on the bulletin board at City Hall, 622 E. Market Street, Rockport, Texas on Friday, March 20, 2015, by 5:00 p.m. and on the City's website at www.cityofrockport.com. I further certify that the following News Media were properly notified of this meeting as stated above: *The Rockport Pilot*, *Coastal Bend Herald*, and *Corpus Christi Caller Times*.


Teresa Valdez, City Secretary

ROCKPORT CITY COUNCIL
Workshop Meeting: Tuesday, March 24, 2015

AGENDA ITEM: 2

Hear and deliberate on a proposed Ordinance amending the City of Rockport, Texas Code of Ordinances Chapter 54 "Health and Sanitation," changing Article I. "In General" to Article I. "Regulation of Single-Use Plastic (checkout) Bags"; setting out definitions, prohibitions and requirements, scope and applicability, and exemptions; establishing implementation of a voluntary ban and setting date of mandatory compliance.

SUBMITTED BY: Council Member Barbara Gurtner

APPROVED FOR AGENDA: PKC

SUMMARY STATEMENT: Following deliberation on single use plastic bags at the December 9 City Council workshop, staff was directed to bring a draft ordinance to City Council for review and consideration. The proposed ordinance was drafted with the assistance of Skip the Plastic and is modeled on the ordinance adopted by the City of Port Aransas in November 2014.

The following Texas cities have implemented plastic bag regulations include Austin, Brownsville, Fort Stockton, Freer, and South Padre Island. Copies of their respective ordinances as well as the proposed ordinance in Port Aransas and an opinion from the Attorney General's office concerning the legality of plastic bag bans accompany this briefing sheet.

Websites with additional information can also be found at:

1. <http://www.texastribune.org/2014/08/29/abbott-opinion-murky-plastic-bag-bans/>
2. <http://plasticbaglaws.org/legislation/state-laws/texas/>
3. http://www.dep.state.fl.us/waste/retailbags/pages/map_USA.htm
4. <http://www.bagtheban.com/in-your-state/>.
5. <http://www.baglaws.com/legislation.php?state=Texas>
6. <http://www.austinbagban.com/>
7. <http://www.surfrider.org/pages/plastic-bag-bans-fees>
8. http://www.cawrecycles.org/issues/plastic_campaign/plastic_bags/national
9. <http://www.texasmonthly.com/daily-post/dallass-plastic-bag-ban-went-effect-january-1st-and-nobody-seems-happy-about-it>

FISCAL ANALYSIS: Unable to determine at this time.

STAFF RECOMMENDATION: Not an action item.

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ORDINANCE NO. (.....)

AN ORDINANCE AMENDING THE CITY OF ROCKPORT, TEXAS CODE OF ORDINANCES CHAPTER 54 “HEALTH AND SANITATION”, BY CHANGING ARTICLE 1 “IN GENERAL” TO ARTICLE 1 “REGULATION OF SINGLE-USE PLASTIC (CHECKOUT) BAGS”; SETTING DEFINITIONS, PROHIBITIONS AND REQUIREMENTS, SCOPE AND APPLICABILITY, AND EXEMPTIONS; ESTABLISHING IMPLEMENTATION OF A VOLUNTARY BAN AND SETTING DATE OF MANDATORY COMPLIANCE; AND PROVIDING FOR EFFECTIVE DATE, READING, PUBLICATION, AND SEVERANCE.

WHEREAS, the City of Rockport, Texas has a duty to protect the natural environment, the economy, and the health of its citizens; and

WHEREAS, our local economy is based upon the tourism, fishing, birdwatching, abundant pollution free waterways, marine life diversity, agriculture, and ranching, all of which are impacted negatively by discarded single-use plastic checkout bags; and

WHEREAS, the City of Rockport is facing financial, environmental, and aesthetic problems caused by the use and discarding of single-use plastic checkout bags and plastic bags are consistently listed among the top items found in Texas Adopt-A-Beach and highway cleanups; and

WHEREAS, single-use plastic checkout bags are eaten by farm animals blocking, their digestive systems, and are blown into cotton fields, negatively affecting the agricultural economy; and

WHEREAS, plastics do not biodegrade but break down into smaller and smaller pieces that harm over 260 different species of marine life, including whales, dolphins, fish, seals, sea turtles, and shorebirds, who suffer and die after ingesting or becoming entangled in plastic bags and other plastic debris; and,

WHEREAS, curbside recycling for plastic shopping bags is not available in Rockport and many other Texas municipalities and statewide statistics indicate that less than ten percent of single-use plastic checkout bags are recycled; and,

40 **WHEREAS**, ordinances restricting single-use plastic checkout bags serve to
41 heighten public awareness among residents and visitors regarding the
42 importance of recycling and proper disposal of all plastics items; and

43 **WHEREAS**, discarded plastic bags last indefinitely and create such an aesthetic
44 blight, hazard to wildlife and the environment, and drain on public
45 and private resources that it is in the best interest of the public health,
46 safety, and welfare to adopt the proposed ordinance on the distribution
47 of plastic bags at the point of sale within the boundaries of the City of
48 Rockport, Texas.

49
50 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF**
51 **THE CITY OF ROCKPORT, TEXAS:**

52
53 **SECTION 1. CHANGE OF TITLE**
54 That the title of Chapter 54 “Health and Sanitation”, Article 1 “In General” is
55 changed to Article 1 “Regulation of Plastic Bags”.

56
57 **SECTION 2. ADDITION**
58 That Chapter 54 “Health and Sanitation”, Article 1 “Regulation of Plastic Bags” is
59 expanded to add:

60
61 **Sec. 54-1. Definitions:** The following words, terms, and phrases, when used in this
62 chapter, shall have the meanings ascribed to them in this chapter/article/division,
63 except where the context clearly indicates a different meaning:

64
65 *Affected retail establishment* means any retail establishment or temporary
66 vendor that sells perishable or nonperishable goods, including, but not limited to,
67 clothing, food, and personal items directly to the customer; and is located within
68 the geographical limits of the City of Rockport.

69
70 *Business establishment* means a commercial enterprise or establishment,
71 including sole proprietorships, joint ventures, partnerships, corporations, or any
72 other legal entity including contractors associated with the business.

73
74 *Plastic Checkout Bag* means a plastic bag that is provided by a business
75 establishment to a customer, typically at the point of sale, for the purpose of
76 transporting goods after sale, and is intended and constructed for single use.

77
78 *Recyclable Paper Bag* means a paper carryout bag provided by a retail

79 establishment to a customer at the point of sale for purposes of transporting
80 groceries or other goods and (1) contains no old growth fiber, (2) is 100 percent
81 recyclable, (3) contains a minimum of 40% post-consumer recycled content, and
82 (4) displays the words “Reusable” and “Recyclable” in a highly visible manner on
83 the outside of the bag.

84

85 *Reusable Bag* means a bag that is specifically designed and manufactured
86 for multiple reuse and is made of cloth or other fabric, or other durable material
87 suitable for reuse, and has durable built-in handles or draw-strings.

88

89 **Sec. 54-2. Prohibitions and Requirements:**

90 Affected retail establishments are prohibited from providing plastic checkout bags
91 to their customers at the point of sale. Reusable bags and recyclable paper bags are
92 allowed alternatives.

93 Affected retail establishments are strongly encouraged to provide incentives for
94 the use of reusable bags through education, credits, rebates, or tokens for
95 individuals who bring reusable bags.

96 Nothing in this section shall be read to preclude affected retail establishments
97 from making reusable or recyclable paper bags available for sale or free to
98 customers.

99 No person shall distribute plastic checkout bags at any City sponsored event, City
100 Facility, or any event held on City property.

101

102 **Sec. 54-3. Implementation of Voluntary Ban on Plastic Checkout Bags**

103 The City will promote a Voluntary Ban of plastic checkout bags throughout the
104 City beginning on June 1, 2015 through December 31, 2015 in preparation for the
105 Mandatory Ban of plastic checkout bags to begin on January 1, 2016.

106

107 **Sec. 54-4. Scope and Applicability**

108 Business establishments participating in the Voluntary Ban may begin to provide
109 recyclable paper checkout bags or reusable bags with or without charge, as of June
110 1, 2015, and be in full compliance with this Ordinance by January 1, 2016.

111

112 **Sec. 54-5. Exemptions**

113 This Division does not apply to bags used for the purpose of containing bait or
114 seafood sales or bags without handles, provided to effect food safety for a
115 purchaser of food by preventing contamination from any raw food; i.e. fruits,
116 vegetables, raw meat, raw seafood, raw poultry.

117

118 **Sec. 54-6 – 54.25. Reserved.**

119 **SECTION 3. PENALTY CLAUSE**

120 Any violation of this Ordinance may be punished by a fine not to exceed five
121 hundred dollars (\$500.00) for each offense or for each day such offense shall
122 continue.

123

124 **SECTION 4. EFFECTIVE DATE**

125 As provided by Article (,,). and by Article (...), Section (...) of the Charter of the
126 City of Rockport, this ordinance shall be effective upon adoption and, in addition,
127 if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance
128 shall be effective only after publication of this ordinance as provided by Article
129 (...) Section (...) (c), in its entirety or in summary (caption) form stating in
130 substance the purposes of same, once in the official newspaper of the City of
131 Rockport.

132

133 **SECTION 5. READING**

134 As provided by Article (...), Section (...) and Article (...), Section (...) of the Charter
135 of the City of Rockport, this ordinance or the caption of it shall be read at (#) city
136 council meetings with at least (#) week elapsing between each reading.

137

138 **SECTION 6. SEVERANCE**

139 If any part of this ordinance is invalid or void or is declared to be so, then said part
140 shall be severed from the balance of this ordinance and said invalidity shall not
141 affect the balance of this ordinance, the balance of the ordinance to be read as if
142 said invalid or void portion thereof were not included.

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145 **Passed, Ordained, Approved and Adopted** this ____ day of _____, 2015.

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147 City of Rockport, Texas

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C.J. Wax, Mayor

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ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF PORT ARANSAS, TEXAS CODE OF ORDINANCES CHAPTER 10 "HEALTH AND SANITATION", ARTICLE II "LITTER AND WASTE CONTROL" BY ADDING A NEW DIVISION 1 "REGULATION OF SINGLE USE PLASTIC (CHECKOUT) BAGS"; SETTING DEFINITIONS, PROHIBITIONS AND REQUIREMENTS, SCOPE AND APPLICABILITY, AND EXEMPTIONS; ESTABLISHING IMPLEMENTATION OF A VOLUNTARY BAN AND SETTING DATE OF MANDATORY COMPLIANCE; AND PROVIDING FOR EFFECTIVE DATE, READING, PUBLICATION, AND SEVERANCE.

WHEREAS, the City of Port Aransas, Texas has a duty to protect the natural environment, the economy, and the health of its citizens; and

WHEREAS, the single use plastic checkout bags create significant litter problems in the City of Port Aransas, ending up in the city's critical viewscapes being our dunes, wetlands, beaches, and waterways; and

WHEREAS, the plastic does not completely biodegrade in the marine environment, but instead breaks down into smaller pieces that are mistaken for food in turn block wildlife digestive systems, killing animals through starvation, exhaustion, or infection from ingesting toxic materials or entanglement; and

WHEREAS, discarded plastic bags in Port Aransas last indefinitely and create such an aesthetic blight and hazard to wildlife and the environment that it is in the best interest of the public health, safety, and welfare to adopt the proposed ban on distribution of plastic bags at point of sale within the boundaries of the City of Port Aransas, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, TEXAS:

SECTION 1. ADDITION

That Chapter 10 "Health and Sanitation", Article II. "Litter and Waste Control", Division 1 "Regulation of Plastic Bags" is hereby added to wit:

Chapter 10. "Health and Sanitation"
Article II. "Litter and Waste Control"
Division I. "Regulation of Single Use Plastic (Checkout) Bags"

Sec. 10-26. Definitions:

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this chapter/article/division, except where the context clearly indicates a different meaning:

47 Affected retail establishment means any retail establishment or temporary vendor that sells
 48 perishable or nonperishable goods, including, but not limited to, clothing, food, and personal items
 49 directly to the customer; and is located within the geographical limits of the City of Port Aransas.

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 51 Business establishment means a commercial enterprise or establishment, including sole
 52 proprietorships, joint ventures, partnerships, corporations, or any other legal entity including
 53 contractors associated with the business.

54
 55 Plastic Checkout Bag means a plastic bag that is provided by a business establishment to a
 56 customer, typically at the point of sale, for the purpose of transporting goods after sale, and is
 57 intended and constructed for single use.

58
 59 Recyclable Paper Bag means a paper carryout bag provided by a retail establishment to a
 60 customer at the point of sale for purposes of transporting groceries or other goods and meets all of
 61 the following requirements:

- 62 1. contains no old growth fiber;
- 63 2. is 100% recyclable;
- 64 3. contains a minimum of 40% post-consumer recycled content; and
- 65 4. displays the words "Reusable" and "Recyclable" in a highly visible manner
 66 on the outside of the bag.

67
 68 Reusable Bag means a bag that is specifically designed and manufactured for multiple reuse
 69 and is made of cloth or other fabric, or other durable material suitable for reuse, and has durable
 70 built-in handles or draw-strings.

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 72
 73 **Sec. 10-27. Prohibitions and Requirements:**

- 74
 75 (a) Affected retail establishments are prohibited from providing plastic checkout bags to their
 76 customers at the point of sale. Reusable bags, **compostable plastic bagsⁱ**, and recyclable paper
 77 bags are allowed alternatives.
 78
 79 (b) Affected retail establishments are strongly encouraged to provide incentives for the use of
 80 reusable bags through education, credits, rebates, or tokens for individuals who bring reusable
 81 bags.
 82
 83 (c) Nothing in this section shall be read to preclude affected retail establishments from making
 84 reusable or recyclable paper bags available for sale or free to customers.
 85
 86 (d) No person shall distribute plastic checkout bags at any City sponsored event, City Facility, or
 87 any event held on City property.
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 89

90 **Sec. 10-28. Implementation of a Voluntary Ban on Plastic Checkout Bags**

91
 92 The City will promote a Voluntary Ban of plastic checkout bags throughout the City beginning on
 93 January 1, 2015 through December 31, 2015, in preparation for the Mandatory Ban of plastic
 94 checkout bags to begin on January 1, 2016.
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98 **Sec. 10-29. Scope and Applicability**

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100 **Business establishments participating in the Voluntary Ban may begin to provide recyclable**
101 **paper checkout bags or reusable bags with or without charge, as of January 1, 2015 and be in**
102 **full compliance with this Ordinance by January 1, 2016.**

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105 **Sec. 10-30. Exemptions**

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107 **This Division does not apply to:**

- 108 1. **Bags used for the purpose of containing bait or seafood sales; or**
109 2. **Bags without handles, provided to effect food safety for a purchaser of food by preventing**
110 **contamination from any raw food; i.e. fruits, vegetables, raw meat, raw seafood, raw poultry.**

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112 **Sections 10-31 through Sections 10-35 Reserved for future use.**

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115 **SECTION 2. PENALTY CLAUSE**

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117 Any violation of this Ordinance may be punished by a fine not to exceed five hundred dollars
118 (\$500.00) for each offense or for each day such offense shall continue.

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120 **SECTION 3. EFFECTIVE DATE**

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122 As provided by Article III, Section 12.C. and by Article XII, Section 2 of the Charter of the City
123 of Port Aransas, this ordinance shall be effective upon adoption and, in addition, if any penalty,
124 fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after
125 publication of this ordinance as provided by Article III, Section 12 (c), in its entirety or in
126 summary (caption) form stating in substance the purposes of same, once in the official newspaper
127 of the City of Port Aransas.

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129 **SECTION 4. READING**

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131 As provided by Article III, Section 13 and Article III, Section 12(b) of the Charter of the City of
132 Port Aransas, this ordinance or the caption of it shall be read at three city council meetings with
133 at least one week elapsing between each reading.

134
135 **SECTION 5. SEVERANCE**

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137 If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed
138 from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance,
139 the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

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141 **PASSED, ORDAINED, APPROVED and ADOPTED** this _____ day of _____ 2014.

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143 **CITY OF PORT ARANSAS, TEXAS**

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Keith McMullin, Mayor

ATTEST:

Irma Parker, City Secretary

First Reading:
Second Reading:
Third Reading:

ⁱ Added at 2nd Reading.

Austin, Texas, Code of Ordinances >> TITLE 15. - UTILITY REGULATIONS. >> CHAPTER 15-6. - SOLID WASTE SERVICES. >> ARTICLE 7. CARRYOUT BAGS. >>

ARTICLE 7. CARRYOUT BAGS.

§ 15-6-121 DEFINITIONS.

§ 15-6-122 REGULATIONS.

§ 15-6-123 EXEMPTIONS.

§ 15-6-124 HARDSHIP VARIANCE.

§ 15-6-121 DEFINITIONS.

In this article:

- (1) BUSINESS ESTABLISHMENT means any commercial enterprise that provides carryout bags to its customers, including sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity whether for profit or not for profit and includes all employees of the business and any independent contractors associated with the business.
- (2) CARRYOUT BAG means a bag provided by a business establishment to a customer typically at the point of sale for the purpose of transporting purchases.
- (3) REUSABLE CARRYOUT BAG means a carryout bag that is specifically designed and manufactured for multiple reuse, and meets the following criteria:
 - (a) displays in a highly visible manner on the bag exterior, language describing the bag's ability to be reused and recycled, as prescribed by rule;
 - (b) except as provided in subsection (d) below, has a handle;
 - (c) is constructed out of either:
 - (i) Cloth, other washable fabric, or other durable materials whether woven or non-woven,
 - (ii) Recyclable plastic, with a minimum thickness of 4.0 mil and containing only the types of plastic resin as prescribed by rule, or
 - (iii) Recyclable paper; and
 - (d) handles are not required for carryout bags constructed out of recyclable paper with a height of less than 14 inches and width of less than 8 inches.
- (4) SINGLE-USE CARRYOUT BAG means a carryout bag that is not a reusable carryout bag.

Source: Ord. 20120301-078.

§ 15-6-122 REGULATIONS.

- (A) Beginning on the effective date of this ordinance, the City will engage in a public education campaign to inform business establishments and citizens of the requirements regarding carryout bags.
- (B) Beginning March 1, 2013, no person may provide single-use carryout bags at any City facility, City-sponsored event, or any event held on City property.
- (C)

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Beginning March 1, 2013, a business establishment within the City limits may not provide single-use carryout bags to its customers or to any person.

- (D) Beginning March 1, 2013, a business establishment within the City limits must provide prominently displayed signage advising customers of the benefit of reducing, reusing and recycling and of the need to use reusable carryout bags. The language and placement of signs under this Section shall be as prescribed by rule.
- (E) A business establishment within the City limits may provide or sell reusable carryout bags to its customers or any person. A person may provide or sell reusable carryout bags at any City facility, City-sponsored event, or any event held on City property.

Source: Ord. 20120301-078.

§ 15-6-123 EXEMPTIONS.

This article does not apply to:

- (1) Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of multiple bags intended for use as garbage, pet waste, or yard waste;
- (2) Bags provided by pharmacists or veterinarians to contain prescription drugs or other medical necessities, only if the bags are recyclable within the City of Austin residential recycling program;
- (3) Bags used by restaurants to take away prepared food, only if the bags are recyclable within the City of Austin residential recycling program; and
- (4) Bags used by a consumer inside a business establishment to:
 - (a) Contain bulk items, such as produce, nuts, grains, candy, or small hardware items,
 - (b) Contain or wrap frozen foods, meat, or fish, whether or not prepackaged, *shrimp seafood*
 - (c) Contain or wrap flowers, potted plants or other items to prevent moisture damage to other purchases, or
 - (d) Contain unwrapped prepared foods or bakery goods; and
- (5) Bags used by a non-profit corporation or other hunger relief charity to distribute food, grocery products, clothing, or other household items.

Source: Ord. 20120301-078.

§ 15-6-124 HARDSHIP VARIANCE.

- (A) The Director may grant a variance from a requirement of this article only after determining that:
- (1) application of this article would cause undue hardship based upon unique circumstances, or
 - (2) application of this article would deprive a person or business enterprise of a legally protected right.
- (B) The request for variance shall be submitted on a form prescribed by rule.
- (C) A variance granted under this Section must be the minimum departure necessary to address the hardship.
- (D) The Director shall prepare written findings to support the grant or denial of a variance request under this Section.

Source: Ord. 20120301-078.

I

Attachments

Brownsville, TX

ORDINANCE NUMBER 2010-911-F

AN ORDINANCE AMENDING CHAPTER 46, ARTICLE II "LITTER" OF THE CODE OF ORDINANCES, BY AMENDING SECTIONS 46-47 THRU 46-52 OF THE BROWNSVILLE CITY CODE PROHIBITING THE USE OF PLASTIC BAGS IN THE CITY OF BROWNSVILLE, AND ORDAINING OTHER PROVISIONS RELATING TO THE SUBJECT MATTER.

WHEREAS, the City of Brownsville, acting through its City Commission, prohibited certain plastic shopping bags in the City as of January 1, 2011 in Ordinance 2009-911-E ("Ordinance"); and,

WHEREAS, the Ordinance established an Environmental Advisory Committee charged with, among other things, monitoring the effects of the ban on plastic shopping bags; and

WHEREAS, the Environmental Advisory Committee has recommended certain changes in the Ordinance as set forth below; and

WHEREAS, these recommendations simplify the text of the Ordinance making it much easier for the public to understand and follow;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF BROWNSVILLE:

THAT, from and after the passage of this Ordinance Chapter 46, of the Brownsville City Code shall be amended to read as follows:

Article II. Litter

Sec. 46-47. Definitions.

Terms not here defined are to be construed as in everyday, commonly-understood usage.

Business establishment means any commercial enterprise or establishment, including sole proprietorships, joint ventures, partnerships, corporations or any other legal entity whether for profit or not for profit and includes all employees of the business and any independent contractors associated with the business.

Checkout bag means a bag that is provided by a business establishment to a customer typically at the point of sale for the purpose of transporting goods after shopping.

Convenience store means a business establishment, usually of a size of less than 5,000 square feet, which:

- (a) Sells a limited variety of food/grocery, tobacco, and pharmaceutical items;
- (b) Has off-street parking and/or convenient pedestrian access;
- (c) Has extended hours of operation, with many open 24 hours, seven days a week; and
- (d) May or may not sell gasoline.

Plastic checkout bag means a checkout bag made of plastic, which is provided by a business establishment to a customer typically at the point of sale for the purpose of transporting goods after shopping, and which is intended and constructed for single use.

Reusable bag means a bag that is specifically designed and manufactured for multiple reuse and meets all of the following criteria:

- (a) *Permitted material:*
 - (i) Cloth or other washable fabric, or other durable materials (woven or non-woven).
 - (ii) If made of plastic, must have a minimum of 4.0 mil in thickness.
 - (iii) If made of paper, must have a minimum of 65# in basis weight.
- (b) *Miscellaneous:*
 - (i) All reusable bags must have handles for easy carrying.
 - (ii) Reusable bags may be of various sizes, depending on the nature of the business employing them.

Sec. 46-48. Implementation of a Voluntary Ban on Plastic Checkout Bags beginning January 1, 2010 to December 31, 2010.

The entire city will promote a voluntary ban of plastic checkout bags throughout the city in preparation for the mandatory ban of plastic checkout bags to begin on January 5, 2011.

Sec. 46-49. Scope and applicability.

- (a) Business establishments are prohibited from providing plastic checkout bags as of January 5, 2011 but instead shall only provide reusable bags as checkout bags to their customers with or without charge, except as indicated in Section (b), below.
- (b) The following items are exempt from this Chapter:
 - (i) Paper bags provided by convenience stores;
 - (ii) Paper bags provided by restaurants for food carry-out purposes;
 - (iii) Bags provided by pharmaceutical departments of businesses, or by veterinarians, for the purpose of containing medications or other prescriptions, or other medical necessities provided by said pharmacies or veterinarians;
 - (iv) Paper bags provided for the containment of carry-out beverages;
 - (v) Paper bags commonly provided for liquor sales;
 - (vi) Garment or laundry bags made from any material;
 - (vii) Plastic bags provided to effect food safety for a purchaser of food by preventing contamination from any cooked, chilled or frozen food purchased; and
 - (viii) Plastic bags that are covered by Sec. 46-50, below.

Sec. 46-50. Provisionary surcharge for plastic bags.

- (a) The intent of this section is to facilitate the transition by business establishments and consumers to the use of reusable bags and is subject to future revision as provided by Sec. 46-52(b), below.

- (b) To the extent plastic or other non-reusable bags are requested by a customer, an environmental fee of \$1.00 per transaction is hereby established and must be paid to the business establishment at the time the bag is provided to the customer. The environmental fee remitted to or collected by the City shall be used towards environmental programs, recycling, and clean-up initiatives. This fee shall be shown as a separate item on the consumer transaction receipt.
- (c) The environmental fees collected shall be remitted to the City by the business establishment, less a reasonable administrative fee or no more than 5% to remain with the business to offset costs incurred. Rules for remittance shall be promulgated by the City Health Director with the assistance of other departments as may be required.

Sec. 46-51. Penalty.

Any violation of this Ordinance is subject to punishment as set forth in Chapter 1, General Provisions, *Sec. 1-13 General Penalty*, of the Code of Ordinances of the City of Brownsville.

Sec. 46-52. Creation of Environmental Advisory Committee.

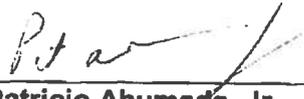
- (a) There is hereby created an Environmental Advisory Committee consisting of seven members appointed for indefinite terms by the city commission. Any member of the committee may be removed by the commission at any time and for any reason. To the extent feasible, the members of this committee will be two persons operating a business in the City of Brownsville, one member of the City Commission, two representatives of Healthy Communities of Brownsville, one member of the Brownsville Chamber of Commerce, and one member of the Brownsville Beautification Committee.
- (b) This committee shall monitor the effects of this ordinance, troubleshoot any issues with the application or enforcement of this ordinance, and report to the city commission on its activities from time to time.
- (c) The committee shall monitor the implementation of the policy set forth and make a recommendation six months and twelve months after the effective date to the commission on the viability and sustainability of the policy.
- (d) Unless extended by resolution of the city commission, the Environmental Advisory Committee will cease to exist at the close of business December 31, 2011.

Sec. 46-53. Severability.

If any phrase, clause, sentence, paragraph or section of this Ordinance is declared unconstitutional or unlawful by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the phrases, clauses, sentences, paragraphs, and sections would have been enacted by the city commission without the incorporation in this Ordinance of any such unconstitutional or unlawful phrase, clause, sentence, paragraph, or section.

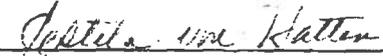
Passed on FIRST READING on this 7th day of September, 2010.

Passed on SECOND AND FINAL reading on this 20th day of September, 2010.



Patricio Ahumada, Jr.
Mayor

Attest:



Estela Von Hatten
City Secretary

Approved as to form and legality this the
23 day of Sept, 2010



Mark Sossi, City Attorney



D

Sec. 12-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Biodegradable bag means a carryout bag that is certified and labeled as meeting the current ASTM-Standard Specification for compostability by a recognized verification entity such as the Biodegradable Product Institute.

Business means any commercial enterprise or establishment, including sole proprietorships, joint ventures, partnerships, corporations or any other legal entity whether for profit or not for profit and includes all employees of the business and any independent contractors associated with the business.

Checkout bag means a carryout bag that is provided to a customer at the point of sale for the purpose of transporting goods.

Construction or demolition waste shall mean any waste resulting from construction or demolition projects; including all materials that are directly or indirectly the by-products of construction work or that result from demolition of buildings and other structures, including, but not limited to, paper, cartons, gypsum board, wood, excelsior, rubber, and plastics.

Garbage shall mean any waste from any kitchen within the city limits whether from private residence or any other place within the city, waste paper, discarded clothing, rags, grass cuttings, weeds or any refuse which may properly be placed in a garbage container but shall not include dead animals or fowls, manure of any type, rocks, dirt, pieces of concrete or any other refuse not classified as garbage.

Plastic shopping bag means a bag that is made from noncompostable plastic or compostable plastic and that is not specifically designed and manufactured for multiple reuse.

Premises shall mean business houses, boardinghouses, offices, theaters, hotels, motels, restaurants, cafes, eating houses, tourist courts, trailer parks, schools, private residences, vacant lots and all other places within the city limits.

Recyclable paper bag means a paper checkout bag provided by a business to a customer at the point of sale for the purpose of transporting groceries or other goods.

Reusable bag means a bag that is specifically designed and manufactured for multiple reuse and is: (1) made of cloth or other washable fabric; or (2) made of other durable material suitable for reuse.

Trash and rubbish shall mean grass cuttings, weeds, pieces of metal, large boxes or cans, tree limbs, which shall not exceed six (6) feet in length, and any other waste articles not readily disposed of as garbage and which shall be placed in a pile on the side of the alley or street, if no alley, convenient for city trucks to load.

Waste management facility shall mean a facility operating under a federal, state or local authorization for the management of garbage, trash, rubbish, construction and demolition waster, or other types of solid waste, including a landfill, a transfer station, a recycling facility, a composting facility, a citizens collection station or other similar facility.

(Ord. No. 09-115, 6-9-09; Ord. No. 09-121, 7-14-09; Ord. No. 10-117, 8-24-10; Ord. No. 11-111, 8-23-11)

Sec. 12-2. Short title.

This chapter shall be known as the sanitation ordinance of the city and may be cited as such.

(Ord. No. 09-115, 6-9-09)

Sec. 12-3. Burning garbage.

It shall not be permissible to burn garbage at any time in any part of the city.

(Ord. No. 09-115, 6-9-09)

Sec. 12-4. Disposal within city.

The disposal of all garbage, trash, rubbish, dead animals, etc., in any place within the city and five hundred (500) feet outside the city limits except at a properly authorized city waste management facility is prohibited.

(Ord. No. 09-115, 6-9-09)

Sec. 12-5. Disposal of certain garbage and refuse at owner's expense.

- (a) The places of wholesale accumulations such as killing and dressing plants for fowl, wholesale fruit and vegetable houses, storage and other places where the daily accumulation of kitchen garbage, trash and rubbish is more than the ordinary quantities are not included in the service furnished by the department of public works and such places are required to remove same to a properly authorized city waste management facility or other authorized waste management facility at their own expense.
- (b) It shall be unlawful for any person to put or place any tire which has not been shredded, quartered, or split in any city container or other city-owned receptacle used for the collection of garbage or trash.

(Ord. No. 09-115, 6-9-09)

Sec. 12-6. City waste management facility permit program.

- (a)

J

- Unless exempted from fees under subsection 12-75(c) or (d), any person or entity that intends to deliver waste to a city waste management facility is required to apply for and obtain a use permit from the city.
- (b) The purpose of this use permit shall be to allow the city to control the quantity of waste delivered to the facility (in accordance with applicable state regulations), to ensure that persons or entities delivering waste to the facility are delivering only authorized wastes to the facility, and to ensure that proper fees and charges for the management of these wastes are assessed and collected.
 - (c) The city manager or his designee shall develop written policies and procedures to implement the permit program. The policy and procedure documents shall be made available to the public. These documents shall require each applicant to provide:
 - (1) Identification and billing information sufficient to either confirm an existing utility account with the city or to establish a new utility account with the city, to ensure the proper assessment and collection of fees, and or the extension of credit to the applicant;
 - (2) Personnel and equipment information sufficient to allow facility operating personnel to confirm that only authorized individuals and equipment actually deliver waste to the facility;
 - (3) Information to characterize the nature and quantity of waste they intend to deliver to the facility, including confirmation by the waste generator that the proposed waste is suitable and authorized for acceptance at the facility, to identify any special handling requirements for the waste, to include any required analytical testing of the waste, and to provide any certifications required by the facility operating permit or state or federal law;
 - (4) A signature on behalf of the applicant acknowledging that the applicant has received a copy of the facility terms and conditions for the receipt of waste, agrees to abide by those terms and conditions, and guarantees payment for fees assessed; and
 - (5) Confirmation that the individual signing the application on behalf of the applicant is authorized to submit the application.
 - (d) The program documents shall indicate that the city assumes no responsibility for damage to vehicles, equipment or personnel while present at the waste management facility.
 - (e) The city manager or his designee is authorized to reject applications or to accept applications and issue permits to applicants based on the material provided in the application and an evaluation of the impact of the proposed wastes on the city waste management facility.
 - (f) The city manager or his designee is authorized to accept or reject waste from any permit holder in accordance with the program policies and procedures, and any requirements of the facility operating permit or state or federal law.
 - (g) Fees for the city waste management facility permit program are outlined in subsection 12-75(e).
 - (h) The program shall include provision for a security deposit, as set forth in subsection 12-75(e). The security deposit shall be released to the applicant upon the termination of the permit, provided all city accounts are satisfactorily settled. The city may use all or part of the security deposit to satisfy any outstanding balance on any account the permit holder has with the city, following thirty (30) calendar days written notice to the permit holder. The city manager or his designee may release the security deposit to any permit holder that has established a minimum of eighteen (18) months of acceptable payment history.

(Ord No 09-115 6-9-09)

Sec. 12-7. Illegal dumping.

It shall be considered "illegal dumping" for anyone residing inside or outside the city limits that does not pay for city sanitation services to dispose of their garbage or refuse in any city-owned receptacle. A fine shall be assessed in accordance with the city's Code of Ordinances.

(Ord. No 09-121, 7-14-09)

Sec. 12-8. Implementation of a voluntary ban on plastic shopping bags beginning February 8, 2011, to August 31, 2011.

The entire city will promote a voluntary ban of plastic shopping bags throughout the city in preparation for the mandatory ban of plastic shopping bags to begin on September 1, 2011.

(Ord No 10-117, 8-24-10 Ord No 11-100, 2-8-11; Ord. No. 11-111, 8-23-11)

Editor's note—

Ord. No. 11-100, adopted Feb. 8, 2011, changed the title of § 12-8 from "Implementation of a voluntary ban on plastic shopping bags beginning August 1, 2010—February 28, 2011" to "Implementation of a voluntary ban on plastic shopping bags beginning February 8, 2011—August 31, 2011."

Sec. 12-9. Plastic bag restrictions.

Businesses will be prohibited from providing plastic shopping bags beginning September 1, 2011, with the exception of plastic shopping bags specifically provided to the customer at the point of sale for the purpose of transporting meat, fish and poultry products. Businesses may instead provide only recyclable paper bags, reusable bags or biodegradable bags as checkout bags to their customers with or without charge.

(Ord No 10-117, 8-24-10, Ord No 11-100, 2-8-11; Ord. No. 11-111, 8-23-11)

Sec. 12-10. Penalty.

Any violation of this article is subject to punishment as set forth in Chapter 1, General Provisions, Section 1-14, General penalty for violations of Code; continuing violations, of the Code of Ordinances of the City of Fort Stockton.

(Ord. No 10-117, 8-24-10 Ord No 11-111, 8-23-11)

Sec. 12-11. Monitoring the effects of this article.

The Keep Historic Fort Stockton Beautiful (KHFSB) Board shall monitor the effects of this article, trouble shoot any issues with the application or enforcement of this article, and report to the city council on its activities from time to time. Unless extended by resolution of the city council, the oversight by KHFSB Board will cease to exist at the close of business on August 31, 2011.

(Ord. No. 10-117, 8-24-10, Ord No 11-100, 2-8-11; Ord. No. 11-111, 8-23-11)

K

Freer, TX

Ordinance 2012-05 Plastic Bags



ORDINANCE 2012-05

Prohibit Use of Plastic Bags at Point of Sale

AN ORDINANCE OF THE CITY OF FREER, TEXAS, TO PROHIBIT THE USE OF PLASTIC BAGS AT THE POINT OF SALE IN THE CITY OF FREER AND PROVIDING A VOLUNTARY BAN ON PLASTIC CHECKOUT BAGS BEGINNING ON JANUARY 1, 2013 THROUGH JUNE 1, 2013 AND COMPLIANCE THEREAFTER; PROVIDING FOR A PENALTY FOR VIOLATION NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); PROVIDING FOR SEVERABILITY; AND AUTHORIZING PUBLICATION IN CAPTION FORM.

WHEREAS, the City of Freer, Texas has a duty to protect the natural environment, the economy, and the health of its citizens: and

WHEREAS, the plastic shopping bags create significant litter problems in the City of Freer. Plastic bags do not biodegrade and are extremely light and easily caught in the wind: and

WHEREAS, the plastic can block the wildlife digestive systems, killing the animals through starvation, exhaustion or infection from deep wounds caused by tightening material: and

WHEREAS, there is a strong possibility that plastic bags discarded in Freer can end up in the ranch land, vacant lots and along city streets and state highways where they will last indefinitely and create an aesthetic blight and potential hazard to wildlife and the environment, it is in the best interests of the public health, safety and welfare to adopt the proposed ban on distribution of plastic bags at point of sale within the boundaries of the City of Freer.

Now, Therefore, Be It Ordained by The City Council of The City of Freer, Texas:

Section 1, "Regulation of Plastic Bags, to read as follows:

Sec. 1-01. Definitions:

A. *Business establishment* means any commercial enterprise or establishment, including sole proprietorships, joint ventures, partnerships, corporations or any other legal entity whether for profit or not for profit and includes all employees of the business and any independent contractors associated with the business.

B. *Checkout bag* means a bag that is provided by a business establishment to a customer typically at the point of sale for the purpose of transporting goods after shopping.

C. *"Affected retail establishment"* means any retail establishment, temporary vendor and restaurants, located within the geographical limits of the City of Freer.

D. *"Compostable bag"* means a carry out bag that is certified and labeled as meeting the current ASTM-Standard Specification for compostability by a recognized verification entity such as the Biodegradable Product Institute and which can be easily differentiated, through color coding and other markings, from non-compostable plastic carry-out bags.

E

E. "*Plastic carryout bag*" means a non-compostable plastic bag provided by a store to a customer at the point of sale for the purpose of transporting goods after shopping, and which is intended and constructed for single use.

F. "*Recyclable Paper Bag*" means a paper carryout bag provided by an affected retail establishment to a customer at the point of sale for purposes of transporting groceries or other goods and meets all of the following requirements:

- (1) contains no old growth fiber
- (2) is 100% recyclable
- (3) contains a minimum of 40% post-consumer recycled content, and
- (4) displays the words "Reusable" and "Recyclable" in a highly visible manner on the outside of the bag.

G. "*Reusable Bag*" means a bag that is specifically designed and manufactured for multiple reuse and is

- (1) made of cloth or other fabric, or
- (2) made of other durable material suitable for re-use.

Sec. 1-02. Prohibitions and Requirements.

(A) Affected retail establishments are prohibited from providing Plastic Carry-out Bags to their customers at the point of sale. Reusable bags, recyclable paper bags, and compostable plastic bags are allowed alternatives.

(B) No person shall distribute Plastic Carry-Out Bags at any City sponsored event, City facility or any event held on City property.

(C) Affected retail establishments are strongly encouraged to provide incentives for the use of reusable bags through the use of education and credits, rebates, or tokens for individuals who bring reusable bags.

(D) Nothing in this section shall be read to preclude affected retail establishments from making reusable, compostable, or recyclable paper bags available for sale or free to customers.

Sec. 1-03 Implementation of a *Voluntary Ban* on Plastic Checkout Bags beginning on January 1, 2013 through June 1, 2013.

The entire city will promote a *voluntary ban* of plastic checkout bags throughout the city beginning on January 1, 2013 through June 1, 2013 in preparation for the ***mandatory ban of plastic checkout bags to begin on June 2, 2013.***

Sec. 1-04 Scope and applicability

1. Business establishments shall begin to provide compostable plastic and compostable paper checkout bags as of January 1, 2013 and be in full compliance with this Ordinance by June 2, 2013. They may also provide reusable bags as checkout bags to their customers with or without charge, except as indicated in Section (B), below.

1. The following items are exempt from this Chapter:
 1. Paper bags provided by convenience stores;
 2. Paper bags provided by restaurants for food carry-out purposes;
 3. Paper Bags provided by pharmaceutical departments of businesses. Or by veterinarians, for the purpose of containing medications or other prescriptions, or other medical necessities provided by said pharmacies or veterinarians;
 4. Paper bags provided for the containment of carry-out beverages
 5. Paper bags commonly provided for liquor sales;
 6. Garment or laundry bags made from any material;
 7. Plastic bags provided to effect food safety for a purchaser of food by preventing contamination from any cooked, chilled or frozen food purchased."

Section 2, Penalty Clause.

Any violation of this Ordinance may be punished by a fine not to exceed Five Hundred Dollars (\$500.00) for each offense or for each day such offense shall continue.

Section 3, Severability Clause.

If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this Ordinance for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

PASSED, APPROVED AND ADOPTED on this 10th day of December, 2012, with a vote of 5 Ayes, 0 Nays and 0 Abstentions.

Original ordinance signed by Mayor

Mayor, Andrea C. Bierstedt

ATTEST:

Before me, Cynthia W. Lackey, City Secretary, on this day personally appeared Andrea C. Bierstedt, Mayor, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this 10th day of December, A. D., 2012.

Original ordinance notarized by city secretary

City Secretary, Cynthia W. Lackey

Notarizing Officer

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G

ORDINANCE NUMBER 10-38

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES TO ADD A NEW SECTION 12-30 TO PROHIBIT THE USE OF PLASTIC BAGS AT THE POINT OF SALE IN THE CITY OF SOUTH PADRE ISLAND AND PROVIDING A VOLUNTARY BAN ON PLASTIC CHECKOUT BAGS BEGINNING ON FEBRUARY 1, 2011 TO DECEMBER 31, 2011 AND COMPLIANCE THEREAFTER; PROVIDING FOR A PENALTY FOR VIOLATION NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); PROVIDING FOR SEVERABILITY; AND AUTHORIZING PUBLICATION IN CAPTION FORM.

WHEREAS, the City of South Padre Island has a duty to protect the natural environment, the economy, and the health of its citizens: and

WHEREAS, plastic shopping bags create significant litter problems in the City of South Padre Island and also litter community beaches. Plastic bags do not biodegrade and are extremely light and easily caught in the wind. In a coastal city like South Padre Island, even plastic bags which are properly discarded can find their way into the marine environment where they do not break down and essentially remain indefinitely: and

WHEREAS, the US Marine Mammal Commission estimates that 257 marine species have been reported entangled in or having ingested marine debris. Plastic can constrict the animals movements or block their digestive system, killing the animals through starvation, exhaustion or infection from deep wounds caused by tightening material. While the exact numbers are unknown, there are many reported instances of marine animals being injured or dying from ingesting or choking on plastic bags which end up in the Laguna Madre Bay and the Gulf of Mexico: and

WHEREAS, because there is a strong possibility that plastic bags discarded in South Padre Island can end up in the ocean or the bay where they will last indefinitely and create an aesthetic blight and potential hazard to marine life, it is in the best interests of the public health, safety and welfare to adopt the proposed ban on distribution of plastic bags at point of sale within the boundaries of the City of South Padre Island.

Now, Therefore, Be It Ordained by The City Council of The City Of South Padre Island, Texas:

Section 1 That a new Sec. 12-30 be added to Chapter 12 the Code of Ordinances of the City of South Padre Island, Texas, to read as follows:

“Regulation of Plastic Bags

Sec. 12-30. Definitions:

A. Business establishment means any commercial enterprise or establishment, including sole proprietorships, joint ventures, partnerships, corporations or any other legal entity whether for profit or not for profit and includes all employees of the business and any independent contractors associated with the business.

B. Checkout bag means a bag that is provided by a business establishment to a customer typically at the point of sale for the purpose of transporting goods after shopping.

C. "Affected retail establishment" means any retail establishment, temporary vendor and restaurants, located within the geographical limits of the City of South Padre Island.

D. "Compostable bag" means a carry out bag that is certified and labeled as meeting the current ASTM-Standard Specification for compostability by a recognized verification entity such as the Biodegradable Product Institute and which can be easily differentiated, through color coding and other markings, from non-compostable plastic carry-out bags.

E. "Plastic carryout bag" means a non-compostable plastic bag provided by a store to a customer at the point of sale for the purpose of transporting goods after shopping, and which is intended and constructed for single use.

F. "Recyclable Paper Bag" means a paper carryout bag provided by an affected retail establishment to a customer at the point of sale for purposes of transporting groceries or other goods and meets all of the following requirements:

- (1) contains no old growth fiber
- (2) is 100% recyclable
- (3) contains a minimum of 40% post-consumer recycled content, and
- (4) displays the words "Reusable" and "Recyclable" in a highly visible manner on the outside of the bag.

G. "Reusable Bag" means a bag that is specifically designed and manufactured for multiple reuse and is

- (1) made of cloth or other fabric, or
- (2) made of other durable material suitable for re-use.

Sec. 12-30.1. Prohibitions and Requirements.

(A) Affected retail establishments are prohibited from providing Plastic Carry-out Bags to their customers at the point of sale. Reusable bags, recyclable paper bags, and compostable plastic bags are allowed alternatives.

(B) No person shall distribute Plastic Carry-Out Bags at any City sponsored event, City facility or any event held on City property.

(C) Affected retail establishments are strongly encouraged to provide incentives for the use of reusable bags through the use of education and credits, rebates, or tokens for individuals who bring reusable bags.

(D) Nothing in this section shall be read to preclude affected retail establishments from making reusable, compostable, or recyclable paper bags available for sale or free to customers.

Sec. 12-30.2 Implementation of a Voluntary Ban on Plastic Checkout Bags beginning on February 1, 2011 to December 31, 2011.

The entire city will promote a voluntary ban of plastic checkout bags throughout the city in preparation for the mandatory ban of plastic checkout bags to begin on January 1, 2012.

Sec. 12-30.3 Scope and applicability

(A) Business establishments shall only provide compostable plastic and compostable paper checkout bags as of January 1, 2012. They may also provide reusable bags as checkout bags to their customers with or without charge, except as indicated in Section (B), below.

(B) The following items are exempt from this Chapter:

1. Paper bags provided by convenience stores;
2. Paper bags provided by restaurants for food carry-out purposes;
3. Paper Bags provided by pharmaceutical departments of businesses. Or by veterinarians, for the purpose of containing medications or other prescriptions, or other medical necessities provided by said pharmacies or veterinarians;
4. Paper bags provided for the containment of carry-out beverages
5. Paper bags commonly provided for liquor sales;
6. Garment or laundry bags made from any material;
7. Plastic bags provided to effect food safety for a purchaser of food by preventing contamination from any cooked, chilled or frozen food purchased.”

Section 2. Any violation of this Ordinance may be punished by a fine not to exceed Five Hundred Dollars (\$500.00) for each offense or for each day such offense shall continue and the penalty provisions of Section 21-1 of the Code of Ordinances is hereby adopted and incorporated for all purposes.

Section 3. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this Ordinance for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

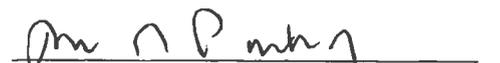
PASSED, APPROVED AND ADOPTED on First Reading, this 5th day of January 2011.

PASSED, APPROVED AND ADOPTED on Second Reading, this ¹⁹⁷²11 day of January 2011.

ATTEST:

**CITY OF SOUTH PADRE
ISLAND, TEXAS**


Susan Hill, CITY SECRETARY


ROBERT N. PINKERTON, JR., MAYOR



The State of Texas
House of Representatives

P.O. Box 2910
Austin, Texas 78768
Tel: 512-463-0880
1-800-734-9515
Fax: 512-463-2188



Representing
Hunt, Hopkins, and
Van Zandt Counties

RECEIVED

MAR 04 2014

OPINION COMMITTEE

Dan Flynn
State Representative • District 2

FILE # ML-47529-14
I.D. # 47529

RQ-1189-GA

February 27, 2014

Office of the Attorney General
Attention: Opinion Committee
209 W. 14th Street
Austin, TX 78701

RE: Opinion request regarding bans on plastic bags and Sec. 361.0961, Health and Safety Code

Dear General Abbott:

At least nine cities in Texas have enacted bans on plastic bags and adopted fees on replacement bags in recent years (links to ordinances set forth below). This appears to be in contravention of state law.

Specifically, Section 361.0961 of the Texas Health and Safety Code provides that “a local government or other political subdivision may not adopt an ordinance, rule, or regulation to: (1) prohibit or restrict, for solid waste management purposes, the sale or use of a container or package in a manner not authorized by state law... or (3) assess a fee or deposit on the sale or use of a container or package”. I enclose a copy of the statute.

I would like your opinion on the legality of these ordinances in light of the prohibition in Section 361.0961 of the Health and Safety Code.

Respectfully yours,

Dan Flynn
State Representative, HD-2

HEALTH AND SAFETY CODE

Sec. 361.0961. RESTRICTIONS ON AUTHORITY OF LOCAL GOVERNMENT OR OTHER POLITICAL SUBDIVISION. (a) A local government or other political subdivision may not adopt an ordinance, rule, or regulation to:

(1) prohibit or restrict, for solid waste management purposes, the sale or use of a container or package in a manner not authorized by state law;

(2) prohibit or restrict the processing of solid waste by a solid waste facility, except for a solid waste facility owned by the local government, permitted by the commission for that purpose in a manner not authorized by state law; or

(3) assess a fee or deposit on the sale or use of a container or package.

(b) This section does not prevent a local government or other political subdivision from complying with federal or state law or regulation. A local government or other political subdivision may take any action otherwise prohibited by this section in order to comply with federal requirements or to avoid federal or state penalties or fines.

(c) This section does not limit the authority of a local government to enact zoning ordinances.

Added by Acts 1993, 73rd Leg., ch. 1045, Sec. 12, eff. Sept. 1, 1993.

Sec. 361.003. DEFINITIONS.

(35) This subdivision is effective on delegation of the Resource Conservation and Recovery Act authority to the Railroad Commission of Texas. Subject to the limitations of 42 U.S.C. Section 6903(27) and 40 C.F.R. Section 261.4(a), "solid waste" means garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and institutional activities. The term:

(A) does not include:

(i) solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows, or industrial discharges subject to regulation by permit issued under Chapter 26, Water Code;

(ii) soil, dirt, rock, sand, and other natural or man-made inert solid materials used to fill land if the object of the fill is to make the land suitable for the construction of surface improvements; or

(iii) waste materials that result from activities associated with the exploration, development, or production of oil or gas or geothermal resources and other substance or material regulated by the Railroad Commission of Texas under Section 91.101, Natural Resources Code; and

(B) does include hazardous substances, for the purposes of Sections 361.271 through 361.277, 361.280, and 361.343 through 361.345.

(31) "Rubbish" means nonputrescible solid waste, excluding ashes, that consists of:

(A) combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; and

(B) noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1,600 to 1,800 degrees Fahrenheit).

Links to city ordinances:

Austin [http://www.amlegal.com/nxt/gateway.dll/Texas/austin/title15utilityregulations/chapter15-6solidwasteservices?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:austin_tx\\$sanc=JD_Chapter15-6,Article7](http://www.amlegal.com/nxt/gateway.dll/Texas/austin/title15utilityregulations/chapter15-6solidwasteservices?f=templates$fn=default.htm$3.0$vid=amlegal:austin_tx$sanc=JD_Chapter15-6,Article7)

Brownsville

<http://library.municode.com/index.aspx?clientID=10297&stateID=43&statename=Texas>

Fort Stockton http://www.commandpackaging.com/pdf/fortstockton_bagordinance.pdf

Freer

http://www.ci.freer.tx.us/index.php?option=com_content&view=article&id=356:ordinance-2012-05-plastic-bags&catid=122:ordinances&Itemid=63

Kermit <http://www.cawrecycles.org/files/Kermit%20TX%20Ord%2013-05%20Plastic%20Bag%20Ban.pdf>

Laguna Vista http://www.uniflexbags.com/assets/baglaws/texas_laguna_vista.pdf

Laredo

<http://www.esd.cityoflaredo.com/ESDWeb/news/Plastic%20Checkout%20Bag%20Prohibition%20Ordinance12808.pdf>

South Padre Island http://www.spectrumbags.com/images/Ord_10-38_-_Plastic_Bag_Ban_-_1-19-11.pdf

Sunset Valley

[http://www.amlegal.com/nxt/gateway.dll/Texas/sunsetvalley_tx/cityofsunsetvalleytexascodesforordinances?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:sunsetvalley_tx](http://www.amlegal.com/nxt/gateway.dll/Texas/sunsetvalley_tx/cityofsunsetvalleytexascodesforordinances?f=templates$fn=default.htm$3.0$vid=amlegal:sunsetvalley_tx)



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

August 29, 2014

The Honorable Dan Flynn
Chair, Select Committee on Transparency in
State Agency Operations
Texas House of Representatives
Post Office Box 2910
Austin, Texas 78768

Opinion No. GA-1078

Re: Whether section 361.0961 of the Texas
Health and Safety Code prohibits municipalities
from adopting ordinances that ban plastic bags
(RQ-1189-GA)

Dear Representative Flynn:

You ask whether section 361.0961 of the Health and Safety Code prohibits municipalities from “enact[ing] bans on plastic bags and adopt[ing] fees on replacement bags.”¹ You point to nine Texas cities that have adopted such ordinances in recent years and question whether the ordinances are legal in light of section 361.0961. Request Letter at 1. Each of the nine ordinances differ to some extent in the specific requirements and prohibitions they impose and the types of businesses to which they apply.² Questions regarding construction of specific city ordinances are outside the purview of an attorney general opinion. Tex. Att’y Gen. Op. No. GA-0648 (2008) at 6–7. This office will, however, address the legal question of whether a certain type of ordinance conflicts with state law. Tex. Att’y Gen. Op. No. GA-0433 (2006) at 1. All the ordinances you cite prohibit businesses from providing single-use plastic bags to customers. Thus, while this opinion should not be read to construe the specific terms of a particular municipal ordinance, we can advise you about the general question whether state law prohibits a municipality from prohibiting businesses from providing single-use plastic bags to customers.

The cities that have adopted these ordinances include both home-rule and general-law cities. Neither a home-rule city nor a general-law city may adopt an ordinance that is inconsistent with the Texas Constitution or Texas statutes. TEX. CONST. art XI, § 5; *see* TEX. LOC. GOV’T CODE ANN. §§ 51.012, .032 (West 2008) (authorizing general-law cities to adopt ordinances not

¹Letter from Hon. Dan Flynn, House Select Comm. on Transparency in State Agency Operations, to Hon. Greg Abbott, Tex. Att’y Gen. at 1 (Feb. 27, 2014), <http://www.texasattorneygeneral.gov/opin> (“Request Letter”).

²*See* AUSTIN, TEX., ORDINANCES tit. 15, ch. 15-6, art. 7 (2012); BROWNSVILLE, TEX., ORDINANCES pt. II, subpt. A, ch. 46, art., II, §§ 46-47–46-51 (Sept. 20, 2010); FORT STOCKTON, TEX., ORDINANCES art. I, §§ 12-8–12-11 (Aug. 23, 2011); FREER, TEX., ORDINANCES 2012-05, §§ 1–3 (Dec. 10, 2012); KERMIT, TEX., ORDINANCES 13-05, §§ 98-01–98.10 (2013); LAGUNA VISTA, TEX., ORDINANCES 2012-23 (Sept. 11, 2012); LAREDO, TEX., ORDINANCES pt. II, ch. 33, art. VIII, §§ 33-501–33-507 (Aug. 19, 2013); SO. PADRE ISLAND, TEX., ORDINANCES 10-38, §§12-30–12-30.3 (Jan. 19, 2011); SUNSET VALLEY, TEX., ORDINANCES §§ 93.60–93.63 (Feb. 19, 2013).

inconsistent with state law). “[A] general law and a city ordinance will not be held repugnant to each other if any other reasonable construction leaving both in effect can be reached.” *Dallas Merch. 's & Concessionaire 's Ass'n v. City of Dallas*, 852 S.W.2d 489, 491 (Tex. 1993) (citation omitted).

The statute about which you ask is found in chapter 361 of the Health and Safety Code, which is titled the “Solid Waste Disposal Act” (“the Act”). TEX. HEALTH & SAFETY CODE ANN. § 361.001 (West 2010). Section 361.0961 of the Act states, in relevant part:

A local government or other political subdivision may not adopt an ordinance, rule, or regulation to:

- (1) prohibit or restrict, for solid waste management purposes, the sale or use of a container or package in a manner not authorized by state law; [or]
- ...
- (3) assess a fee or deposit on the sale or use of a container or package.

Id. § 361.0961(a)(1), (3). Answering your question requires analyzing whether a single-use plastic bag is a “container or package” within the meaning of section 361.0961, and if so, whether the municipal ordinances prohibit single-use plastic bags for “solid waste management purposes.”

The Act does not define “container or package.”³ Undefined terms in a statute are given their ordinary meaning unless a different or more precise definition is apparent from the term’s use in the statute’s context. *TGS-NOPEC Geophysical Co. v. Combs*, 340 S.W.3d 432, 439 (Tex. 2011). The common understanding of the word “container” is a “receptacle for holding goods.” MERRIAM-WEBSTER’S COLLEGIATE DICTIONARY 269 (11th ed. 2003). Also relevant to the question is the common understanding of “bag,” which is a “flexible *container* that may be closed for holding, storing, or carrying something.” *Id.* at 91 (emphasis added). Based on the common understanding of these terms, a court is likely to conclude that a single-use plastic bag is a container within the meaning of section 361.0961.

Briefing submitted to this office argues that the phrase “container or package” as used in section 361.0961 is limited to only those containers or packages that are intended to store solid

³The terms “container” and “package” are defined in unrelated contexts in other statutes, and some expressly include a “bag” or “plastic bags” in the definition, while others do not. *See, e.g.*, TEX. AGRIC. CODE ANN. § 141.001(5) (West 2004) (defining “container” to include, among other things, a bag or package in which commercial feed is packed); TEX. HEALTH & SAFETY CODE ANN. § 431.002(27) (West 2010) (defining “package” as “any container or wrapping in which a consumer commodity is enclosed . . .”). While definitions of words from unrelated statutes may sometimes be informative, these incongruities provide little guidance with regard to how the terms should be construed in chapter 361.

waste.⁴ While the Legislature limited the application of the statute to ordinances, rules, or regulations adopted for solid waste management purposes, the plain language of section 361.0961 does not limit the types of containers or packages to which it applies. Furthermore, during the Legislature's debate on section 361.0961, the bill's sponsor explained that the bill was intended to prohibit municipalities from adopting rules about Styrofoam containers, suggesting that the language could apply to containers beyond those used to store solid waste. Debate on Tex. S.B. 963 on the Floor of the Senate, 73d Leg., R.S. (May 24, 1993) (digital recording available from Texas State Archives Comm'n); *see also* House Research Org., Bill Analysis, Tex. S.B. 963, 73d Leg., R.S. (1993) at 5 (explaining that opponents argue the bill would "prohibit a city from banning wasteful packaging or Styrofoam cups or imposing a bottle return fee"). While legislative history is often unreliable and is not determinative of our interpretation of section 361.0961, these relatively clear statements of legislative intent provide added support for the text-based construction of section 361.0961 adopted here. Construing the scope of "container" narrowly as suggested by some briefers would both depart from the statute's plain text and ignore the available legislative history.

Because a single-use plastic bag is likely a container under section 361.0961, it is necessary to analyze the purposes for which the municipal ordinances prohibit single-use plastic bags. In order for an ordinance to be prohibited by section 361.0961, the city must have adopted it "for solid waste management purposes." TEX. HEALTH & SAFETY CODE ANN. § 361.0961(a)(1) (West 2010). "[S]olid waste" is defined in chapter 361 to include, among other items, "rubbish, [or] refuse." *Id.* § 361.003(35). "Rubbish" is in turn defined as "nonputrescible solid waste . . . that consists of," among other items, "plastics." *Id.* § 361.003(31). "Management" is defined as "the systematic control of the activities of generation, source separation, collection, handling, storage, transportation, processing, treatment, recovery, or disposal of solid waste." *Id.* § 361.003(18). It is conceivable that a city adopting an ordinance that prohibited single-use plastic bags would do so to control the generation of solid waste, which single-use plastic bags will most likely become. Other purposes may also exist for such an ordinance, however. For example, two of the ordinances you inquire about state that their purpose is the protection of animal life. *See* FREER, TEX., ORDINANCES 2012-05 (Dec. 10, 2012) ("there is a strong possibility that plastic bags . . . can end up in the ranch land, . . . and create . . . potential hazard to wildlife"); LAGUNA VISTA, TEX., ORDINANCES 2012-23 (Sept. 11, 2012) ("there is a strong possibility that plastic bags . . . create . . . potential hazard to marine life").

Determining whether a city adopted an ordinance for solid waste management purposes will require a factual inquiry into the intent of the governmental body. Such factual inquiries are beyond the scope of an attorney general opinion. Tex. Att'y Gen. Op. No. GA-0090 (2003) at 5 (determining intent is beyond the scope of an attorney general opinion). Thus, we cannot determine whether any specific ordinance is prohibited by section 361.0961 but can advise only

⁴*See* Brief from Karen Kennard, City Attorney, City of Austin at 4 (Mar. 26, 2014); Brief from H. Abell, et. al. at 2 (Mar. 26, 2014) (briefs on file with Op. Comm.).

that section 361.0961 would likely prohibit a city ordinance adopted for solid waste management purposes that prohibited single-use plastic bags.

You also ask about the legality of a municipal ordinance that assesses “fees on replacement bags” under section 361.0961. Request Letter at 1. The plain language of subsection 361.0961(a)(3) prohibits a political subdivision from adopting an ordinance that “assess[cs] a fee or deposit on the sale or use of a container or package.” TEX. HEALTH & SAFETY CODE ANN. § 361.0961(a)(3) (West 2010). Unlike the language in subsection 361.0961(a)(1), the prohibition on fees or deposits is not limited to instances when the assessment is for solid waste management purposes. Because a court is likely to conclude that a bag is a container in the context of section 361.0961, a court would also likely conclude that a city is prohibited from assessing a fee on the sale or use of a replacement bag.⁵

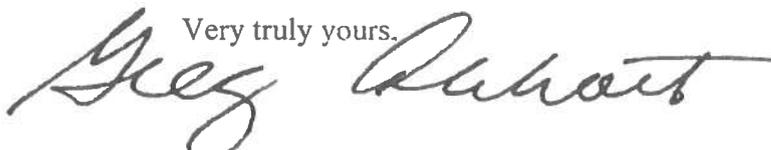
⁵Section 361.0961 applies only to “a local government or other political subdivision” and therefore does not impact the authority of a private business to, at its own choosing, charge a fee for the sale of a replacement bag. TEX. HEALTH & SAFETY CODE ANN. § 361.0961(a) (West 2010).

S U M M A R Y

A court would likely conclude that a city ordinance prohibiting or restricting single-use plastic bags is prohibited by subsection 361.0961(a)(1) of the Health and Safety Code if the city adopted the ordinance for solid waste management purposes. Whether a specific city's single-use plastic bag ordinance was adopted for such purposes will require a factual inquiry that is beyond the scope of an attorney general opinion.

A court would likely conclude that section 361.0961(a)(3) prohibits a city from adopting an ordinance that assesses a fee on the sale or use of a single-use plastic bag.

Very truly yours,



GREG ABBOTT
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VIRGINIA K. HOELSCHER
Chair, Opinion Committee

Virginia K. Hoelscher
Assistant Attorney General, Opinion Committee



(Recent Little Bay and Tule Creek Photos)
March 2015

City Council Information Packet

Controlling Plastic Checkout Bags in Rockport, Texas

Rockport-Fulton Skip the Plastic Project - Coastal Bend Chapter of the
Surfrider Foundation

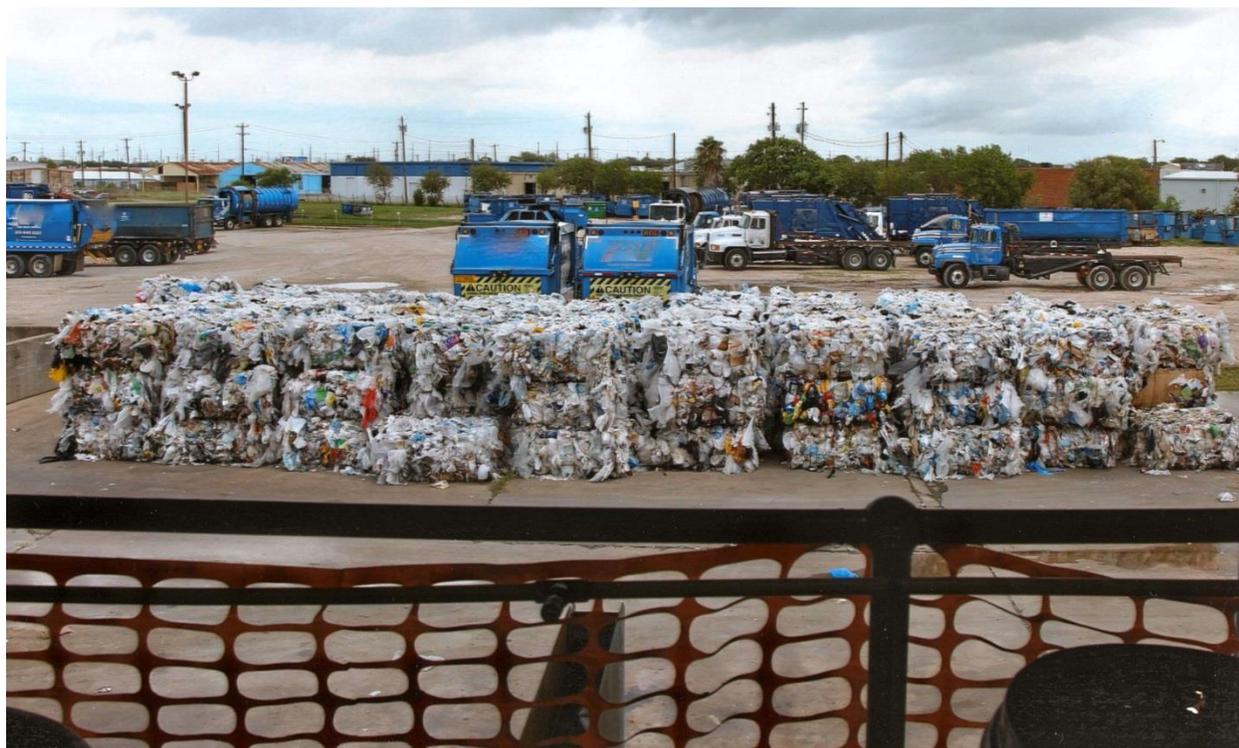
March 2015

PROBLEMS AND COSTS FOR THE CITY

1) Solid Waste Department

Problems at the Materials Recovery Facility (MRF)

Plastic bags collected for recycling in Rockport and Corpus Christi are often transported to Republic Services' Materials Recovery Facility (MRF) in Corpus Christi. The total intake at the facility is 2 tons per day. The bags clog up recycling sorting machinery, causing delays and shutdowns to remove them. Since there is virtually no recycling market for them, they eventually go to the landfill. Curbside recycling for plastic bags is not available in Rockport.



Problems at the Landfill

A landfill operation permit from the TCEQ requires that a 2-mile radius area must be kept clean around the facility. Per Bob Bradley of Republic Services, the cost to perform this task runs \$1,000 a day. Even with this amount of attention, plastic bags have been blown over tall fences and out of the area, causing farmers with fields near the landfill to complain to the City.

Storm Water infrastructure in Rockport

Plastic checkout bags are blown across streets, yards and parks, rolling like tumbleweeds until they are stopped by a fence, curb or tree. They often find their way into watersheds like Tule Creek, storm drain inlets along curbs or drainage ditches and accumulate until a rain event occurs. Then, according to ACND they are flushed into Little Bay or Aransas Bay and may also block storm drains and cause flooding.

Rockport Harbors

Rain events and windy days also push plastic checkout bags into our small boat harbors, where employees or mariners must clean them out using fishing nets. Time spent to remove bags and other plastic trash takes staff away from their normal productive duties and costs taxpayers money.

A troubling concern for boat owners is that plastic bags can be pulled toward and ultimately block engine cooling water intakes, causing overheating and necessitating costly engine rebuilds.

Beach Operations, Parks & Recreation Department

Aransas Co. Navigation District crews regularly clean the riparian zones and shoreline around Little Bay, the Beach Park and festival grounds, but they can only pick up what is immediately visible and what they are able to collect as they move through the areas. The City of Rockport maintenance crews do the same in our parks, trails, byways and public use areas. Litter control is an ongoing problem for both the City of Rockport and Aransas County.

NUMBER OF PLASTIC SHOPPING BAGS USED IN ROCKPORT

The study done by Austin's Solid Waste Services Department in 2011 estimated that the city's 811,000 residents used 236 million bags each year, or 646,500 bags a day. In Laredo, the Rio Grande International Study Center estimated that 240,000 residents were using 120 million bags each year, or 328,767 bags a day.

In the absence of a similar study by the City of Rockport, it is possible to estimate the number of bags used in Rockport based on the findings in Austin and Laredo and factored for our population of 9,133. A conservative estimate is **3 million bags each year, or 8,219 bags a day.**

Basis of Estimate:

236 M bags/yr in Austin = # bags/yr in Rockport
 811,000 population 9,133 population
290 bags per yr. per capita in Austin

So, # bags/yr in Rockport based on Austin = 2.65 million

120 M bags/yr in Laredo = # bags/yr in Rockport
 328,767 population 9,133 population
365 bags per yr. per capita in Laredo

So, # bags/yr in Rockport based on Laredo = 3.33 million

Average of 2.7 million based on Austin and 3.3 million based on Laredo = **3 million bags/yr. in Rockport using conservative 2011 population figures.**

PUBLIC AWARENESS ACTIVITIES IN ROCKPORT BY SKIP THE PLASTIC

Skip the Plastic, Rockport-Fulton, a non-partisan group affiliated with the Surfrider Foundation Coastal Bend Chapter, began its public awareness efforts in Aransas County in November of 2012. Our mission is to reduce the negative impact of plastic upon the natural environmental health, economy and beauty of our ecosystem by raising public awareness about the dangers of plastic pollution and by advocating for a reduction of single use plastics and the recycling of all plastics. To date, we have received endorsements from the following.

Supporting Partners:

Aquarium at Rockport Harbor Board of Directors
 Aransas Bird and Nature Club
 Aransas County Navigation District
 Aransas County Commissioners Court
 Aransas First
 Center for the Arts Board of Directors
 WWNRockport.com
 Aransas Co. Democrats' Club

We've also made numerous presentations to a variety of groups including the following.

Presentations:

Chamber of Commerce Business After Hours
 Chamber of Commerce RV Parks Owners and Managers
 Fulton City Council
 Keep Rockport Beautiful
 Key Allegro Property Owners Association
 Lamar Women's Club
 Rockport Country Club Ladies Association (in 2 months)
 Rockport Heritage District Merchants
 Rotary Club
 Texas A&M Agri-Life Extension Educational Forum
 Texas Master Naturalists Mid-Coast Chapter

In addition Skip the Plastic has also participated in the following events.

Event Participation

Aquafest Booth

Bag It! film showing at Aquarium

Center for Arts Washed Away Exhibit film showing

Earth Day Booth

Oyster Fest Parade

Rockport Film Fest -- provided film entitled "*The Plastic Bag*"

Rockport/Fulton Business Showcase

Skip the Plastic Weekend--Memorial Day Weekend 2014 Events

Rockport City Council Proclamation

Fulton City Council Proclamation

Navigation District Proclamation

Provided Exhibit for City Hall

Secured HEB participation with key fobs, free reusable shopping bags

Distributed HEB items and bumper stickers to public
at beach, various tourist venues and in stores

Tropical Christmas Parade

Ongoing Exhibits at The Aquarium at Rockport Harbor

PLASTIC BAGS ARE DAMAGING OUR BAYS AND GULF ECOSYSTEMS

It is becoming widely acknowledged that plastic marine debris is a real threat to the health of the oceans. A recent study concluded that the total amount of plastics in the oceans weighs 268,000 tons: http://5gyres.org/see_global_research/

Dr. Wes Tunnell of Harte Research Institute for Gulf of Mexico Studies hosted a panel of experts in September 2014 in conjunction with Shelia Roger's "Oceans of Plastic" exhibit at the Art Museum of South Texas. Speakers included Kimberly Albins, Gulf of Mexico Regional Coordinator for NOAA's Marine Debris Program, Tony Amos with the ARK & UTMSI and Mike Garver with Texans for Clean Water. People who attended walked away with an understanding that the oceans are not vast depositories capable of accepting all our wastes and are instead a living, fragile ecosystem on which we are dependent for our wellbeing.

Local residents of Rockport feel strongly about this environmental problem as well. In 2013, the Art Center of Rockport sponsored a week long workshop and exhibition entitled Washed Ashore in which local artists collected plastic debris from our beaches creating various works of art. The purpose was to spotlight plastics impact upon the environment.

In Corpus Christi and Rockport, plastic checkout bags are flushed by the hundreds into our bays every time it rains. The bags do not biodegrade and once underwater where sunlight cannot reach them, do not photodegrade. Over time, they may deteriorate from physical wave action, breaking down into small pieces which remain indefinitely.

Plastic bags are often the most common type of litter polluting our bays and beaches and are listed consistently in the top ten items found in Texas Adopt-A-Beach cleanups. Nearly 200 different species of sea life including whales, dolphins, fish, seals, turtles and shore birds

suffer and die after ingesting or being entangled in plastic bags, bottles and other plastic trash. USEPA data shows between 500 billion and a trillion plastic bags are consumed worldwide each year, and millions of plastic bottles are discarded every hour in the U.S.

Economics: A substantial percentage of our economy is based on the tourism industry and plastic bags, bottles and other single-use, plastic packaging detract from the overall scenery and pose a constant and long-term threat to our local wildlife. Rockport-Fulton and Aransas Co. spend tens of thousands annually for beach and community clean-up.

Environmental Stewardship: Plastic does not biodegrade over time but breaks down into smaller and smaller pieces of the same material known as micro-plastics. Scientific research cited by respected sources such as NOAA and the National Geographic Society have expressed alarm over the ever-increasing amounts of micro-plastics in our oceans and lakes releasing their own chemicals and carrying persistent organic pollutants including PCBs, pesticides, and other toxic substances in our water supply. The growing concentrations of those unseen particles are consumed and absorbed by a variety of animals at the base of the food chain and bio-accumulate in fish and seafood products eaten by humans. Unfortunately, it's only going to get worse, see this study released by the journal Science in 2015.

<http://www.nytimes.com/2015/02/13/science/earth/plastic-ocean-waste-levels-going-up-study-says.html? r=1>

Item	Total Items	Total Percentage
Bags(Plastic)	1418	31.21%
Cigarettes/Cigarette Filters	976	21.48%
Caps, Lids	518	11.40%
Beverage Bottles (plastic) 2 liters or less	383	8.43%
Food Wrappers/Containers	315	6.93%
Cups, Plates, Forks, Knives, Spoons	193	4.25%
Beverage Cans	129	2.84%
Straws, Stirrers	122	2.69%
Building Materials	70	1.54%
Glass Beverage Bottles	69	1.52%
Top Ten Total	4193	92.30%
Tobacco Packaging/Wrappers	42	0.92%
Shotgun Shells/Wadding	36	0.79%
Bait Containers/Packaging	32	0.70%
Clothing, Shoes	31	0.68%
Toys	23	0.51%
Cigarette Lighters	23	0.51%
Bags(Paper)	22	0.48%
Rope	21	0.46%
Fishing Line	21	0.46%
Pull Tabs	20	0.44%
Cigar Tips	19	0.42%
Fishing Lures/Light Sticks	16	0.35%
6-Pack Holders	13	0.29%
Diapers	5	0.11%
Fishing Nets	3	0.07%
Buoys/Floats	3	0.07%
Oil/Lube Bottles	3	0.07%
Plastic Sheeting/Tarps	3	0.07%
Crates	2	0.04%
Strapping Bands	2	0.04%
Balloons	2	0.04%
Batteries	2	0.04%
Condoms	2	0.04%
Syringes	1	0.02%
Cars/Car Parts	1	0.02%
55-Gallon Drums	1	0.02%
Light Bulbs/Tubes	1	0.02%
Pallets	0	0.00%
Crab/Lobster/Fish Traps	0	0.00%
Appliances (refrigerators, washers, etc.)	0	0.00%
Bleach/Cleaner Bottles	0	0.00%
Tires	0	0.00%
Tampons/Tampon Applicators	0	0.00%
TOTAL	4543	100.00%

(Texas General Land Office results of Rockport's 2012 beach cleanup efforts)

What happens to all the bags accumulating in the watersheds when it rains?



Photos of debris washing into the bay following a heavy rainfall in Corpus Christi taken from the Twin Dolphins Condominiums by Jace Tunnell – October 2012

These videos show what happens to bags once they end up in the bays:

“Clarity”:

<https://www.youtube.com/channel/UCp6w2IEFDqgPUgy4cQ54NcA>

“Corpus Christi Plastic Bag Reef”:

<https://www.youtube.com/watch?v=fOVyf4R6i40>

Local marine animals such as sea turtles and birds are injured and killed by loose plastic shopping bags. Quote from the article below about Tony Amos:

“In one study, a student researcher found that more than half of the sea turtles that washed up had ingested plastic garbage. Now Amos and his students count garbage. “I’m concerned that if we don’t do something about marine pollution, we’ll consider it as normal,” he says.”

MEMBER PROFILE

A clear-eyed advocate for injured wildlife



Ten green turtles nested this year on the beaches Amos helps protect.

ON MUSTANG ISLAND, A BARRIER beach off Corpus Christi, TX, oceanographer Tony Amos spots a black-bellied plover acting strangely. The bird is coated with oil, and it is obsessively preening. Stopping his animal ambulance, Amos says, “That’s not good. When it preens, it ingests oil.”

The injured plover is the first evidence of an oil spill the previous week in the nearby Houston Ship Channel.

“I was afraid the oil would come here,” says Amos, who knows the Texas islands as well as anyone. A research associate at the University of Texas Marine Science Institute, he runs the Animal Rehabilitation Keep (ARK), a rescue mission at the Institute. He has spent more than 30 years monitoring wildlife and weather on the fragile dunes here. Over time, Amos and his students have compiled an immense database of how humans are changing this ecosystem.

Amos often finds and treats injured birds, turtles and other creatures. Most have been injured as a consequence of

human activity. Birds are caught in fishing lines or hit by vehicles. Turtles fall victim to shrimp trawls and boat propellers. Over the years, some 700 injured sea turtles have been treated at ARK. More than half have been released.

An EDF member, Amos has served on numerous task forces from the local level to the National Academy of Sciences. Seventy-seven years old, he was born in London and worked at the Lamont-Doherty Earth Observatory before moving with his wife Lynn to Texas in 1976. “When I first came here these islands were in good condition. But I saw the ‘For Sale’ signs and realized this place could become like Miami Beach, so I started monitoring people as well as wildlife.”

Amos sees a downward trend for wildlife. Red knots and oystercatchers aren’t doing well locally. But other birds are rebounding: “Early on, I didn’t see a single brown pelican. Now they’re abundant.”

So why does he record changes? “We want to leave a scientific record of how things were around here for the people who come after.”

As he drives the beach, Amos counts birds and notes locations on a beat-up old data logger. “I know many of these birds quite intimately,” he says. “This black-backed gull is always at marker 52.”

In one study, a student researcher found that more than half of the sea turtles that wash up had ingested plastic garbage. Now Amos and his students

count garbage. “I’m concerned if we don’t do something about marine pollution, we’ll accept it as normal,” he says.

His care for the islands has earned him respect here. On the day the oil washed ashore on Mustang Island, local beachgoers recognize his ambulance and flag him down. “How can we help?” they ask.

As he drives south, the waves leave black crescents on the beach. U.S. Coast Guard officials stop to talk to Amos about rescuing birds. “I’m sorry, Tony,” says one.

Despite the grim evidence of the spill, Amos finds delight even now. Gazing at the calm Gulf, he says with a lapse of scientific language. “It’s beautiful out there today.”

Then he starts getting ARK ready to receive oil-soaked wildlife.



Tony Amos, environmental lifeguard

UPDATED: Ailing 706-Pound Leatherback Sea Turtle Comes Ashore At Cape Hatteras National Seashore, Euthanized

<http://www.nationalparkstraveler.com/2015/03/updated-ailing-706-pound-leatherback-sea-turtle-comes-ashore-cape-hatteras-national-seashore-euthani26382>



This leatherback sea turtle was spotted at Cape Hatteras on Friday/NPS

Editor's note: This updates with initial findings from a necropsy conducted on the turtle conducted by North Carolina State University's Center for Marine Sciences and Technology.

An obviously ailing leatherback sea turtle discovered on a beach at [Cape Hatteras National Seashore](#) in North Carolina had to be put down, due to the unlikelihood that it would survive in captivity and was too sick to be released back into the Atlantic Ocean. Initial results from a necropsy indicated she had ingested plastic, had been bitten by a shark, and had been "scavenged" by sea gulls.

The turtle was spotted Friday on a beach near Rodanthe. According to park officials, "This species of sea turtle is rare in Cape Hatteras National Seashore, but as of late (since 2012) there have been an average of one per year. Sadly, all sightings have had unfavorable outcomes. They usually strand alive, with plastic found in the gastrointestinal tract in every case."

In this case, the "turtle was extremely lethargic and its head was buried in sand—from the 20+ mph winds—when the biologists arrived," a post on the park's Facebook page said. "The veterinarian deemed the female sea turtle un-releasable, and the size of these animals do not make them good candidates for rehabilitation (706 lbs!). Euthanasia was the only option, after which the turtle was transferred to the Center for Marine Sciences and Technology (CMAST) in Morehead City for a thorough necropsy."

Leatherback sea turtles prey upon jellyfish, seashore biologists said, and can easily mistake a floating piece of plastic as food—a fatal mistake. By responsibly disposing of plastic and picking up any discarded trash, you might help spare more sea turtles from this fate.

"Scavenging gulls had damaged both eyes before they were buried by sand, and she had sustained one small shark bite," the CMAST veterinarians who examined her said. "Like with all other leatherback sea turtles examined postmortem by CMAST investigators, this one contained plastic in her GI tract. She also had evidence of forced submergence."

Further tests, including some to search for toxins in her tissues, were being conducted to try and answer why the turtle stranded herself on the beach.



FOR RELEASE: May 16, 2014

CONTACT Ernie Edmundson
Or Nancy Freeman 361 790-0103



SKIP THE PLASTIC WEEK-END IN ROCKPORT, MAY 24-26

By Ginger Easton Smith, County Extension Agent

Do you know what type of litter is always in the top ten most common picked up on beaches during the regular Adopt A Beach cleanups? It is plastic! Were you aware that whales, dolphins, fish, seals, turtles and shore birds are among a couple hundred species of sea life that suffer and die after eating or getting tangled up in plastic bags, bottles and other plastic trash?

Plastic pollution has become a massive problem. Plastic never breaks down, it just gets broken into smaller and smaller pieces, many of which end up in the water, are eaten by animals, and can end up eventually being consumed by people.

Bottles and bags litter the landscape and are an eyesore; we have all seen water and soda bottles where they should not be and plastic bags blowing around or stuck in a fence or a tree. Litter is something we definitely do not want in our coastal community which is so dependent on tourism and where fishing is such a part of the lifestyle. But, what can we do about it? We can reduce our use of plastic, recycle the plastic we use and make sure never to litter. An exciting Proclamation by Rockport Mayor C.J. Wax made at the May 13 Rockport City Council meeting, seeks to raise awareness about reducing the use of plastic and about its effects on the environment. May 24-26, 2014 was named "Skip the Plastic Weekend" in Rockport.

The proclamation states, "the City of Rockport supports reducing the impact of plastic as a means of preserving our natural environmental health, economy and beauty of our ecosystem." It requests residents, businesses and visitors to do what they can as individuals to recycle all plastics, reduce single use plastics and advocate these practices and to raise awareness about the dangers of plastic pollution. You can see the entire proclamation on the Wonderful Women's Network website.

Several special things are planned for Skip the Plastic Weekend. The award-winning movie, "Bag It", is being shown free Saturday, May 24 and Sunday, May 25 at 1:30pm at the Education Center at the Aquarium at Rockport Harbor. The 45-minute film follows an average guy who one day decides to stop using plastic bags. This leads him to question the many other uses of plastic and how plastic is affecting the world. It is a great movie, so bring the family.

Not only is the movie free, there will also be giveaways, while supplies last, at the movie showings; HEB is supplying car rear view mirror hangers to remind you to take your reusable bags into the store (so you don't get half way through your grocery list before you realize you've forgotten to bring your reusable bags in), and key fobs with foldaway bags. HEB will be giving away reusable bags at their Rockport store.

While in the area, stop by the Aquarium at the same time and see the great exhibits they have on fish and the environment.

The Aransas County Navigation District has issued a proclamation very similar to the Rockport one, in support of Skip the Plastic Weekend. They will be passing out free mesh trash bags at Rockport Beach this weekend. Stop by Rockport City Hall during the week to see a great display in the lobby about plastic pollution in the ocean; the display includes plastic water bottles that have bites taken out of them by turtles.

Ways we can reduce plastic pollution are by not accepting single serving or single use packaging, and things like plastic drinking straws and other disposable products. We can also purchase products with the least amount of packaging, using washable plates rather than plastic ones or using paper rather than plastic or foam, and of course taking reusable bags to the grocery and other stores. Use jars food came in to store leftovers rather than purchasing more containers that are plastic.

Refusing, reducing, and reusing plastic are crucial, but there will always be plastic that needs to be recycled. Recycling of many things is easy to do in Aransas County. If you live in the Rockport city limits, recyclable items are picked up curbside weekly at no additional charge. How cool is that? It doesn't even have to be sorted, just put it in the blue bin provided free (additional bins are just \$12 each). ALL plastics with a recycling triangle (any number) can now be recycled. Containers should be rinsed. Also accepted are: aluminum and other metal cans (again, they need to be rinsed), paper and paperboard of all types including magazines. Cardboard is accepted in pieces 2ft x 2ft or smaller, boxes need to be broken down. Recycling is good for everyone, so please follow these guidelines; otherwise it just makes it more expensive for the recycling company and reduces the likelihood of items being recycled.

People who don't live in Rockport can take their recycling to the Aransas County transfer station. They accept plastic with the 1 or 2 symbol, tin and aluminum cans, auto batteries, appliances, oil, oil filters, anti-freeze, paints, metal, and concrete less than 30" in diameter with no steel protruding. The transfer station is open 9:00 a.m. to 5:00 p.m. Tuesday through Saturday.

Neither the City or the County takes plastic bags, and although they are collected at some of the larger chain stores, there apparently is not a market for them so they might not actually get recycled. This makes reducing single-use plastic bags even more important.

For more information, please see <https://www.facebook.com/skiptheplastic> and www.pinterest.com/RockportTexas/skip-the-plastic.

Educational programs of the Texas A&M AgriLife Extension Service are open to all people without regard to race, color, religion, sex, national origin, age, disability, genetic information or veteran status. The Texas A&M University System, U.S. Department of Agriculture, and the County Commissioners Courts of Texas Cooperating

Harm to Cattle:

Mysterious Cattle Deaths?By: Darol Dickinson

John Wayne chased a few cattle rustlers, dealt harshly with bad guys, branded calves and drove the herd to market. Buyers were waiting at the Dodge City receiving corrals with ready cash and the deals were promptly done. John had no legal problems, no school taxes, no land taxes, no NAIS, probably didn't know if it was a presidential election year or not, and didn't care.

Modern ranchers have to be psychologists, marriage councilors, labor negotiators, their own veterinarian and still deal with a lot of bad guys.

Today articles are published in every livestock magazine about wild and quasi livestock diseases that most people can't even pronounce by name. When, in truth, there is less real livestock disease in the USA than any time in history.

Scary articles are written on Foot and Mouth disease and how it would financially ruin a whole feed lot full of cattle in a 48 hour period. The other side of the story is omitted, that no cases of F & M have been in the USA in 80 years, cattle don't die from it if properly cared for and correctly processed meat is safe to eat if a steer positively has it.

Plastic ingestion is one real killer of cattle today with almost no known cure. No dozers will be seen on TV stacking dead cattle. There is no vaccination, no world wide USDA press releases about thousands of cattle dead every year. It is just a quiet and painful way for cattle to die with several difficult symptoms to confuse the issue.



This yearling removed a piece of construction plastic from a barb wire fence. I tried to retrieve it but he was too "smart" and I could never get close enough to grab it. He stood about 20 feet away and ate the whole thing. He was in a pasture with several hundred steers his own age.

The owner probably lost him and never had a clue why.

Plastic eating is not a real disease and many do not think this is an issue, but whether you

know it or not, if you run a lot of cattle, you have lost some with plastic, or you will in the future. Most people never know it... and that is the big part of the problem. Now you know!

Damage to Cotton Crops:

Per Randy Norton with the eXtension Foundation:

“Any type of foreign contamination is a significant problem to not only the textile industry but also the raw cotton industry (growers). Universities along with the National Cotton Council invest a significant amount of resources on educational program to educate the cotton industry about the importance maintaining quality from the field through to the final product. Plastic bags are a significant source of cotton contamination. Below is a link to a short video clip put together by the National Cotton Council regarding cotton contamination.

<http://www.cotton.org/tech/quality/cont-free-cotton-video.cfm>

The following is a recent article about cotton farming and contamination from plastic shopping bags in the State of Virginia.

Ryan MurphyRmurphy@dailypress.com (Newport News, VA)

10:21 p.m. EST, February 5, 2015 ISLE OF WIGHT —

A bill floating through the **General Assembly** that would allow local cities and counties to prohibit the use of most plastic shopping bags is meant primarily to combat the harm these bags cause to the environment and aquatic life.

But sea turtles, dolphins and whales aside, some of the biggest beneficiaries of this legislation could be cotton farmers.

State Sen. **Jeffrey McWaters**, R-Virginia Beach, said the Virginia Beach City Council had asked him to work on a bill that would let it prohibit most plastic grocery bags. He said more than 130 communities in the country already have bans in place, including some in the Outer Banks.

As now written, the bill would allow local governments to stop businesses from offering disposable plastic bags to customers, except for a select number of products such as meat or ice cream.

In large part, the city wanted to protect the environment and local aquatic life from the bags, which can pose a threat for animals that may eat or get caught in them and can take millennia to break down. Beautification certainly played a part, too, McWaters said.

Once McWaters and legislative staffers started doing some research, they found that plastic bags were a major contributor to waterway pollution but they also learned what makes plastic bags such a thorn in the side of cotton farmers.

Tom Alphin runs the Commonwealth Gin in Windsor, which has been baling cotton for the area's farmers for 23 years.

"You get close to the (county trash sites) and you can just see these bags blowing in the farmers' fields," Alphin said. The farmers do the best they can to pick up the bags before a harvest, but sometimes the bags are hard to see or get wrapped around the plants.

"Plastic is the No. 1 contaminant in cotton. As it goes through the picker and as it goes through the gin, it shreds into millions of pieces and when that bale of cotton gets to a spinning mill, it creates a real problem," Alphin said. "When the plastic is spun and mixed in with the cotton, it causes defects with the yarn strength or the fact that it doesn't dye. (You) end up with imperfections."

Cotton contaminated with plastic can also lead to a bad reputation for local cotton growers. Alphin said it's a major concern, not only for his customers, but for the industry as a whole.

"The U.S. has the most contamination-free cotton in the world and that's a reputation that we want to maintain," Alphin said.

A local ban on plastic bags seems like it could only help, he said.

Local leaders pushed for something along these lines between roughly 2007 and 2009, when then-Board of Supervisors member Tom Wright made it a pet cause because of the headaches the bags cause local cotton farmers.

County spokesman Don Robertson said the collaboration of local and state officials, legislators, business owners, and state and national business organizations helped get a lot done in Isle of Wight to address the issue.

The county worked with local retailers to scale back plastic bag usage, and the efforts of a committee set up to tackle the problem led to the county's current go-green campaign and recycling program. It started with a program to collect and recycle plastic bags.

Robertson said Democratic Del. Bill Barlow and Republican state Sen. **Frederick Quayle** were among those who supported the effort in Richmond. The legislators carried legislation in 2008 that would have allowed localities to mandate that businesses use thicker reusable plastic bags and to study the negative impacts of plastic bags. The legislation didn't pass.

Robertson said plastic bags haven't been an issue in the county lately.

Alphin's cousin, farmer and Board of Supervisors Chairman Rex Alphin, said when he heard about the bill he immediately thought it would be something he could get behind for Isle of Wight.

"As soon as I saw that, my intention was to ask staff to look into the ramifications of it," Rex Alphin said. "Simply from the farmer's viewpoint and wanting to keep the county and community beautiful, I'm interested in it." He said a ban may put a burden on the business community, but it's worth considering.

For his part, McWaters said the cotton angle was never a serious driver for the bill, which passed the Senate earlier this week and now goes to the House of Delegates.

Murphy can be reached by phone at 757-247-4760.



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Plastic Bag Facts, Myths and Misinformation

Facts:

1) Plastic bag ordinances help cities to reduce litter.

Austin, TX – Quote from Austin's Resource Recovery Director: "Gedert added that his staff no longer see plastic bags during daily downtown litter pickups, Watershed Protection Department staff no longer find them during annual cleanups of Lady Bird Lake, Austin Water Utility staff find few to none in the water systems that they manage, nonprofits see fewer in local creeks, and there are fewer sightings of plastic bags flying across the highway or getting caught in trees on windy days.

Before the ordinance went into effect, Gedert said, these were all common problems. "We don't have a very precise measurement of before and after," he acknowledged. "But the anecdotal, visual evidence really demonstrates that the environment is a lot cleaner."

<http://www.austinmonitor.com/stories/2015/01/city-orders-study-on-bag-ban-that-state-may-toss/>

San Jose, CA - A plastic bag ban in San Jose reduced bag litter in "approximately 89 percent in the storm drain system, 60 percent in the creeks and rivers, and 59 percent in City streets and neighborhoods," according to a report from San Jose's Transportation and Environment Committee.

http://www3.sanjoseca.gov/clerk/CommitteeAgenda/TE/20121203/TE20121203_d5.pdf

Brownsville, TX – Observations made by people visiting family or a second home in Brownsville have shown an increased public awareness about litter in general and a cleaner city since the plastic bag ordinance was enacted.

2) Reusable bags have a lower overall environmental impact than single-use plastic bags.

A life cycle assessment conducted by California State University (CSU) Chico, found that reusable bags made from recycled polyethylene use 50% less energy, have 40% less impact on greenhouse gas emissions and solid waste resources, and use 30% less water than single-use plastic bags. http://www.truereusablebags.com/pdf/lca_plastic_bags.pdf

3) Biodegradable or compostable bags are not the solution.

This article explains that biodegradable plastic is just plastic that breaks down faster. This leaves the problem of micro plastics entering the environment and food chain. It also points out that compostable bags typically only break down in industrial compost collection sights which are few and far between in the U.S. and not available in Corpus Christi.

<http://www.motherjones.com/environment/2009/05/do-biodegradable-plastics-really-work>

Here is a news report from Hawaii where they have been banned “biodegradable” bags because they don’t break down without high heat and pressure. <http://www.kitv.com/news/ban-on-plastic-biodegradable-bags-passes-first-vote/25869418>

Compostable bags can take 6 months to break down and are still labeled “compostable” these will not prevent bags from blowing in the dunes, bushes or ocean. This would also be a concern if these bags are eaten by wildlife, sea turtles, birds, etc. They most likely will still cause gastrointestinal blockage.

<http://www.kitv.com/news/ban-on-plastic-biodegradable-bags-passes-first-vote/25869418>

Here is an article from Science Direct that states “While degradable polymers offer waste management solutions, there are limitations to their effectiveness in reducing hazards associated with plastic debris”

<http://www.sciencedirect.com/science/article/pii/S0025326X10003553>

4) Other types of plastic bags can be used for pet waste.

There are many other types of plastic bags other than checkout bags that can be used to clean up after a dog. Used bread and tortilla bags, produce bags, cereal box bags, bags from mail shipments, etc., can be used for this purpose.



Myths and Misinformation:

1) **Plastic bags are reused or recycled often.**

Most single-use plastic bags are only used for an average of 12 minutes in the United States. See <http://edition.cnn.com/2008/WORLD/asiapcf/07/13/eco.plasticbagwaste/index.html>

Depending on the source of information, the national recycling rate for single-use plastic bags hovers at a dismal 5 to 13%. <http://www.epa.gov/osw/conserve/materials/plastics.htm>

Locally, plastic bags that are sent to Republic Service's recycling facility cause numerous process problems and shutdowns. Despite many attempts at locating a market for the baled bags, including overseas, Republic has no choice but to send them to the landfill. See the photos on page 2 of this packet of bales awaiting transport to the landfill.

2) **Since plastic bags are responsible for less than 1% of all litter, banning or taxing them will have no impact. The solution to litter is public education, recycling programs, and proper disposal.**

1% Statement

The plastics industry bases their 1% statement on the weight of plastic bags versus other types of litter. They seem to claim that since the bags are so light, how can they be a problem? What they ignore are the problems caused by lightweight plastic bags that are easily transported by the wind. Empty bags are sucked out of shopping carts, out of beachgoers' cars as soon as a door is opened, and even out of trashcans. They can end up miles from the original location where they began. They often stop along street curbs where, because they are lightweight, rainwater washes them into storm drains or drainage ditches and eventually into our bays. Other times, they get caught in trees or in tall grass. Once in a tree, they are torn by the wind and last for months or years. If hidden in tall grass, they are often shredded into small pieces as a mower passes by.

Public Education

While public education is certainly an important component in increasing awareness about litter, many adults will not change their behavior until they are forced to do so. Cities such as Austin, Chicago and Los Angeles all attempted public education campaigns with little success. Laws pertaining to automobile seatbelts and speeding are examples where public education has helped but regulation was required to persuade people to act responsibly.

Recycling & Proper Disposal

Pollution prevention is a practice used in industry to reduce or eliminate costly waste streams. A review is done of the entire manufacturing process to determine where raw materials, production processes and work practices might be modified. Eliminating the source of the waste as far up the process chain as possible is usually the most efficient, cost effective method of decreasing or completely doing away with the waste product. Companies that apply pollution prevention generally save money over the long term.

Applying this technique to single-use plastic bags, limiting the number of plastic bags given out by stores will greatly reduce the need for their recycling and disposal. It will also help to

keep Rockport cleaner, decrease cleanup costs and free City staff up to perform other necessary tasks.

3) **Bacteria in reusable bags will cause foodborne illness.**

The American Chemistry Council funded a study by the University of Arizona, where researcher Charles Gerba et al, found that Heterotrophic Plate Count Bacteria (HPC) was found in used reusable bags.

HPC bacteria is, “a nonspecific term for the growth of viable, naturally occurring bacteria in water,” and researchers believe that HPC is actually a good thing in stuff like drinking water: “There even appears to be a consensus among experts that high concentrations of HPC bacteria will inhibit the growth of pathogenic bacteria, although this may not be the case with pathogenic viruses. The study also concluded, from their sample size of 84 bags that 12% of the bags sampled had E. coli. **NONE OF THE STRAINS OF E. COLI PRESENT ARE THE KINDS OF E. COLI THAT CAN HARM YOU.** Coliform bacteria are myriad in everything, everywhere. But the kind found in these bags is innocuous.

The study attempted to find Salmonella and Listeria, but did not. When researchers artificially added meat juice to a bag and let sit for a while, harmful bacteria did grow.

Here’s a quote speaking about harmless strains of E. coli and other bacteria levels found in the Gerba study from a Consumer Reports Researcher: “A person eating an average bag of salad greens gets more exposure to these bacteria than if they had licked the insides of the dirtiest bag from this study,” says Michael Hansen, senior staff scientist at Consumers Union.

The take-away: you have enough sense to wash your underwear, right? Apply that sense to everything in your life and you’ll be just fine.

-Paraphrased from Stiv Wilson of the Portland, Oregon Surfrider Foundation Chapter

The original study can be found at:

http://www.foodlegal.com.au/uploads/Cross%20contamination%20of%20reusable%20shopping%20bags_i171.pdf

Top Ways Grocers Can Survive Plastic Bag Ordinances

All over the country, plastic shopping bags are being outlawed in grocery stores and other retail outlets. Fees are being imposed on all shoppers who do not bring their own bags. Plastic is no longer an available option at the checkout counter except at stores that carry thicker, certifiable reusable plastic bags.

It’s a steep adjustment period for shoppers when they hit the check-out line, so here are a few ways grocers can survive the switch away from t-shirt style plastic bags:

1) Have a plan on how to prepare your customer for this change. Post signs and counter toppers that provide your customer with a clear set of choices for their carry bags options.

- 2) Know that initially most customers will not be happy. Many of your customers will be confused by this new policy and will want to know why.
- 3) Brief your staff on how to respond to customers. Create concise scripts so employees will know how to best respond.
- 4) When asked what is the ‘best choice’ be prepared to answer with confidence:
 - a. Paper or Plastic? At the cost of \$0.10 there are only two choices – one is single-use and one is reusable.
- 5) Have a strategy to encourage reuse and recycling. Showing your understanding and support for the ordinance will help put your customers at ease.
- 6) Provide your customers fun strategies to remind them to bring in their bags. Encourage customers to keep bags in their car, by the front door or near your car keys as a good visual reminder to take them with them to your store.
- 7) Encourage recycling of bags when they reach the end of their use. This will help create a closed-loop system similar to Europe where as much as 90 percent of all plastic is recycled and is not buried in a landfill putting you at the center of the solution as it well positions your brand.

Bag bans are intended to force shoppers to change some of their habits, which puts you and your business in the cross hairs of frustration. Using these tips will hopefully make life easier for you but especially your customer – by keeping in mind that not all bags are created equal. Being a part of the smarter solution benefits your business in goodwill and loyalty from your customers.

Biodegradable or Compostable Bags Are Not the Solution

This article explains that biodegradable plastic is just plastic that breaks down faster. This leaves the problem of micro plastics entering the environment and food chain. It also points out that compostable bags typically only break down in industrial compost collection sights which are few and far between in the U.S. and not available in Corpus Christi.

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<http://www.sciencedirect.com/science/article/pii/S0025326X10003553>

LAWS LIMITING PLASTIC SHOPPING BAGS

Countries That Have Passed Laws Reducing or Eliminating Plastic Shopping Bags

Italy, Bulgaria, Syria, United Arab Emirates, Turkey, China, Burma, Bangladesh, Rwanda, Zimbabwe, Ireland, Germany, France, Holland, Switzerland, Haiti, Kenya, Mauritania, Botswana, Tanzania, South Africa, Hong Kong, India, Greenland, Malaysia, Denmark, Taiwan, Macedonia, Scotland, Wales and many others

Texas Cities That Have Passed Laws Reducing or Eliminating Plastic Shopping Bags

Austin, Dallas, Laredo, Freer, Fort Stockton, Port Aransas, Brownsville, South Padre Island, Laguna Vista, Kermit and Sunset Valley

OPINION PIECES ON THE RIGHT OF CITIES TO PASS BAG ORDINANCES

Hodges: Lawmakers should leave cities alone on bag bans, local control

By Darren Hodges - Special to the American-Statesman

Jan. 30, 2015

When the tea party rolled through West Texas, I signed on because I have a problem with big, faraway governments telling me what to do. I don't live in a place like Fort Stockton because I want lots of rules, regulations and bureaucracy. Out here, we look out for our neighbors — but we believe in minding our own business.

One matter of business we had to attend to is this matter of litter from plastic bags. Our cactus, mesquite and barbed wire fence catch every bag that the West Texas wind can stir up, creating millions of plastic eyesores. Not only this, but these same bags mess with our livestock and clog our sewer system. We got sick of seeing them everywhere, and we did not need Washington D.C. or Austin to tell us how to fix the problem. We just passed a local ordinance banning them from our town more than four years ago. Now, you can see a huge difference between Fort Stockton and other West Texas cities when it comes to bag pollution.

Some people who call themselves conservatives are trying to tell Fort Stockton and other communities that we are not allowed to solve our own problems in our own ways. Gov. Greg Abbott thinks bag ordinances are making Texas more like California. I don't know when the new governor was last in Fort Stockton, but it is certainly not becoming like California. The idea of the politicians in Austin telling cities how to manage their business runs contrary to my values, and it runs contrary to our

interests. Regardless of what you think about single-use bags or ordinances, the right of local city councils to make decisions for their communities ought to be sacred.

It seems more efficient for local governments to find the best way to deal with the impacts of bag pollution. The plastic litter looks ugly and drives away people — along with their money — which both support our local economy. Not only does it look ugly, but we also have to spend money on cleaning it up from our lots and streets and sewers.

I know they are convenient and if you like them, you can keep them. Here in Fort Stockton, we got tired of them, so we banned them and we believe we have a God-given right to make decisions as a community to protect our property and people.

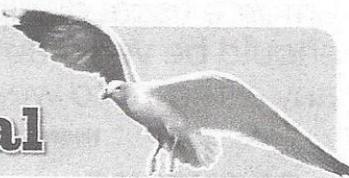
I'm a conservative because I believe in governing from a position of principle. The Republicans generally oppose the federal government meddling in our affairs. And we don't want Austin — Republicans or Democrats — telling us what to do when we make up our minds about what is right for our community. That's why I urge Greg Abbott to leave local governments alone when it comes to bag ordinances.

I know there are conservative and tea party friends that do not like bag bans one bit. They feel like this is a government imposition of its own. Here in Fort Stockton, we had consensus on the need for this solution, and we worked with businesses on the ban. Even the manager of the local Wal-Mart helped us with the wording on our ordinance. In communities where conservatives arrive at different answers, they ought to work hard to change their local governments and elect conservative officials to change things, not depend on politicians gathered in Austin to undo what we did in Fort Stockton. This is a stand on principle, and the principle is government of, by and for the people — not lobbyists who want the Legislature to be the City Council of Texas.

Hodges has served on the Fort Stockton School Board and has been on the Fort Stockton City Council since 2009. He also works as a petroleum land man and mental health counselor.



3/6/15



Editorial

Abbott's Austin-on-the-Potomac vision for Texas

Who could have foreseen that liberty would be under assault in Greg Abbott's Texas? Who'd have guessed that the new governor, who decries one-size-fits-all environmental regulation by the federal government and one-size-fits-all education standards, would try to shoehorn sovereign cities from Denton to Port Aransas to Fort Stockton into a one-size-fits-all set of regulations?

Abbott set the stage for this turn of events from his bully pulpit by warning that "Texas is being California-ized" by local-control decisions such as bans on plastic grocery bags and fracking in city limits. In fairness to Abbott we should point out that he sees those decisions by cities as infringements on the liberties of individuals who reside in those cities — or who just are passing through.

In turnabout fairness, he's being hypocritical. He dismisses local control in defense of an individual's right to have groceries packed in plastic bags, yet defends Texas' gay-marriage ban as a state's right. The bag ban is tyranny of a majority but a gay-marriage ban isn't?

Curiously, conflicting definitions of liberty are pitting some otherwise-like-minded conservatives against each other. Consider, for example, the Fort Stockton councilman identified by the New York Times as a tea partier, who declared his city's bag ban a God-given right.

"Hmm," the San Antonio Express-News editorial board mused, "we wonder if Texas cities should be talking about secession."

Or, as The Dallas Morning News put it: "Gee, we didn't think a city ban on polluting plastic bags meant we were turning into socialists. Collectivism? We just have bags in trees."

This issue has too many comical contradictions for us editorial boards not to exploit its entertainment value. But don't mistake cuteness for a lack of outrage.

And don't underestimate the threat. Actual legislation has been filed and we aren't confident that the laughter will be loud enough to drown it out.

State Sen. Don Huffines, R-Greenville, has filed a bill that would prevent cities from making local laws that exceed state regulations. If his bill becomes law, bye-bye Port Aransas' bag ban and perhaps also its anti-refinery zoning. We were against the zoning decision, but not against Port Aransas' right to make it.

Rep. Rick Miller, R-Sugar Land, has filed a less sweeping but much creepier bill targeting nondiscrimination ordinances. It would prohibit cities, counties and other government entities from creating "a protected classification" — gay or transgender people, for example — and from prohibiting discrimination not prohibited by the state.

Lawmakers have to live with the municipalities in their districts. So maybe Huffines' bill will fail. And the mean-spiritedness of Miller's bill might be enough to doom it, even in the Texas Legislature.

We are much more concerned about a bill by Sen. Paul Bettencourt, R-Houston, to limit local property tax increases. No one likes taxes — not even Democrats, when the bill arrives. Also consider that Abbott promised to veto a budget that didn't provide tax relief and he spoke specifically in favor of property tax relief.

So, why oppose a limit on taxes? The problem, of course, is that money is needed to build schools, pave streets, operate water treatment plants, maintain and improve sea walls and river walks — stop us when the point is belabored thoroughly enough. Local communities already have limited options for revenue to maintain and invest in themselves — fees, sales tax and property tax. And there already are stringent limits in this already low-tax state on local governments' sales- and property-tax authority.

If only the clever ridicule of witty editorial boards could bury Bettencourt's bill. Unfortunately, reason would have to prevail in the House, Senate and governor's office. We have set our low expectations accordingly.

The shackles of state government may not end up one-size-fits-all, but they may end up too tight for Texas cities to make strides.

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About Skip the Plastic

Skip the Plastic's Goals

- Help make the Coastal Bend a better place to live and visit by reducing the use of single-use plastic bags, bottles and food containers. This will benefit our tourism industry, help local companies when recruiting staff and investors, and improve the quality of life for residents.
- Raise awareness among the general public, retailers and local officials about the aesthetic and environmental problems caused by litter resulting from single-use plastic bags, bottles and food containers, and encourage them to become better stewards of public spaces.
- Promote recycling at city and county offices, parks, beaches and public events.

Skip the Plastic's Partners

- City of Corpus Christi Clean City Advisory Committee
- City of Corpus Christi Watershore & Beach Advisory Committee
- City of Corpus Christi Marina & Marina Advisory Committee
- Pride Corpus Christi
- Clean Economy Coalition
- Corpus Christi Windsurfing Association
- North Beach Community Association
- Coastal Bend Green Team
- Uptown Neighborhood Initiative
- Coastal Bend Council of Governments
- Coastal Bend Group – Sierra Club
- Island Moon Newspaper
- Captain Billy Sandifer & Friends of Padre
- Aransas County Commissioner's Court
- The Aquarium at Rockport Harbor
- Aransas County Navigation District
- Aransas Bird & Nature Club
- Aransas First
- Rockport Center for the Arts
- WWNRockport.com
- UT Marine Science Institute Green Team
- Mark Grosse Real Estate
- Keep Port Aransas Beautiful
- SurfPortA.com

Skip the Plastic's Bag Heroes

Since 2012, Skip the Plastic has recognized monthly heroes who use reusable bags while shopping or promote reusable bags for their customers. Our Bag Heroes have included:

- Mayor Nelda Martinez, Corpus Christi
- Maclovio Perez, KRIS TV Meteorologist
- The city of Port Aransas
- Kathy Jensen, Chef
- Joan & Scott Holt, Retired marine scientists
- Tony Amos, UTMSI & the ARK
- Paulette Kluge, CEO of the Corpus Christi CVB
- WWN Rockport.com
- A.P. Freddy Ramirez, Board member of Bike Texas
- Jace Tunnell, Marine biologist
- Dr. Sylvia Earle, World renowned oceanographer
- Mary Beth Maxwell, Shopper
- Rae Mooney, Marine scientist
- Jean Payne, Rockport resident
- Shelia Rogers, Artist
- Barbi Leo, Radio and TV personality
- Stephanie Martinez, Aveda student
- Aislynn Campbell, GROW South Texas
- Texas Sealife Center, N. Padre Island
- Casey Lain, Owner of House of Rock
- Jennifer Reid, Owner of Threads clothing store
- Daniela Sanchez, KORO reporter
- Dr. Jeff Francis, Marine scientist
- Former Mayor Joe Adame, Corpus Christi
- Lisa James, Mom
- John Keller, Corpus Christi fireman and EMT
- Ryan Chiasson, Ice Rays player

Other Skip the Plastic Projects Addressing Plastic Waste

Cigarette Butt Receptacles and Outreach

With a grant from Keep America Beautiful, the Coastal Bend Chapter of the Surfrider Foundation built four cigarette butt receptacles. With permission from the Corpus Christi Parks & Recreation Department, we installed them on the handrails of the Packery Channel jetties. The receptacles are sturdy and utilize corrosion resistant clamps. They are emptied by Beach Operations staff whenever trash cans are emptied.

We also handed out flyers educating smokers on the beach that cigarette butts, which are made of plastic, are harmful to marine life, and gave away 600 personal ashtrays made to fit in automobile cup holders.

St. Joe's Island Cleanup

Eighty volunteers came out on a foggy morning in March 2014 to pick up trash, most of it plastic, off the beach and out of the Aransas Channel jetty. The number of plastic bottles littering the shore was staggering. The total amount removed filled 3 recycling dumpsters and 1 trash dumpster. We hope to make this an annual event.



Supporting the Bill for the Texas Beverage Container Deposit/Refund Program

A recent study estimated that 54 million beverage cans and bottles are littering the roadsides in Texas. We are partnering with Texans for Clean Water to advocate for an improved version of the earlier Texas Bottle Bill. The intent of the bill is to establish a nickel deposit on all aluminum, glass and plastic drink containers to help clean up Texas roadsides, cities and coastlines.

Reverse vending machines, like those pictured below, will accept containers and provide coins or tickets redeemable for the refund. As anyone who has visited one of the ten states with a container deposit/refund program can tell you, empty containers don't lay around for long when they have a monetary value.



Port Aransas Bag Ban Ordinance

ORDINANCE NO. 2014-15

AN ORDINANCE AMENDING THE CITY OF PORT ARANSAS, TEXAS CODE OF ORDINANCES CHAPTER 10 “HEALTH AND SANITATION”, ARTICLE II “LITTER AND WASTE CONTROL” BY ADDING A NEW DIVISION 1 “REGULATION OF SINGLE USE PLASTIC (CHECKOUT) BAGS”; SETTING DEFINITIONS, PROHIBITIONS AND REQUIREMENTS, SCOPE AND APPLICABILITY, AND EXEMPTIONS; ESTABLISHING IMPLEMENTATION OF A VOLUNTARY BAN AND SETTING DATE OF MANDATORY COMPLIANCE; AND PROVIDING FOR EFFECTIVE DATE, READING, PUBLICATION, AND SEVERANCE.

WHEREAS, the City of Port Aransas, Texas has a duty to protect the natural environment, the economy, and the health of its citizens; and

WHEREAS, the single use plastic checkout bags create significant litter problems in the City of Port Aransas, ending up in the city’s critical viewscapes being our dunes, wetlands, beaches, and waterways; and

WHEREAS, the plastic does not completely biodegrade in the marine environment, but instead breaks down into smaller pieces that are mistaken for food in turn block wildlife digestive systems, killing animals through starvation, exhaustion, or infection from ingesting toxic materials or entanglement; and

WHEREAS, discarded plastic bags in Port Aransas last indefinitely and create such an aesthetic blight and hazard to wildlife and the environment that it is in the best interest of the public health, safety, and welfare to adopt the proposed ban on distribution of plastic bags at point of sale within the boundaries of the City of Port Aransas, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORT ARANSAS, TEXAS:

SECTION 1. ADDITION

That Chapter 10 “Health and Sanitation”, Article II. “Litter and Waste Control”, Division 1 “Regulation of Plastic Bags” is hereby added to wit:

**Chapter 10. “Health and Sanitation”
Article II. ”Litter and Waste Control”
Division I. “Regulation of Single Use Plastic (Checkout) Bags”**

Sec. 10-26. Definitions:

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this chapter/article/division, except where the context clearly indicates a different meaning:

Affected retail establishment means any retail establishment or temporary vendor that sells perishable or nonperishable goods, including, but not limited to, clothing, food, and personal items directly to the customer; and is located within the geographical limits of the City of Port Aransas.

Business establishment means a commercial enterprise or establishment, including sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity including contractors associated with the business.

Plastic Checkout Bag means a plastic bag that is provided by a business establishment to a customer, typically at the point of sale, for the purpose of transporting goods after sale, and is intended and constructed for single use.

Recyclable Paper Bag means a paper carryout bag provided by a retail establishment to a customer at the point of sale for purposes of transporting groceries or other goods and meets all of the following requirements:

1. contains no old growth fiber;
2. is 100% recyclable;
3. contains a minimum of 40% post-consumer recycled content; and
4. displays the words “Reusable” and “Recyclable” in a highly visible manner on the outside of the bag.

Reusable Bag means a bag that is specifically designed and manufactured for multiple reuse and is made of cloth or other fabric, or other durable material suitable for reuse, and has durable built-in handles or draw-strings.

Sec. 10-27. Prohibitions and Requirements:

- (a) Affected retail establishments are prohibited from providing plastic checkout bags to their customers at the point of sale. Reusable bags and recyclable paper bags are allowed alternatives.
- (b) Affected retail establishments are strongly encouraged to provide incentives for the use of reusable bags through education, credits, rebates, or tokens for individuals who bring reusable bags.
- (c) Nothing in this section shall be read to preclude affected retail establishments from making reusable or recyclable paper bags available for sale or free to customers.
- (d) No person shall distribute plastic checkout bags at any City sponsored event, City Facility, or any event held on City property.

Sec. 10-28. Implementation of a Voluntary Ban on Plastic Checkout Bags

The City will promote a Voluntary Ban of plastic checkout bags throughout the City beginning on January 1, 2015 through December 31, 2015, in preparation for the Mandatory Ban of plastic checkout bags to begin on January 1, 2016.

Sec. 10-29. Scope and Applicability

Business establishments participating in the Voluntary Ban may begin to provide recyclable paper checkout bags or reusable bags with or without charge, as of January 1, 2015 and be in full compliance with this Ordinance by January 1, 2016.

Sec. 10-30. Exemptions

This Division does not apply to:

1. **Bags used for the purpose of containing bait or seafood sales; or**
2. **Bags without handles, provided to effect food safety for a purchaser of food by preventing contamination from any raw food; i.e. fruits, vegetables, raw meat, raw seafood, raw poultry.**

Sections 10-31 through Sections 10-35 Reserved for future use.

SECTION 2. PENALTY CLAUSE

Any violation of this Ordinance may be punished by a fine not to exceed five hundred dollars (\$500.00) for each offense or for each day such offense shall continue.

SECTION 3. EFFECTIVE DATE

As provided by Article III, Section 12.C. and by Article XII, Section 2 of the Charter of the City of Port Aransas, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance as provided by Article III, Section 12 (c), in its entirety or in summary (caption) form stating in substance the purposes of same, once in the official newspaper of the City of Port Aransas.

SECTION 4. READING

As provided by Article III, Section 13 and Article III, Section 12(b) of the Charter of the City of Port Aransas, this ordinance or the caption of it shall be read at three city council meetings with at least one week elapsing between each reading.

SECTION 5. SEVERANCE

If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this

ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

PASSED, ORDAINED, APPROVED and ADOPTED this 20th day of December, 2014.

CITY OF PORT ARANSAS, TEXAS



[Handwritten Signature]

Keith McMullin, Mayor

ATTEST:

[Handwritten Signature]

Irma Parker, City Secretary

First Reading: October 16, 2014
Second Reading: November 20, 2014
Third Reading: December 18, 2014

Freer Bag Ban Ordinance

ORDINANCE 2012-05

Prohibit Use of Plastic Bags at Point of Sale

AN ORDINANCE OF THE CITY OF FREER, TEXAS, TO PROHIBIT THE USE OF PLASTIC BAGS AT THE POINT OF SALE IN THE CITY OF FREER AND PROVIDING A VOLUNTARY BAN ON PLASTIC CHECKOUT BAGS BEGINNING ON JANUARY 1, 2013 THROUGH JUNE 1, 2013 AND COMPLIANCE THEREAFTER; PROVIDING FOR A PENALTY FOR VIOLATION NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00); PROVIDING FOR SEVERABILITY; AND AUTHORIZING PUBLICATION IN CAPTION FORM.

WHEREAS, the City of Freer, Texas has a duty to protect the natural environment, the economy, and the health of its citizens: and

WHEREAS, the plastic shopping bags create significant litter problems in the City of Freer. Plastic bags do not biodegrade and are extremely light and easily caught in the wind: and

WHEREAS, the plastic can block the wildlife digestive systems, killing the animals through starvation, exhaustion or infection from deep wounds caused by tightening material: and

WHEREAS, there is a strong possibility that plastic bags discarded in Freer can end up in the ranch land, vacant lots and along city streets and state highways where they will last indefinitely and create an aesthetic blight and potential hazard to wildlife and the environment, it is in the best interests of the public health, safety and welfare to adopt the proposed ban on distribution of plastic bags at point of sale within the boundaries of the City of Freer.

Now, Therefore, Be It Ordained by The City Council of The City of Freer, Texas:

Section 1, "Regulation of Plastic Bags, to read as follows:

Sec. 1-01. Definitions:

A. *Business establishment* means any commercial enterprise or establishment, including sole proprietorships, joint ventures, partnerships, corporations or any other legal entity whether for profit or not for profit and includes all employees of the business and any independent contractors associated with the business.

B. *Checkout bag* means a bag that is provided by a business establishment to a customer typically at the point of sale for the purpose of transporting goods after shopping.

C. *"Affected retail establishment"* means any retail establishment, temporary vendor and restaurants, located within the geographical limits of the City of Freer.

D. *"Compostable bag"* means a carry out bag that is certified and labeled as meeting the current ASTM-Standard Specification for compost ability by a recognized verification entity such as the Biodegradable Product Institute and which can be easily differentiated, through color coding and other markings, from non-compostable plastic carry-out bags.

E. "*Plastic carryout bag*" means a non-compostable plastic bag provided by a store to a customer at the point of sale for the purpose of transporting goods after shopping, and which is intended and constructed for single use.

F. "*Recyclable Paper Bag*" means a paper carryout bag provided by an affected retail establishment to a customer at the point of sale for purposes of transporting groceries or other goods and meets all of the following requirements:

- (1) contains no old growth fiber
- (2) is 100% recyclable
- (3) contains a minimum of 40% post-consumer recycled content, and
- (4) displays the words "Reusable" and "Recyclable" in a highly visible manner on the outside of the bag.

G. "*Reusable Bag*" means a bag that is specifically designed and manufactured for multiple reuse and is

- (1) made of cloth or other fabric, or
- (2) made of other durable material suitable for re-use.

Sec. 1-02. Prohibitions and Requirements.

(A) Affected retail establishments are prohibited from providing Plastic Carry-out Bags to their customers at the point of sale. Reusable bags, recyclable paper bags, and compostable plastic bags are allowed alternatives.

(B) No person shall distribute Plastic Carry-Out Bags at any City sponsored event, City facility or any event held on City property.

(C) Affected retail establishments are strongly encouraged to provide incentives for the use of reusable bags through the use of education and credits, rebates, or tokens for individuals who bring reusable bags.

(D) Nothing in this section shall be read to preclude affected retail establishments from making reusable, compostable, or recyclable paper bags available for sale or free to customers.

Sec. 1-03. Implementation of a *Voluntary Ban* on Plastic Checkout Bags beginning on January 1, 2013 through June 1, 2013.

The entire city will promote a *voluntary ban* of plastic checkout bags throughout the city beginning on January 1, 2013 through June 1, 2013 in preparation for the *mandatory ban of plastic checkout bags to begin on June 2, 2013*.

Sec. 1-04 Scope and applicability

- (A) Business establishments shall begin to provide compostable plastic and compostable paper checkout bags as of January 1, 2013 and be in full compliance with this Ordinance by June 2, 2013. They may also provide reusable bags as checkout bags to their customers with or without charge, except as indicated in Section (B), below.

(B) The following items are exempt from this Chapter:

1. Paper bags provided by convenience stores;
2. Paper bags provided by restaurants for food carry-out purposes;
3. Paper Bags provided by pharmaceutical departments of businesses. Or by veterinarians, for the purpose of containing medications or other prescriptions, or other medical necessities provided by said pharmacies or veterinarians;
4. Paper bags provided for the containment of carry-out beverages
5. Paper bags commonly provided for liquor sales;
6. Garment or laundry bags made from any material;
7. Plastic bags provided to effect food safety for a purchaser of food by preventing contamination from any cooked, chilled or frozen food purchased.”

Section 2, Penalty Clause.

Any violation of this Ordinance may be punished by a fine not to exceed Five Hundred Dollars (\$500.00) for each offense or for each day such offense shall continue.

Section 3, Severability Clause.

If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this Ordinance for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

PASSED, APPROVED AND ADOPTED on this 10th day of December, 2012, with a vote of 5 Ayes, 0 Nays and 0 Abstentions.

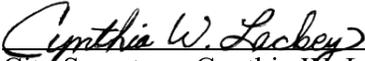

 Mayor, Andrea C. Bierstedt

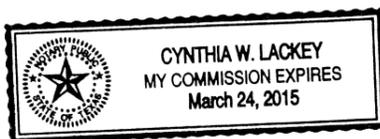


ATTEST:

Before me, Cynthia W. Lackey, City Secretary, on this day personally appeared Andrea C. Bierstedt, Mayor, to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this 10th day of December, A. D., 2012.


 City Secretary, Cynthia W. Lackey
 Notarizing Officer



Proposed ordinance for Rockport

ORDINANCE NO. (.....)

AN ORDINANCE AMENDING THE CITY OF ROCKPORT, TEXAS CODE OF ORDINANCES CHAPTER (...) "HEALTH AND SANITATION", BY ADDING A NEW ARTICLE 1 "REGULATION OF SINGLE-USE PLASTIC (CHECKOUT) BAGS"; SETTING DEFINITIONS, PROHIBITIONS AND REQUIREMENTS, SCOPE AND APPLICABILITY, AND EXEMPTIONS; ESTABLISHING IMPLEMENTATION OF A VOLUNTARY BAN AND SETTING DATE OF MANDATORY COMPLIANCE; AND PROVIDING FOR EFFECTIVE DATE, READING, PUBLICATION, AND SEVERANCE.

WHEREAS, the City of Rockport, Texas has a duty to protect the natural environment, the economy and the health of its citizens; and

WHEREAS, our local economy is based upon the tourism industry, fishing, birdwatching, abundant pollution free waterways, marine life diversity, agriculture and ranching, all of which are impacted negatively by discarded single-use plastic checkout bags; and

WHEREAS, the City of Rockport is facing financial, environmental, and aesthetic problems caused by the use and discarding of single-use plastic checkout bags and plastic bags are consistently listed among the top items found in Texas Adopt-A-Beach and highway cleanups; and

WHEREAS, single-use plastic checkout bags are eaten by farm animals blocking their digestive systems and are blown into cotton fields, negatively affecting the agricultural economy; and

WHEREAS, plastics do not biodegrade but break down into smaller and smaller pieces that harm over 260 different species of marine life, including whales, dolphins, fish, seals, sea turtles, and shorebirds who suffer and die after ingesting or becoming entangled in plastic bags and other plastic debris; and,

WHEREAS, curbside recycling for plastic shopping bags is not available in Rockport or many other Texas municipalities and statewide statistics indicate that less than 10% of single-use plastic checkout bags are recycled; and,

WHEREAS, ordinances restricting single-use plastic checkout bags serve to heighten public awareness among residents and visitors regarding the importance of recycling and proper disposal of all plastics items; and

WHEREAS, discarded plastic bags last indefinitely and create such an aesthetic blight and hazard to wildlife and the environment that it is in the best interest of the public health, safety, and welfare to adopt the proposed ordinance on the distribution of plastic bags at point of sale within the boundaries of the City of Rockport, Texas.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKPORT, TEXAS:

SECTION 1. ADDITION

That Chapter (...) “Health and Sanitation”, Article (...) “Regulation of Plastic Bags” is hereby added to wit:

Sec. (...) Definitions: The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this chapter/article/division, except where the context clearly indicates a different meaning:

Affected retail establishment means any retail establishment or temporary vendor that sells perishable or nonperishable goods, including, but not limited to, clothing, food, and personal items directly to the customer; and is located within the geographical limits of the City of Rockport.

Business establishment means a commercial enterprise or establishment, including sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity including contractors associated with the business.

Plastic Checkout Bag means a plastic bag that is provided by a business establishment to a customer, typically at the point of sale, for the purpose of transporting goods after sale, and is intended and constructed for single use.

Recyclable Paper Bag means a paper carryout bag provided by a retail establishment to a customer at the point of sale for purposes of transporting groceries or other goods and meets all of the following requirements: contains no old growth fiber; is 100% recyclable; contains a minimum of 40% post-consumer recycled content; and displays the words “Reusable” and “Recyclable” in a highly visible manner on the outside of the bag.

Reusable Bag means a bag that is specifically designed and manufactured for multiple reuse and is made of cloth or other fabric, or other durable material suitable for reuse, and has durable built-in handles or draw-strings.

Sec. (...). Prohibitions and Requirements:

Affected retail establishments are prohibited from providing plastic checkout bags to their customers at the point of sale. Reusable bags and recyclable paper bags are allowed alternatives.

Affected retail establishments are strongly encouraged to provide incentives for the use of reusable bags through education, credits, rebates, or tokens for individuals who bring reusable bags.

Nothing in this section shall be read to preclude affected retail establishments from making reusable or recyclable paper bags available for sale or free to customers.

No person shall distribute plastic checkout bags at any City sponsored event, City Facility, or any event held on City property.

Sec. (...). Implementation of Voluntary Ban on Plastic Checkout Bags

The City will promote a Voluntary Ban of plastic checkout bags throughout the City beginning on June 1, 2015 through December 31, 2015 in preparation for the Mandatory Ban of plastic

checkout bags to begin on January 1, 2016.

Sec. (...) **Scope and Applicability**

Business establishments participating in the Voluntary Ban may begin to provide recyclable paper checkout bags or reusable bags with or without charge, as of ...(date) and be in full compliance with this Ordinance by ...(date).

Sec. (...). **Exemptions**

This Division does not apply to:

Bags used for the purpose of containing bait or seafood sales; or

Bags without handles, provided to effect food safety for a purchaser of food by preventing contamination from any raw food; i.e. fruits, vegetables, raw meat, raw seafood, raw poultry.

SECTION (...). **PENALTY CLAUSE**

Any violation of this Ordinance may be punished by a fine not to exceed five hundred dollars (\$500.00) for each offense or for each day such offense shall continue.

SECTION (...). **EFFECTIVE DATE**

As provided by Article (,,), and by Article (...), Section (...) of the Charter of the City of Rockport, this ordinance shall be effective upon adoption and, in addition, if any penalty, fine or forfeiture is imposed by this ordinance, then this ordinance shall be effective only after publication of this ordinance as provided by Article (...) Section (...) (c), in its entirety or in summary (caption) form stating in substance the purposes of same, once in the official newspaper of the City of Rockport.

SECTION (...). **READING**

As provided by Article (...), Section (...) and Article (...), Section (...) of the Charter of the City of Rockport, this ordinance or the caption of it shall be read at (#) city council meetings with at least (#) week elapsing between each reading.

SECTION (...). **SEVERANCE**

If any part of this ordinance is invalid or void or is declared to be so, then said part shall be severed from the balance of this ordinance and said invalidity shall not affect the balance of this ordinance, the balance of the ordinance to be read as if said invalid or void portion thereof were not included.

Passed, Ordained, Approved and Adopted this _____ day of _____, 2015.

ROCKPORT CITY COUNCIL
Workshop Meeting: Tuesday, March 24, 2015

AGENDA ITEM: 3

Hear and deliberate on Public Funds Investment Policy and changes recommended.

SUBMITTED BY: City Manager Kevin Carruth and Finance Director Patty Howard

APPROVED FOR AGENDA: PKC

BACKGROUND: Public Funds Investment Act, V.T.C.A., Government Code, 2256.001 requires that the governing body must annually review and adopt an Investment Policy. City Manager Kevin Carruth and Finance Director Patty Howard have worked with Ms. Linda Patterson, President of Patterson & Associates, for several weeks to review and update the City's Public Funds Investment Policy.

Ms. Patterson has been a hands-on manager of public funds since 1983. She is a registered adviser and certified finance administrator and teaches nationally on the full range of treasury functions including investment strategy, investments, benchmarking, cash flow, cash handling and banking. During her 20 years in public finance, Ms. Patterson was the City Treasurer of Fort Worth, TX and Deputy State Treasurer for Texas. Ms. Patterson is an active member of multiple public finance professional organizations has authored two books on public investing, holds a Master of Public Administration degree, and was a Fulbright Scholar in Germany.

Please see the accompanying summary of the proposed changes, redlined version of the policy, and sample monthly report for additional details.

FISCAL ANALYSIS: The proposed changes and reporting will allow the City to maximize its return on investments.

STAFF RECOMMENDATION: Not an action item.

City of Rockport Investment Policy Revisions

In order to assure that the City's Investment Policy and the controls it represents are up-to-date both legally and in a practical sense, a number of changes were made to the policy being presented to the Council. Although there are a number of individual changes made in the redlined version the major focus of the changes are summarized here.

Policy and Strategy

To confirm to state law and to clearly define the purposes of the documents the title and focus has been on not just "policy" but also the "strategy" which supports that policy. Throughout the policy and strategy have been fused to operate practically and safely.

Strategy and Objectives

The City's portfolio is basically a buy-and-hold portfolio based on the cash flow needs of the City. Since it is buy-and-hold it focuses on "yield" which represents the income to the City (as opposed to rate of return as a trading portfolio). The strategy has been fine-tuned to emphasize cash needs, high credit quality and controls. The objectives of safety, liquidity, liquidity and yield remain primary.

A better defined strategy has been added for our commingled portfolio which includes all City funds for investment purposes but recognizes the needs of individual funds. The strategy is conservative and the portfolio is short with a maximum maturity of two years and a maximum weighted average maturity of six months to protect cash flow needs.

Investment Officers and Council

The Policy now defines the designation of Investment Officers, their education needs, their duties and responsibilities. The Policy also lists the Council's critical responsibilities as the ultimate fiduciaries of the City's funds.

Internal Controls

Several internal controls have been added to the Policy. In addition to cash flow forecasting the City will now monitor credit ratings and FDIC status on banks in a more structured manner as well as requiring competitive bidding on all transactions to assure the best market rates for the funds. Documentation has been added for audit trails and compliance as well.

Authorized Investment Types

The types of investments authorized by Council have not changed but the Policy better defines certain types which were grouped previously and needed additional definition for clarity and safety.

- CDs have been defined more clearly as "depository" CDs which represent a relationship with a Texas bank versus a brokered CD which is a security traded like any other security and representing those risks. Both are limited by maturity and brokered CDs require ongoing monitoring for FDIC coverage.
- Share certificates from credit unions have been clearly defined (not as CDs) as insured share certificates.

- Controls on repurchase agreements have been tightened to establish clear collateral and custody guidelines.
- Money market mutual funds are now required to be AAA-rated and strive to maintain a \$1 net asset value for a money-in-money-out transaction.
- Local government investment pools have also been constrained to those offering a \$1 net asset value.

Brokers and Counterparties

Because access to the marketplace is through a broker/dealer the Policy has been strengthened to require critical, specific information from each of our counter-parties. This now includes certification on review of our investment policy. In accordance with law, the list of broker/dealers will now be brought to the Council annually for approval. In addition, the depository bank will not be authorized to act as a broker to perfect the critical delivery versus payment process which assures funds are not released before the security is received.

Diversification

Since diversification is important to spread risk, the table of diversification limitations has been changed slightly allowing for more investment in US agencies and limitations on brokered CDs and funds/pools.

Collateral

Collateral is used above FDIC insurance to protect City funds in depository institutions. The collateral section has expanded what can be used as collateral but set definite limits on those types.

Depositories

Because the use of banking services is crucial to funds management in the City the Policy now reflects state law in requiring rebidding of that contract every five years and sets objectives on the selection including fees, services, and earnings potential.

Resolutions

As part of the investment review new resolutions for the designation of investment officers and adoption of the Policy and Strategy have also been reviewed and updated.

Summary

The changes to the Investment Policy and Strategy were made to enhance the potential of the City investments but as importantly to assure that controls are in place to assure the safety of City funds.

ARTICLE VIII. INVESTMENT POLICY AND STRATEGY*

Sec. 2-211. Policy ~~s~~Statement.

It is the policy of the City that the administration of its funds and the investment of those funds shall be handled as its highest public trust. Investment shall be made in a manner which will provide the maximum security of principal invested through limitations and diversification while meeting the daily cash flow needs of the City and conforming to all applicable state statutes governing the investment of public funds.

The receipt of a market ~~rate-of-return-yield~~ will be secondary to the requirements for safety and liquidity. It is the intent of the City to be in complete compliance with local law and the Texas Public Funds Investment Act, Chapter 2256, Texas Government Code (the "aAct"). The earnings from investments~~s~~ will be used in a manner that best serves the interests of the city.

~~(Ord. No. 1351, § 3, 5-9-06)~~

Sec. 2-212. Scope.

This ~~i~~Investment ~~p~~Policy applies to all the financial assets and funds of the ~~e~~City. The City commingles its funds into one pooled investment ~~fund-portfolio~~ for investment purposes ~~for~~to ~~gain~~ efficiency and maximum investment opportunity. These funds are defined in the ~~e~~City's comprehensive annual financial report (CAFR) and include:

- (1) General fund;
- (2) Enterprise funds;
- (3) Special revenue funds;
- (4) Capital project funds;
- (5) Debt Service funds;
- (6) Trust and agency funds;
- (7) Vehicle and equipment replacement funds; and
- (8) Any new fund created, unless specifically exempted by City council and this policy.

~~(Ord. No. 1351, § 3, 5-9-06; Ord. No. 1433, § 1, 5-27-08)~~

Sec. 2-213. Objectives and ~~s~~Strategy.

It is the policy of the City that all funds shall be managed and invested with four primary objectives, listed in order of their priority: ~~S~~safety, liquidity, diversification and yield. Investments are to be chosen in a manner which promotes diversity by market sector, credit and maturity in response to cash needs and market conditions. The choice of high-~~credit quality grade~~ government investments and ~~high grade~~, money market instruments are designed to assure the marketability of those investments should liquidity needs arise. To ~~match-meet~~ anticipated cash flow ~~requirements and control for over-extension~~ the maximum weighted average maturity (WAM) of the overall portfolio ~~may shall~~ not exceed six months.

(1) *Safety of principal.* Safety-~~of~~ principal is the foremost objective of the ~~e~~City. Investments of the City shall be undertaken in a manner that seeks to ensure the preservation of capital ~~in the overall portfolio~~. Each investment transaction shall be conducted in a manner to avoid capital losses, whether they be from security defaults, safekeeping, or erosion of market value.

(2) *Liquidity.* The ~~e~~City's investment portfolio will be based on a cash flow analysis of needs and will remain sufficiently liquid to enable it to meet all operating requirements which might be reasonably anticipated.

(3) *Diversification.* Diversification of the portfolio will include diversification by maturity and market sector and will include the use of a number of broker/dealers for diversification and market coverage. ~~Competitive bidding will be used on each sale and purchase.~~

(4) *Yield.* The ~~e~~City's investment portfolio shall be designed with the objective of attaining a reasonable market rate ~~of return~~, taking into account the ~~e~~City's risk constraints and the cash flow needs of the portfolio. ~~"Market rate of return: may be defined as the average yield of-~~The benchmark for the commingled portfolio shall be the yield on the current six month U.S. Treasury Bill." ~~For the comparable period designated for its comparability to the expected cash flow and maximum weighted average maturity (WAM).~~

Strategy.

The City maintains one commingled portfolio for investment purposes which incorporates the specific investment strategy considerations and the unique characteristics of the fund groups represented in the portfolio. The City shall pursue a conservative strategy. Securities may be sold before they mature if market conditions present an opportunity to benefit from the trade but the strategy will be primarily buy-and-hold.

A. The investment strategy for operating funds has as its primary objective assurance that anticipated liabilities are matched and adequate liquidity provided. This may be accomplished by purchasing high credit quality securities (0-2 years) which will complement each other in a laddered maturity structure permitting some extension for yield enhancement.

- B. The investment strategy for debt service funds shall have as its primary objective the assurance of available funds adequate to fund the debt service obligations on a timely basis. Successive debt service dates will be fully funded before any maturity extension.
- C. The investment strategy for debt service reserve funds shall have as its primary objective the ability to generate a revenue stream to the debt service funds from high quality securities. The potential for loss shall be further controlled through the purchase of securities within the desired maturity range.
- D. The investment strategy for capital projects or capital project funds will have as its primary objective assurance that anticipated cash flows are matched and provide adequate investment liquidity. A liquidity buffer should be maintained to provide flexibility and for unanticipated project outlays.

Effective cash management is recognized as essential to good fiscal management. Cash management is defined as the process of managing monies in order to ensure maximum cash availability. The City shall maintain a ~~comprehensive~~ cash management program which includes timely collection of accounts receivable, prudent investment of its available cash, disbursement of payments in accordance with invoice terms and the management of banking services.

~~(Ord. No. 1351, § 3, 5-9-06)~~

Sec. 2-214. Legal limitations, responsibilities and authority.

Authority to manage the ~~e~~City's investment program is derived from the City Charter, ordinances, statutes and resolutions. Direct specific investment parameters for the investment of public funds in Texas are found in the Act, (<http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2256.htm>). The Public Funds Collateral Act, Chapter 2257, Texas Government Code, specifies collateral requirements for all public funds deposits. All investments will be made in accordance with these statutes, bond requirements and City ordinances to include Ord. 1351, § 3, 5-9-06; Ord 1354, § 1, 05-09-06, Ord. 1433, §1, 05-27-08, Ord. 1499, § 1, 4-27-10, and Ord. 1559, §1, 2-14-12.

~~(Ord. No. 1351, § 3, 5-9-06)~~

~~**Editor's note**—It should be noted that Exhibit A referenced above is not set out at length herein, but is on file and available for inspection in the office of the City secretary.~~

Sec. 2-215. Delegation of investment authority.

Management responsibility for the investment program is hereby delegated to the City ~~m~~Manager who shall ~~develop and maintain written~~ be responsible for administrative oversight.

The City Manager is also responsible for considering the quality and capability of staff, investment advisors, and consultants involved in investment management and procedures. All

participants in the investment process shall seek to act responsibly as custodians of the public trust.

Investment Officer(s).

The City Council will designate Investment Officer(s) by resolution. The Investment Officer(s) shall develop and maintain procedures for the operation of the investment program ~~which are~~ consistent with this ~~i~~Investment ~~p~~Policy. Procedures will include ~~reference to~~ safekeeping, ~~require and include repurchase agreements, wire-funds transfers agreements, investment procedures,~~ banking services ~~contracts,~~ and ~~other investment related activities collateral.~~

The ~~i~~Investment ~~e~~Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials and staff. The ~~i~~Investment ~~e~~Officer(s) shall designate a staff person as a liaison/deputy in the event circumstances require timely action and the ~~i~~Investment ~~e~~Officer is not available.

No officer or designee may engage in an investment transaction except as provided under the terms of this policy and the supporting procedures ~~established.~~

Each designated Investment Officer will obtain ten hours of investment training within the first 12 months of taking the position and ten hours of training within each two year fiscal years thereafter.

City Council Responsibilities

The City Council holds ultimate fiduciary responsibility for the portfolio. It will designate investment officer(s), receive and review quarterly reporting, provide for investment officer training, approve broker/dealers, and review and adopt the Investment Policy and Strategy at least annually.

Sec. 2-216. Prudence.

~~(a)~~—The standard of ~~prudence care~~ to be used in the investment function shall be the "prudent person" ~~standard rule~~ and shall be applied in the context of managing the overall portfolio. This standard states: "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the expected income to be derived."

~~(b)~~—Limitation of personal liability.

The ~~i~~Investment ~~e~~Officer(s) and those delegated investment authority under this policy, when acting in accordance with the written procedures and this ~~p~~Policy and in accord with the prudent person rule, shall be relieved of personal liability in the management of the portfolio provided that deviations from expectations for a specific security's credit risk or market price change or portfolio shifts are reported in a timely manner and that appropriate action is taken to control adverse market effects. In determining whether an Investment Officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration the investment of all funds over which the Officer has responsibility rather than a consideration as to the prudence of a single investment.

~~(Ord. No. 1351, § 3, 5-9-06)~~

Sec. 2-217. Internal controls.

(a) Controls. The investment ~~o~~fficer(s) shall establish a system of written internal controls which will be reviewed annually with the independent auditor of the ~~e~~City. The controls shall be designed to prevent loss of public funds due to fraud, employee error, misrepresentation by third parties, unanticipated market changes, or imprudent actions by employees of the city.

(b) Cash flow forecasting. Cash flow forecasting is designed to protect and sustain cash flow requirements ~~of the city~~. Supplemental to the financial and budgetary systems, the ~~i~~Investment ~~o~~fficer(s) will maintain a cash flow forecasting process designed to monitor and forecast cash positions for investment purposes.

(c) Monitoring Credit Ratings. The Investment Officer(s) shall monitor, on no less than a monthly basis, the credit rating on all authorized investments in the portfolio based upon independent information from a nationally recognized rating agency. If any security falls below the minimum rating required by Policy, the Investment Officer shall notify the City Manager of the loss of rating, and liquidate the investment within one week.

(d) Monitoring FDIC Status for Mergers and Acquisitions. The Investment Officer(s) shall monitor, on no less than a weekly basis, the status and ownership of all banks issuing brokered CDs owned by the City based upon information from the FDIC. If any bank has been acquired or merged with another bank in which brokered CDs are owned, the Investment Officer shall immediately liquidate any brokered CD which places the City above the FDIC insurance level.

(e) Competitive Bidding. All securities, including certificates of deposit, will be purchased or sold only after three or more offers/bids are taken to verify that the City is receiving fair market value/price for the investment.

(f) Delivery versus Payment (DVP). All securities shall be purchased on a delivery versus payment (DVP) settlement basis. The safekeeping agent shall not release City funds until receipt of the security. The safekeeping agent shall provide the City with proof of ownership delivered within one business day.

(g) Unauthorized Investments. Investments need not be liquidated if authorized at the time of purchase.

(h) Documentation of Investment Transactions. All investment transactions, including the transfer of funds for investment purposes, shall be documented and such documentation maintained by the Investment Officer(s).

(i) Compliance Audit. At least once a year, the Investment Officer(s) shall complete a compliance audit to assure that the investment program is operating in compliance with the Policy and the Act.

~~(Ord. No. 1351, § 3, 5-9-06)~~

Sec. 2-218. Authorized investments.

(a) ~~Acceptable~~Authorized investments ~~under this policy~~ shall be limited to the instruments listed below and as further described by the ~~Public Funds Investment~~ Act. ~~If additional types of securities are approved for investment by state statute, they will not be eligible for investment by the City until this Policy has been amended and the amended version adopted by the City Council.~~

- (1) Obligations of the United States government, its agencies and instrumentalities, ~~and government sponsoring enterprises~~, not to exceed two years to stated maturity, excluding ~~all mortgage-backed securities collateralized mortgage obligations (CMOs); and securities issued by the Student Loan Marketing Association (SLMAs);~~
- (2) Fully insured or collateralized depository certificates of deposit issued by a bank or a savings bank doing business in Texas which is guaranteed or insured by the Federal Deposit Insurance Corporation, or its successor, or collateralized in accordance with this Policy not to exceed two years to stated maturity, to include CDARS.
- (3) Fully insured share certificates from Texas based credit unions, insured by the NCUIF, with a stated maturity not to exceed two years.
- (4) FDIC insured brokered certificates of deposit securities from a bank in any US state, delivered versus payment to the City's safekeeping agent, not to exceed two years to maturity. Purchased from a bank or broker doing business in Texas. Before purchase, the Investment Officer must verify the FDIC status of the bank (on www.fdic.gov) to assure that the bank is FDIC insured.

~~from:~~

~~a.—A broker or the depository institution that has its main office or a branch office in this state and is selected from a list adopted by the investing entity as required by Government Code Section 2256.025;~~

~~b.—A broker or the depository institution selected by the investing entity that arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located for the account of the investing entity;~~

~~c.—Any other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of the State of Texas of the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States, and under the terms of a written depository agreement with that bank, not to exceed two years to stated maturity to include certificates of deposits purchased through the CDARS program with a Texas bank.~~

- (53) ~~Fully collateralized R~~repurchase agreement and reverse repurchase agreements as defined by the ~~a~~Act, not to exceed 180 days to stated maturity, ~~provided managed under~~ an executed Bond Market Association Master Repurchase Agreement ~~is on file with the City and the counterparty bank or primary dealer. The repurchase transactions shall be placed only through a primary government securities dealer, as defined by the Federal Reserve of NY, or a financial institution doing business in Texas.~~ Flex repurchase agreements ~~used~~ specifically for capital projects may extend beyond two years but ~~only must~~ to match the expenditure plan of the ~~bond~~ projects;
- (64) ~~AAA-rated No-load~~, SEC registered money market ~~mutual~~ funds, ~~each approved specifically before use by the city which strive to maintain a \$1 net asset value;~~
- (75) Texas Local Government Investment Pools, ~~as defined by complying with~~ the Public Funds Investment Act, ~~which strive to maintain a \$1 net asset value;~~ and,
- (86) ~~Fully insured or collateralized~~ ~~interest-bearing~~ accounts in any bank in Texas. ~~negotiated order of withdrawal (NOW) accounts.~~

~~(b) — If additional types of securities are approved for investment by public funds by state statute, they will not be eligible for investment by the City until this policy has been amended and the amended version approved by the City council.~~

~~(c) — Competitive bidding requirement. All securities, including certificates of deposit, will be purchased or sold after three offers/bids are taken to verify that the City is receiving fair market value/price for the investment.~~

~~(d) — Delivery versus payment. All security transactions, including collateral for repurchase agreements, entered into by the city, shall be conducted on a delivery versus payment (DVP) basis.~~

~~(Ord. No. 1351, § 3, 5-9-06; Ord. No. 1354, § 1, 6-27-06; Ord. No. 1433, § 1, 5-27-08; Ord. No. 1499, § 1, 4-27-10; Ord. No. 1559, § 1, 2-14-12)~~

Sec. 2-219. Ethics and conflicts of interest.

Investment Officer(s) and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

Investment ~~officials~~ Officer(s) shall disclose to the Texas Ethics Commission and the City ~~c~~ouncil, within the quarterly ~~reports~~, any personal financial interest ~~of representing~~ ten percent ownership or voting stock in an amount greater than \$10,000.00 with ~~financial institutions business~~, or ~~receive receipt of~~ funds from the business exceeding ten percent of gross income for the previous year, or ~~has an~~ interest in real property if the interest has a fair market value of \$2,500.00 or more, ~~and a~~ any relationships within the second degree by affinity or consanguinity, as specified in chapter 171 of the Texas Local Government Code with

their officers, brokers and employees who conduct business with the eCity shall also be reported.

~~(Ord. No. 1351, § 3, 5-9-06)~~

Sec. 2-220. Authorized financial dealers and institutions.

(a) All investments made by the City will be made through ~~either the city's banking services bank or a primary~~ an authorized broker/dealer or a bank in Texas. A list of a least three broker/dealers will be maintained in order to assure competitive bidding ~~and shown as (Exhibit "A" to the Policy) to this section, a copy of which is on file in the office of the City Secretary of the City of Rockport, Texas. Said exhibit is hereby referred to, adopted, and made a part hereof, as if fully set out in this section.~~

(b) Securities broker/dealers must meet certain criteria as determined by the ~~i~~Investment ~~o~~Officer(s). The following criteria must be met by those firms on the list:

- (1) Provision of a audited financial statement each year,
- (2) Proof of certification by the ~~National Association of Securities Dealers Financial Industry Regulatory Agency (NASD~~FINRA) and provision of firm's CRD number,
- (3) Proof of current registration with the Texas State Securities Commission, and
- (4) ~~Proof of errors and omissions insurance.~~Policy certification.

(c) Every broker/dealer, pool, and bank with whom the City transacts business will be provided a copy of this ~~i~~Investment ~~p~~Policy for review to assure that they are familiar with the goals and objectives of the investment program. A representative of the firm will be required to return a signed certification acceptable to both parties stating that the ~~p~~Policy has been received and reviewed and that controls are in place to assure that only authorized securities are sold to the eCity. Material changes to the Policy will require re-certification of the Policy.

~~(d) A list of qualified broker/dealers will be reviewed and adopted at least annually by the City Council.~~

~~(e) In order to perfect the DVP process the banking services depository, or its brokerage subsidiary, will not be used as a broker.~~

~~(Ord. No. 1351, § 3, 5-9-06; Ord. No. 1559, § 2, 2-14-12)~~

Sec. 2-221. Diversification and ~~m~~Maturity ~~l~~Limitations.

(a) It is the policy of the City to diversify its investment portfolio. Invested funds shall be diversified to minimize risk or loss resulting from over-concentration of assets in a specific maturity, specific issuer, or specific class of securities. Diversification strategies shall be

established and periodically reviewed. ~~At a minimum, diversification guidelines standards~~ by security type ~~and issuer~~ shall be:

<i>SECURITY TYPE</i>	<i>MAX % OF PORTFOLIO</i>
U.S. Treasury Obligations	100%
U.S. Government agencies and instrumentalities	Not to exceed 58 0%
Fully insured or collateralized <u>Depository</u> CDs	Not to exceed 50%
<u>Brokered Certificate of Deposit Securities</u>	<u>Not to exceed 30%</u>
Repurchase Agreements	<u>Not to exceed 1020%</u>
<u>Flex agreement by bond issue</u>	<u>100%</u>
Money Market Funds	100%
<u>% Ownership of Fund</u>	<u>Not to exceed 10%</u>
• For Bond Funds	<u>80%</u>
Local Government Investment Pools	<u>100%</u>
• Liquidity Pools	<u>100%</u>
• Maximum percent ownership of pool	Not to Exceed 20%
• For Bond Funds	<u>50%</u>

(b) ~~The investment officer shall be required to diversify maturities.~~ The ~~i~~Investment ~~o~~fficer(s) shall diversify security types and maturities, to the extent possible, ~~and will~~ attempt to match investments with anticipated cash flow requirements. Matching maturities with cash flow dates will reduce the need to sell securities prior to maturity, thus reducing market risk. ~~Unless matched to a specific requirement, the~~ ~~i~~Investment ~~o~~fficer may not invest more that 20 percent of the portfolio for a period greater than one year. ~~Unless matched to a specific requirement, the~~ ~~i~~Investment ~~o~~fficer may not invest any portion of the portfolio for a period greater than two years with the exception of a flex repurchase agreement.

~~{Ord. No. 1499, § 2, 4-27-10}~~

Sec. 2-222. Safekeeping ~~and collateralization~~.

(a) The laws of the state and prudent treasury management require that all purchased securities be bought on a delivery versus payment basis and be held in safekeeping by either the ~~e~~City, an independent third party financial institution, or the ~~e~~City's designated banking services depository.

(b) All safekeeping arrangements shall be designated by the ~~i~~Investment ~~o~~fficer(s) and an agreement of the terms executed in writing. The third party custodian shall be required to issue

safekeeping receipts to the City listing each specific security, rate, description, maturity, cusip number, and other pertinent information. Each safekeeping receipt will be clearly marked that the security is held for the City or pledged to the city. Substitution allowed with prior City approval.

(c) All securities pledged to the City for certificates of deposit or demand deposits shall be held by an independent third party bank doing business in Texas. The safekeeping bank may not be within the same holding company as the bank from which the securities are pledged.

Sec 2-223 Collateralization of Time and Demand Deposits

(a) Collateralization. Collateralization is required on all time and demand deposits ~~over above~~ the FDIC insurance coverage. In order to anticipate market changes and provide a level of additional security for all funds, the collateralization level required will be 102 percent of the ~~market-book~~ value of the principal ~~and plus~~ accrued interest. Collateral will be held in accordance with a written agreement approved by the pledging bank's Board or Loan Committee to fulfill FDIC requirements.

(b) Custody. Collateral ~~shall will~~ be held by an independent, third party custodian approved by the City. The custodian shall provide a written monthly report directly to the City listing all pledged collateral by description and ~~par-market value~~ at a minimum. The pledging Bbank is responsible for maintaining collateral levels at all times.

[e] *Authorized collateral.*

(1) Obligations of the U.S. government, its agencies and instrumentalities including mortgage-backed securities and CMO which pass the bank test; ~~and~~

(2) Obligations of any U.S. state, agencies, counties, cities, or other political subdivisions of any state rated at least AA as to investment quality by ~~at least two a~~ nationally recognized rating agencies;

(3) An irrevocable Letter of Credit from the FHLB.

(4) Pooled collateral under the terms of the Public Funds Collateral Act.

~~{Ord. No. 1433, § 1, 5-27-08; Ord. No. 1499, § 3, 4-27-10}~~

Sec. 2-223. Performance evaluation and reporting.

The ~~finance~~ Investment ~~o~~Officer(s) shall submit monthly to the City ~~m~~Manager and quarterly to the City ~~e~~Council investment reports containing sufficient information to permit an informed outside reader to evaluate the performance of the investment program and ~~consistent with statutory requirements. All reports shall be~~ in compliance with the ~~a~~Act. Market prices for market ~~e~~valuations will be obtained from an independent source.

~~{Ord. No. 1351, § 3, 5-9-06}~~

Sec. 2-224. Depositories.

(a) *Banking Services Depository.* The City will designate one banking institution through a competitive process as its central banking services provider at least every ~~three-five~~ years. This institution will be used for normal banking services including disbursements, collections, and safekeeping of securities. In selecting a depository, the services, cost of services, credit worthiness, earnings potential, and collateralization by the institutions shall be considered.

All time and demand deposits in any depository shall be insured or collateralized at all times in accordance with this Policy.

(b) *Additional Depositories.* Other banking institutions from which the City may purchase certificates of deposit will also be designated as a depository after they provide their latest audited financial statements to the ~~e~~City. All depositories holding deposits above FDIC coverage will execute a written depository agreement and have the Bank's Board or Bank Loan Committee pass a resolution approving the agreement and provide collateral in accordance with the Policy.

~~(Ord. No. 1351, § 3, 5-9-06)~~

Sec. 2-225. Investment ~~p~~Policy and ~~s~~Strategies ~~r~~Reviewed and ~~a~~Adopted by City ~~e~~Council.

The ~~e~~City's ~~i~~nvestment ~~p~~Policy and ~~s~~Strategies shall be reviewed and adopted annually by the ~~C~~ity ~~C~~ouncil. A written resolution ~~approving-adopting~~ that review and ~~denoting~~ changes to the ~~p~~Policy from the review will be passed by the City ~~e~~Council.

~~(Ord. No. 1433, § 1, 5-27-08; Ord. No. 1499, § 4, 4-27-10)~~

Secs. 2-226—2-239. Reserved.

Monthly Investment Inventory Report

Period Ending **2/28/2015**

Purchase Date	Security	Coupon or Avg Rate	Maturity Date	Yield	Par	Beginning Book	Beginning Market	Ending Book	Ending Market	Change in Market	Period Earnings	Days to Maturity
POOLED ACCOUNT												
01/31/15	Texpool	0.044%	03/01/15	0.044%	\$ 6,693	\$ 6,693	\$ 6,693	\$ 6,693	\$ 6,693	\$ 0.28	\$ 0.28	1
01/31/15	Texas Daily	0.070%	03/01/15	0.070%	\$ 2,413	\$ 2,413	\$ 2,413	\$ 2,413	\$ 2,413	\$ 0.15	\$ 0.15	1
01/31/15	Wells Fargo	0.220%	03/01/15	0.220%	\$ 4,234,968	\$ 4,234,968	\$ 4,234,968	\$ 3,735,563	\$ 3,735,563	\$ (499,404.99)	\$ (499,404.99)	1
07/25/13	CD Am. Express Bank	0.700%	07/27/15	0.700%	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ 250,000	\$ -	\$ 66.94	149
06/20/14	CD BMW Bank	0.550%	06/20/16	0.550%	\$ 245,000	\$ 245,000	\$ 245,000	\$ 245,000	\$ 245,000	\$ -	\$ 51.61	478
06/25/14	CD Ally Bank	0.700%	06/27/16	0.700%	\$ 245,000	\$ 245,000	\$ 245,000	\$ 245,000	\$ 245,000	\$ -	\$ 65.51	485
06/25/14	CD Discover Bank	0.700%	06/27/16	0.700%	\$ 245,000	\$ 245,000	\$ 245,000	\$ 245,000	\$ 245,000	\$ -	\$ 65.51	485
06/25/14	CD Goldman Sachs	0.650%	06/27/16	0.650%	\$ 245,000	\$ 245,000	\$ 245,000	\$ 245,000	\$ 245,000	\$ -	\$ 60.83	485
08/28/14	CD Great Southern	0.700%	06/28/16	0.700%	\$ 245,000	\$ 245,000	\$ 245,000	\$ 245,000	\$ 245,000	\$ -	\$ 71.67	486
08/22/14	CD Park National Bank	0.750%	08/22/16	0.750%	\$ 245,000	\$ 245,000	\$ 245,000	\$ 245,000	\$ 245,000	\$ -	\$ 70.38	541
06/18/14	CD Customer Bank	0.500%	06/20/16	0.500%	\$ 245,000	\$ 245,000	\$ 245,000	\$ 245,000	\$ 245,000	\$ -	\$ 46.79	478
SUBTOTAL					\$ 6,209,074	\$ 6,209,074	\$ 6,209,074	\$ 5,709,669	\$ 5,709,669	\$ (499,404.56)	\$ (498,905.30)	
DEBT SERVICE ACCOUNT												
01/31/15	Texpool	0.044%	03/01/15	0.044%	\$ 554	\$ 554	\$ 554	\$ 554	\$ 554	\$ -	\$ -	1
01/31/15	Wells Fargo	0.220%	03/01/15	0.220%	\$ 232,772	\$ 232,772	\$ 232,772	\$ 232,810	\$ 232,810	\$ 38.16	\$ 38.16	1
SUBTOTAL					\$ 233,326	\$ 233,326	\$ 233,326	\$ 233,365	\$ 233,365	\$ 38.16	\$ 38.16	
VEHICLE & EQUIPMENT												
01/31/15	Texas Daily	0.070%	03/01/15	0.070%	\$ 29,111	\$ 29,111	\$ 29,111	\$ 29,113	\$ 29,113	\$ 1.82	\$ 1.82	1
01/31/15	Wells Fargo	0.220%	03/01/15	0.220%	\$ 538,146	\$ 538,146	\$ 538,146	\$ 538,234	\$ 538,234	\$ 88.21	\$ 88.21	1
SUBTOTAL					\$ 567,257	\$ 567,257	\$ 567,257	\$ 567,347	\$ 567,347	\$ 90.03	\$ 90.03	
2005 BONDS												
01/31/15	Texas Daily	0.070%	03/01/15	0.070%	\$ 2,488	\$ 2,488	\$ 2,488	\$ 2,488	\$ 2,488	\$ 0.16	\$ 0.16	1
01/31/15	Wells Fargo	0.220%	03/01/15	0.220%	\$ 2,634,574	\$ 2,634,574	\$ 2,634,574	\$ 2,635,006	\$ 2,635,006	\$ 431.85	\$ 431.85	1
SUBTOTAL					\$ 2,637,062	\$ 2,637,062	\$ 2,637,062	\$ 2,637,494	\$ 2,637,494	\$ 432.01	\$ 432.01	
2007 BONDS												
01/31/15	Texpool	0.044%	03/01/15	0.044%	\$ 297	\$ 297	\$ 297	\$ 297	\$ 297	\$ -	\$ -	1
01/31/15	Texpool Daily	0.070%	03/01/15	0.070%	\$ 507	\$ 507	\$ 507	\$ 507	\$ 507	\$ 0.03	\$ 0.03	1
01/31/15	Wells Fargo	0.220%	03/01/15	0.220%	\$ 3,860,819	\$ 3,860,819	\$ 3,860,819	\$ 3,861,508	\$ 3,861,508	\$ 689.35	\$ 689.35	1
SUBTOTAL					\$ 3,861,623	\$ 3,861,623	\$ 3,861,623	\$ 3,862,312	\$ 3,862,312	\$ 689.38	\$ 689.38	

Monthly Investment Inventory Report

Period Ending 2/28/2015

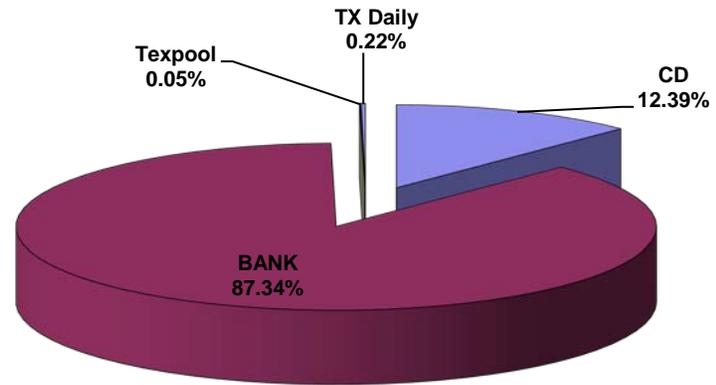
Purchase Date	Security	Coupon or Avg Rate	Maturity Date	Yield	Par	Beginning Book	Beginning Market	Ending Book	Ending Market	Change in Market	Period Earnings	Days to Maturity
2009 BONDS												
01/31/15	Texas Daily	0.070%	03/01/15	0.070%	\$ 73	\$ 73	\$ 73	\$ 73	\$ 73	\$ -	\$ -	1
01/31/15	Wells Fargo	0.220%	03/01/15	0.220%	\$ 858,768	\$ 858,768	\$ 858,768	\$ 858,949	\$ 858,949	\$ 180.93	\$ 180.93	1
SUBTOTAL					\$ 858,841	\$ 858,841	\$ 858,841	\$ 859,022	\$ 859,022	\$ 180.93	\$ 180.93	
2014 BONDS												
01/31/15	Wells Fargo	0.220%	03/01/15	0.220%	\$ 1,756,640	\$ 1,756,640	\$ 1,756,640	\$ 1,756,968	\$ 1,756,968	\$ 328.36	\$ 328.36	1
SUBTOTAL					\$ 1,756,640	\$ 1,756,640	\$ 1,756,640	\$ 1,756,968	\$ 1,756,968	\$ 328.36	\$ 328.36	
UTILITY CIP												
01/31/15	Wells Fargo	0.220%	03/01/15	0.220%	\$ 42,886	\$ 42,886	\$ 42,886	\$ 42,893	\$ 42,893	\$ 7.03	\$ 7.03	1
SUBTOTAL					\$ 42,886	\$ 42,886	\$ 42,886	\$ 42,893	\$ 42,893	\$ 7.03	\$ 7.03	
UTILITY DEBT RESERVE												
01/31/15	Wells Fargo	0.220%	03/01/15	0.220%	\$ 189,685	\$ 189,685	\$ 189,685	\$ 189,716	\$ 189,716	\$ 31.09	\$ 31.09	1
SUBTOTAL					\$ 189,685	\$ 189,685	\$ 189,685	\$ 189,716	\$ 189,716	\$ 31.09	\$ 31.09	
PORTFOLIO TOTAL					16,356,394	16,356,394	16,356,394	15,858,787	15,858,787	-497,607.57	-497,108	

Average Maturity (Days)	56
Average Portfolio %	0.2737
Average Benchmark %	0.0800

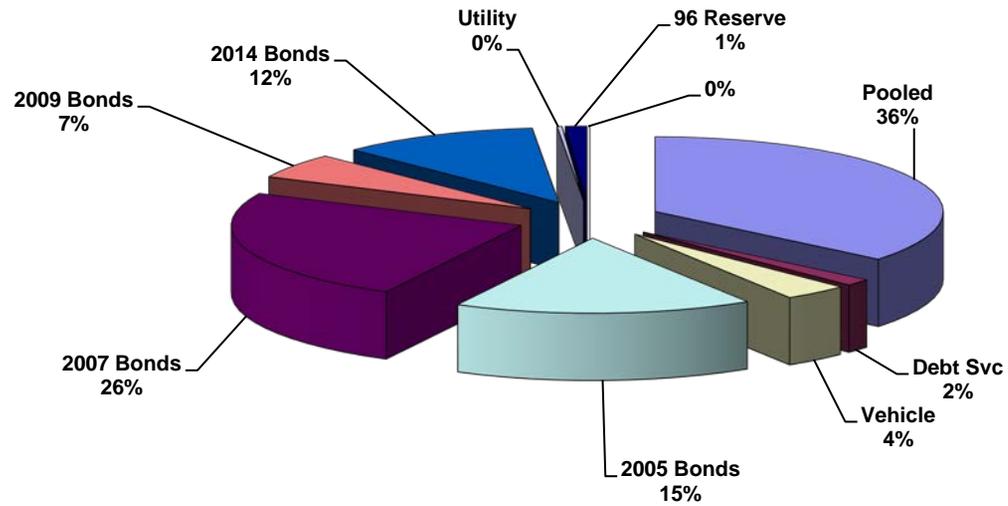
Notes

- Coupon** - the coupon on a security or CD - the rate on a liquid option
- Yield** - the rate on a liquid option - on a security the yield will also reflect the price and DTM
- PAR** - the face value of a CD or security - with liquid options the PAR would be the beginning book
- Book** - the value of the security or CD principal - it does not include interest - on a liquid option it does include interest
- Market** - the price at which a security could be sold - on liquid options and CDs it is the same as book - assuming 100 as price always
- Earnings** - the accrued interest earned on liquid options - on securities this is accrued interest plus accretion minus amortization
- Days to Maturity** - the remaining days to maturity - the maturity date minus the report date
- Benchmark** - the average yield on the 6-month T-Bill during the same period

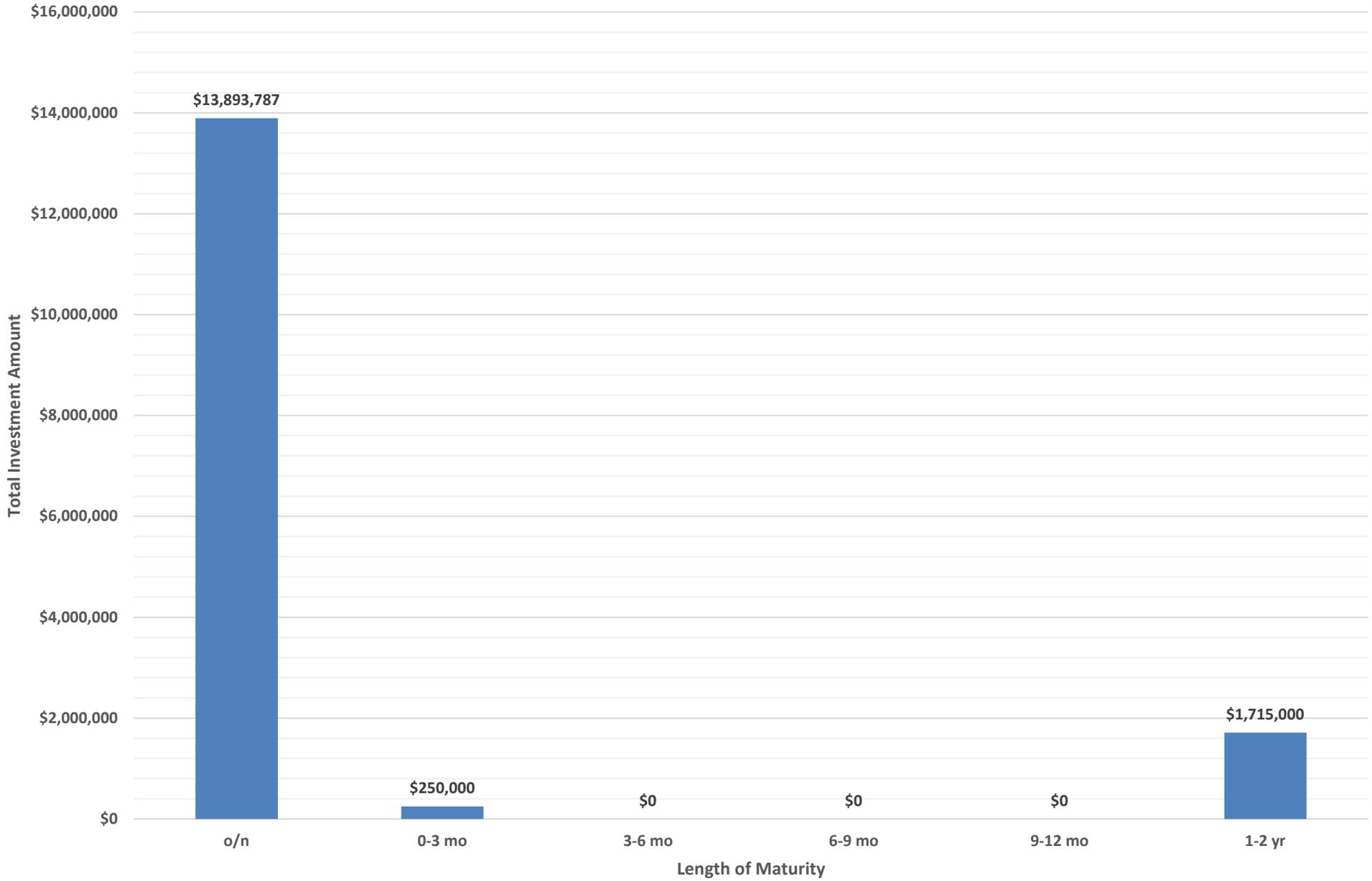
Allocation by Investment Type



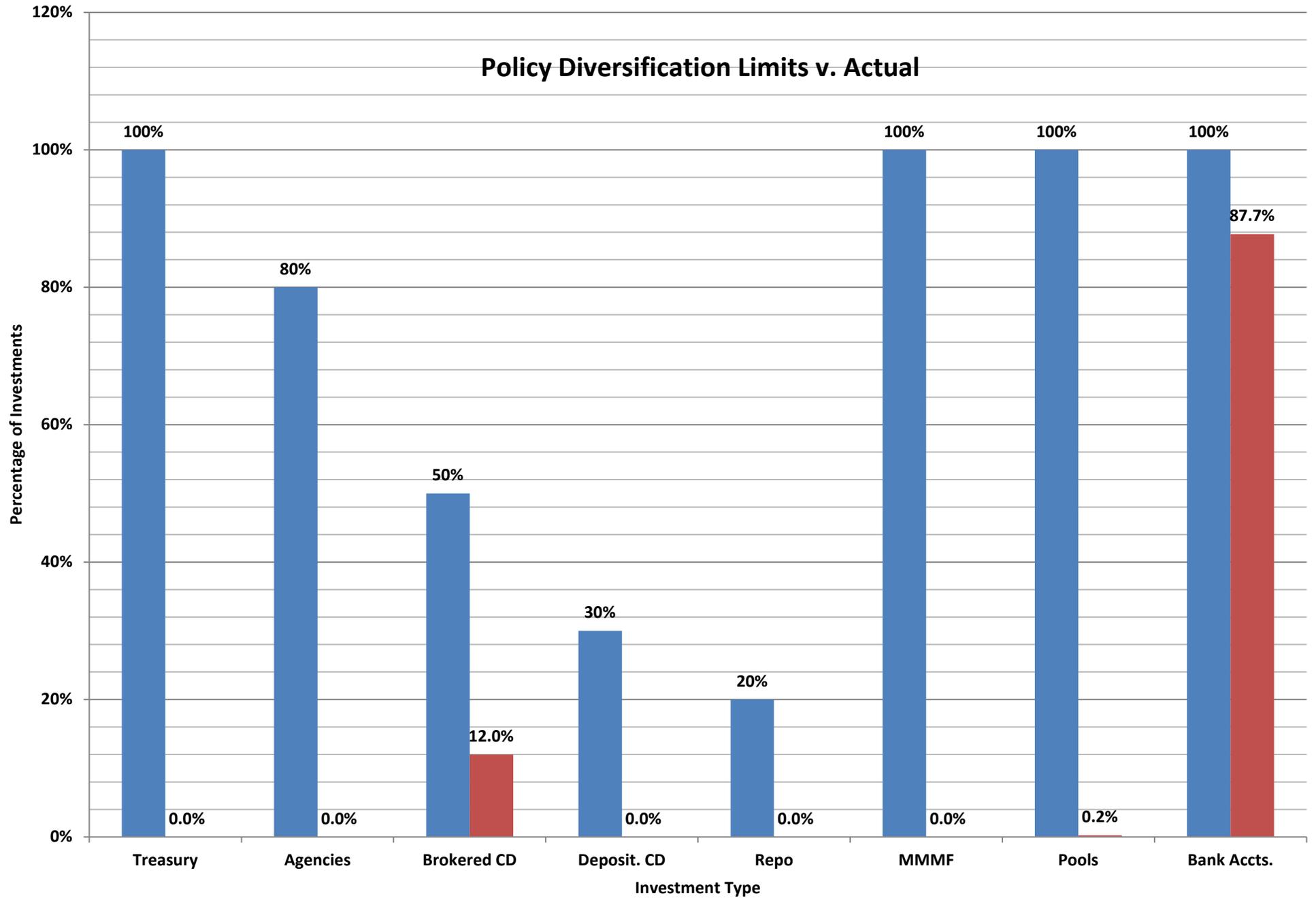
Allocation by Fund



Investment Allocation by Maturity



Policy Diversification Limits v. Actual



ROCKPORT CITY COUNCIL
Workshop Meeting: Tuesday, March 24, 2015

AGENDA ITEM: 4

Hear and deliberate on proposal for water service for Coastal Paradise RV Resort.

SUBMITTED BY: Public Works Director Michael Donoho, Jr.

APPROVED FOR AGENDA: PKC

SUMMARY STATEMENT: Tom and Barbara Smith wish to develop Coastal Paradise RV Resort at 1331 State Highway 188 (the southwest corner of Hwy 35 Bypass and State Hwy 188). The proposed multiphase development would have approximately 157 units at build out and requires a six-inch water main. The water main would come from the City's ground storage at the northeast corner of the intersection and would have to bore under Highway 35.

In order to serve future development on the west side of Highway 35 Bypass, the preliminary proposal increases the size of the main under the highway to 12-inches, at the City's expense (under the former Stillman Ranch proposal, the 12-inch will eventually loop into the 18-inch coming from Pin Oaks). Except for the very northeast corner, all of the property is outside of the City's extraterritorial jurisdiction (ETJ) and none of the property is in a certificated area for water. The remainder of the property is also outside of the Aransas Pass ETJ. If the City decides not to participate in the project and allow a six-inch extension to serve only Coastal Paradise, that line may interfere with the City's ability to extend service to the west side of the Highway in the future.

The two main initial questions for Council's consideration are:

1. From a comprehensive development perspective, does the City want to act to promote additional RV park capacity in the community?
2. If Council wants to increase RV capacity, should the City take advantage of the opportunity to bring the additional service capacity to the west side of Highway 35?

RTM Construction Co., LTD, and Public Works will give a presentation regarding the requested water service. Please see the accompanying materials for additional project details.

FISCAL ANALYSIS: Staff does not recommend extending the service with a six-inch main that will only serve this one development. It is prudent to take advantage of the opportunity to cost share and the economies of scale to upsize the main to serve future development on the west side of Highway 35. The developers are committed to paying for the six-inch necessary to serve their development but are requesting the City's

participation in the project by paying for the additional capacity needed to serve others. There are sufficient fund balance to pay for this unbudgeted expense.

RTM Construction, owned by Tom Smith, has developed a cost estimate utilizing local contractors to install the 12-inch main at a total cost of \$143,550.

STAFF RECOMMENDATION: Not an action item.

RTM

CONSTRUCTION CO. LTD.
Utilities & Excavation
San Antonio, TX. 210-649-4600

Proposal
Coastal Paradise RV Resort Water Main Service

2-11-2015

To: City of Rockport Texas
 Rockport Water Corporation

Re: Installation of a 18" Bore with a 12" water line service to Coastal Paradise RV Resort at 1331 SH 188 and SH 35 Bypass.

Subject: Pricing to install an 18" Bore and a 12" water main from the Rockport water plant area to directly across SH 35 Bypass and end at the NE corner of the state right of way. Please see below the cost to install the 12" water service.

540 lf 18" Bore	\$48,600.00
600 lf 18" Steel Casing .375 wall	\$20,100.00
2 ea Welders to weld casing 5 days @ \$110.00 hr	\$ 9,900.00
1 ls 12" water pipe and fittings installation	\$53,250.00
1 ls Backfill tail ditches and cleanup work	\$ 5,000.00
1 ls Road Barricades	\$ 1,200.00
1 ls JKS Engineering Fee (Discovery and Design)	\$ 5,500.00

	\$143,550.00

Double "O" Field Service will be performing the bore
 JJ Fox Construction will be performing all water pipe installation.

Sincerely,

Tom Smith
 General Partner of RTM

Mike Donoho

From: Jeff Smith <jeff@jks-engineering.com>
Sent: Monday, February 09, 2015 5:07 PM
To: Mike Donoho
Cc: Art Smith; tom@rtmconstructionltd.com; 'Jimmy Wilson'
Subject: RE: Coastal Paradise RV - 12" water main extension plan
Attachments: Coastal Paradise Offsite Watermain Extension.pdf

Mike,

Please disregard the previous watermain extension plan as there was a typo in the casing label. Please use the attached for review and discussion purposes.

Thanks,

JEFF SMITH, P.E.

jeff@jks-engineering.com

PO BOX 1161
 LA VERNIA, TX. 78121
 (210) 422-8529

JKS ENGINEERING CO., P.L.L.C.
CIVIL CONSULTANTS - LAND PLANNERS
TBPE FIRM NO. 13260



From: Jeff Smith [<mailto:jeff@jks-engineering.com>]
Sent: Monday, February 09, 2015 5:01 PM
To: 'publicworksdirector@cityofrockport.com'
Cc: 'Smith, Art (publicworks1@cityofrockport.com)'; 'tom@rtmconstructionltd.com'; 'Jimmy Wilson'
Subject: Coastal Paradise RV - 12" water main extension plan
Importance: High

Mike,

Please see the attached watermain extension plan for the above referenced project. Please place this project on the agenda for the Rockport City Council so we can discuss this venture. Tom Smith is working on the pricing and hopes to have you a number(s) by end business Wednesday. Please let me know the date, time and location of the workshop so I can schedule accordingly.

Thanks,

JEFF SMITH, P.E.

jeff@jks-engineering.com

PO BOX 1161
 LA VERNIA, TX. 78121
 (210) 422-8529

JKS ENGINEERING CO., P.L.L.C.
CIVIL CONSULTANTS - LAND PLANNERS
TBPE FIRM NO. 13260



Anna Brandl

From: Art Smith
Sent: Wednesday, March 18, 2015 7:33 AM
To: Anna Brandl
Subject: Fwd: Proposal

Sent from my iPhone

Begin forwarded message:

From: Tommy Fox <jjfoxconstruction@yahoo.com>
Date: March 18, 2015 at 7:26:39 AM CDT
To: Art Smith <Publicworks1@cityofrockport.com>
Subject: Fwd: Proposal

Art

Here was the price I gave for the crossing at 188 and ByPass below
To do the same work in 6" reduce price by 8,300.00
Making a new total using 6"

\$ 44,950.00

Still Bore by others

If you need anymore information let me know

Thanks have a great day

J.J. Fox Construction, Inc.
Tommy Fox- President
(361)537-0575
Fax: (316)362-0817

Begin forwarded message:

From: Tommy Fox <jjfoxconstruction@yahoo.com>
Date: February 11, 2015 at 1:30:32 PM CST
To: "tom@rtmconstructionldt.com" <tom@rtmconstructionldt.com>
Subject: Proposal

Tom Smith

Proposal
J J Fox construction

Bore by others

Scope of work

Install 24"x12" stainless tapping sleeve and valve
Install approximately 600 LF 12" Sdr-9 HDPE inside casing (no spacers)
Install 2-12" MJ 45 degree bends
Install 1- fire hydrant assembly
Install approximately 160 LF 12" c-900 PVC
Install 1 - 12"x2" blow off

Price includes material and labor
All work done according to city of rockport standards

Lump sum 53,250.00

J.J. Fox Construction, Inc.
Tommy Fox- President
(361)537-0575
Fax: (316)362-0817

Coastal Paradise RV Resort





FM 188 & HWY 35 BYPASS-SOUTH

Print Date: 03/19/2015
Image Date: 11/07/2014
Level: Community

RTJ
300
COMING SOON!
COASTAL PARADISE
RV RESORT
(210) 872-5051

03/19/2015

ROCKPORT CITY COUNCIL
Workshop Meeting: Tuesday, March 24, 2015

AGENDA ITEM: 5

Hear and deliberate on staff reports to Council process.

SUBMITTED BY: City Manager Kevin Carruth, City Attorney Terry Baiamonte

APPROVED FOR AGENDA: PKC

SUMMARY STATEMENT: During the staff reports portion of the regular meetings, particularly with Building and Development Department reports, there is the potential for discussion to easily veer away from the posting and create a potential for an Open Meetings Act violation. Additionally, there have been instances where:

1. Discussion of cases on the pending development report become speculative and negatively impact the business environment;
2. Council Members wait for the meeting to bring up new code enforcement violations, potentially delaying action on an issue;
3. Discussion revealing potential or pending litigation of enforcement action can compromise the City's position; and
4. Direction is given to staff.

Discussions of pending code enforcement cases every two weeks can also give the impression to observers that no action is being taken when actually the statutorily mandated due process procedure is very long and drawn out by design. Lastly, preparation of the Building and Development reports every two weeks consumes labor that can be utilized elsewhere.

Staff would like Council to consider receiving reports via email on a regular schedule and forwarding any questions to the City Manager. This would not impede access to the information for Council or the public as *The Pilot* would also be included in the emailing of the reports and the reports would continue to be available on the website. Any issues requiring discussion by the Council as a body could still occur but as a specific agenda item.

FISCAL ANALYSIS: N/A

STAFF RECOMMENDATION: Not an action item.