



2035 Tulare Street, Suite 201
Fresno, California 93721

Telephone: (559) 233-4148 • Fax: (559) 233-9645
Website Address: www.fresnocog.org

COUNCIL OF FRESNO COUNTY GOVERNMENTS AGENDA

Date: Thursday, March 26, 2009
Time: 5:30 p.m.
Place: COG Sequoia Conference Room
2035 Tulare St., Suite 201, Fresno, CA

Americans with Disabilities Act (ADA) Accommodations

The Fresno COG offices and restrooms are ADA accessible. Representatives or individuals with disabilities should contact Fresno COG at (559) 233-4148, at least 3 days in advance, to request auxiliary aids and/or translation services necessary to participate in the public meeting / public hearing. If Fresno COG is unable to accommodate an auxiliary aid or translation request for a public hearing, after receiving proper notice, the hearing will be continued on a specified date when accommodations are available.

Item	Description	Enclosure	Action*
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I. PRESENTATIONS

A. Public Presentations

This portion of the meeting is reserved for persons wishing to address the COG on items within its jurisdiction but not on this agenda. **Note: Prior to action by the COG on any item on this agenda, the public may comment on that item. Unscheduled comments may be limited to 3 minutes.**

B. Presentation – Recognition of Former Board Member Bob Whalen – City of Clovis

- | | | |
|--|-----|---------|
| C. California Product Stewardship Council: RESOLUTION 2009-08 | Yes | Approve |
| Presentation on Toxic Waste Management [DANSBY/GEDERT] | | |

Fresno COG Sitting As the Transportation Policy Committee

II. TRANSPORTATION CONSENT ITEMS

All items on the consent agenda are considered to be routine and non-controversial by COG staff and will be approved by one motion if no member of the Committee or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent agenda and will be considered in the listed sequence with an opportunity for any member of the public to address the Committee concerning the item before action is taken.

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|--|-----|-------------|
| A. FY 2008-09 Transportation Funding Claim – County of Fresno
RESOLUTION 2009-07 [BESHEARS] | Yes | Approve |
| B. San Joaquin Valley Transit Express Commute Study [DOWNS] | Yes | Information |
| C. Smart Growth Implementation Assistance 2009 Request for
Applications [THOMPSON] | No | Information |
| D. High-Speed Rail Public Scoping Meeting [THOMPSON] | Yes | Information |
| E. San Joaquin Valley Regional Blueprint - Update [STECK] | Yes | Information |

III. TRANSPORTATION ACTION / DISCUSSION ITEMS

- | | | |
|---|-----|-----------------|
| A. American Recovery and Reinvestment Act of 2009 [DEVERE-OKI] | Yes | Approve |
| B. Regional Transportation Mitigation Fee (RTMF) Update [BOREN] | Yes | Info/Discussion |
| C. Caltrans Monthly Report [CALTRANS] | No | Info/Discussion |

Member Agencies: The cities of Clovis, Coalinga, Firebaugh, Fowler, Fresno, Huron, Kerman, Kingsburg, Mendota, Orange Cove, Parlier, Reedley, San Joaquin, Sanger, Selma & Fresno County

Fresno COG Sitting As the Council of Fresno County Governments Policy Board

IV. REAFFIRM ALL ACTIONS TAKEN WHILE SITTING AS THE TRANSPORTATION POLICY COMMITTEE

V. ADMINISTRATIVE CONSENT ITEMS

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- | | | |
|--|-----|-------------|
| A. COG Executive Minutes of February 26, 2009 | Yes | Approve |
| B. FY 2008-09 Second Quarter Progress Report [BESHEARS] | Yes | Accept |
| C. 2007-08 COG Financial Audit [BESHEARS] | Yes | Accept |
| D. Local Government Commission: Implementing SB 375 Workshop Notice [DAWSON] | Yes | Information |
| E. Monthly Legislative Update [DANSBY] | Yes | Information |

VI. ADMINISTRATIVE ACTION / DISCUSSION ITEMS

- | | | |
|---|---------|-----------------|
| A. 2008-09 Overall Work Program (OWP) Amendment #4 [BESHEARS] | No | Approve |
| B. Sacramento "One Voice" Update [DANSBY] | Handout | Info/Discussion |
| C. Continuation of the Public Review and Comment Period for the Model Farmland Conservation Program for Fresno County [SOBRADO] | No | Info/Discussion |
| D. Notice of Public Listening Session: Council of Fresno County Governments Federal Certification Review [BOREN] | Yes | Info/Discussion |
| E. Letter Regarding Lloyd Carter, California Deputy Attorney General [BOREN] | Yes | Direction |
| F. Status Report on Sacramento Lobbying Activities—Steve Samuelian, California Consulting LLC [SAMUELIAN] | Yes | Information |

VII. ELECTION OF CHAIR & VICE CHAIR

Fresno COG Sitting As the Abandoned Vehicle Abatement Authority

VIII. ABANDONED VEHICLE ABATEMENT

- | | | |
|---|----|---------|
| A. Adjustment to Hourly Terms for the County of Fresno [THOMPSON] | No | Approve |
|---|----|---------|

Fresno COG Sitting As the Council of Governments Policy Board

IX. OTHER BUSINESS

- A. Items from Staff
- B. Items from Members

*Items listed as information still leave the option for guidance/direction actions by the Committee.

**All enclosures are available on our website at www.fresnocog.org – Committees and Agendas



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COUNCIL OF FRESNO COUNTY GOVERNMENTS ANNOTATED AGENDA

Date: Thursday, March 26, 2009
Time: 5:30 p.m.
Place: COG Sequoia Conference Room
2035 Tulare St., Suite 201, Fresno, CA

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I. PRESENTATIONS

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B. Presentation –Recognition of Former Board Member Bob Whalen – City of Clovis

C. California Product Stewardship Council Presentation on Toxic Waste Management: RESOLUTION 2009-08 [DANSBY/GEDERT]

Summary: Staff received a request from the California Product Stewardship Council (CPSC), an association of local governments, to present information on the Extended Producer Responsibility strategy to the PAC and Policy Board. The mission of the CPSC is to:

“shift California’s product waste management system from one focused on government funded and ratepayer financed waste diversion to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design that promote environmental sustainability”.

Bob Gedert, representing the CPSC, will make a presentation to the Policy Board and request that our Policy Board adopt a resolution in support of Extended Producer Responsibility, also known as Product Stewardship. If the Policy Board so chooses, there is also an opportunity to pledge a financial contribution to CPSC for their work efforts.

More detailed information on the California Product Stewardship Council and the Extended Producer Responsibility can be found in your agenda package.

Action: The PAC recommends the Policy Board sign Resolution #2009-08 in support for the California Product Stewardship Council and Extended Producer Responsibility.

Fresno COG Sitting As the Transportation Policy Committee

II. TRANSPORTATION CONSENT ITEMS

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be considered in the listed sequence with an opportunity for any member of the public to address the Committee concerning the item before action is taken.

A. FY 2008-09 Transportation Funding Claim – County of Fresno RESOLUTION 2009-07 [BESHEARS]

Summary: 2008-09 Transportation Development Act Claims. The amounts claimed for Local Transportation Funds (LTF) and State Transit Assistance (STA) funds are:

Jurisdiction	LTF Fund:	STA Fund:	Total Funds:
County of Fresno	\$6,153,530	\$1,693,223	\$7,846,753

Staff has reviewed the claims and finds the amounts consistent with apportionments previously approved by the Board.

Action: Staff recommends approval of the funding claims by adopting Resolution 2009-07.

B. San Joaquin Valley Transit Express Commute Study [Downs]

Summary: The Merced County Association of Governments (MCAG) has been coordinating the San Joaquin Valley Express Transit Study with regional partners including the Counties of Kern, Kings, Tulare, Fresno, Madera, Stanislaus and San Joaquin. The San Joaquin Valley Express Transit Study is designed to identify markets that can support inter-county commuter express transit service within the San Joaquin Valley region, and between the San Joaquin Valley and its neighbors.

The San Joaquin Valley Express Transit Study seeks to identify strong markets for inter-county commute travel in the region, and to provide cost-effective recommendations for improved commute choices in these markets. By providing a broader array of commute options, the policy recommendations in this study may also result in decreased single-occupancy vehicle trips, reduced congestion, and improving air quality in the Valley. While the scope of the study is limited to inter-county commute travel, many of the principles and service models described in this report may also apply to the many very long intra-county commutes that the study does not explicitly consider.

The San Joaquin Valley is a large and diverse region. Making transportation investments cost effective will depend on deploying the right type of transportation service for the right market. This report recommends that the San Joaquin Valley explore a mix of ridesharing, vanpool, bus, and rail services. The outcome of the two previous analyses conducted for this project, the Existing Conditions and Case Studies Report and the Travel Demand Analysis Report, identified several key corridors in the region that would derive maximum benefit from new transportation investments. The corridors include:

- The northern SR 99 corridor, extending from Merced through Modesto, Stockton, Lodi, and continuing to Sacramento.
- The northern SR 99 corridor to the Bay Area.
- The Cities of Madera and Visalia to the City of Fresno.
- The Commute market between northern Los Angeles County and Edwards Air Force Base in eastern Kern County.

The report discusses the following transportation opportunities:

Summary of Proposed Services:

Proposed Service	Key Travel Corridor			
	Northern SR 99 Corridor, to Sacramento	Northern SR 99 Corridor to the Bay Area	Madera and Visalia to the City of Fresno	Northern LA County to Eastern Kern County
Ridesharing/TDM	X	X	X	X
Vanpool	X	X	X	X
Commuter Express Bus	X	X		
Commuter Rail Improvements	X	X		

A copy of the full report is included in your package.

Action: Information item only. Direction may be provided at the discretion of the Committee.

C. Smart Growth Implementation Assistance 2009 Request for Applications [THOMPSON]

Summary: The Development, Community, and Environment Division in EPA's Office of Policy, Economics, and Innovation is seeking applications for technical assistance from communities that want to incorporate smart growth in their future development to meet environmental and other community goals. Eligible entities are tribal, local, regional and state governments, and nonprofit organizations that have a demonstrated partnership with a governmental entity. Applications are due at 5:00 p.m. EST, April 23, 2009. EPA has identified some key areas in which communities are likely to benefit from technical assistance:

- Climate change (both mitigation of and adaptation to)
- Green building development
- Green job development
- Suburban retrofitting
- Corridor redevelopment
- Disaster resiliency

Proposals are not limited to requests for technical assistance in only these thematic areas. Other topics for assistance are welcome and encouraged, provided they demonstrate cutting-edge challenges and the possibility of replicable solutions. Selected communities or states will receive assistance in the form of a multi-day visit from a team of experts organized by EPA and other national partners to work with local leaders. EPA plans to assist three to five communities over a period of twelve months. The Agency anticipates announcing the selected communities in fall of 2009.

For more information and application materials, visit http://epa.gov/smartgrowth/2009_sgia_rfa.htm.

Action: Information item only. Direction may be provided at the discretion of the Committee.

D. High-Speed Rail Public Scoping Meeting [THOMPSON]

Summary: The High-Speed Rail Authority will host several public scoping meetings along the project segment between Merced and Bakersfield. The meeting in Fresno will be held Wednesday, **March 25, 2009** between 3:00 and 7:00 p.m. at the Fresno Convention Center Exhibit Hall (848 M Street). The meeting is an open-house format, without formal presentations. The enclosure for this item describes what "scoping" is and its relationship to the environmental process. During the scoping process the public, as well as city, county, state, and federal agencies have an opportunity to provide comments on project alternatives and environmental impacts to be evaluated in the EIR/EIS. Public scoping comments for the project segment between Merced and Bakersfield will be accepted until Friday, April 10, 2009.

Action: Information item only. Direction may be provided at the discretion of the Committee.

E. San Joaquin Valley Regional Blueprint - Update [STECK]

Summary: Valleywide Blueprint scenarios are currently being vetted with a variety stakeholder groups. The scenarios will be presented to the Regional Policy Council (two elected officials from each of the eight Valley COGS) on Friday, March 27th here at Fresno COG. At that time we anticipate that the Policy Council will endorse one of the four options being considered. The preferred scenario will then be taken back to each of the Valley COGs where it will be considered with their member agencies (the 62 cities and 8 counties within the Valley). The ultimate goal is to have the principles from the Blueprint be integrated into local general plans.

Action: Information item only. Direction may be provided at the discretion of the Committee.

III. TRANSPORTATION ACTION / DISCUSSION ITEMS

A. American Recovery and Reinvestment Act of 2009 [DEVERE-OKI]

Summary: President Obama has signed the American Recovery and Reinvestment Act of 2009 (ARRA) that provides significant new funding for transportation infrastructure. In order for a surface transportation infrastructure project or transit project to be eligible for this Federal funding, it must be included in the Federal Transportation Improvement Program (FTIP).

As part of Fresno COG's first effort to position the region to utilize these funds, a revenue only amendment was processed. This amendment, Formal Amendment #4, was approved by FHWA on March 17, 2009. This amendment added Fresno's estimated share of \$47 million in Federal Highway Administration (FHWA) ARRA funding and \$11.9 million in Federal Transit Administration (FTA) ARRA funds into the FTIP. These amounts were preliminary estimates that were provided by

Caltrans, the FTA ARRA funds have subsequently been revised to \$13,782,000. Amendment #5 programming the FTA ARRA funds, with this revised funding level, has been released for public review, which will close on March 23.

Only a portion of this of the estimated \$47 million in FHWA ARRA funding is directly suballocated to Fresno COG for local level distribution (subject to a 1 year obligation deadline); this exact amount is \$17,544,700. At the February Policy Board meeting, staff was directed to follow an allocation approach developed by the SAFETEA-LU Programming Steering Committee. This approach provided a base level of funding to each member agency of \$160,000 and using a pro rata share, based on population, divided the rest of the funds up to the suballocated share of \$17.5 million. Local agencies were then allowed to select their ARRA project/s. Included in you package is this list of locally selected ARRA projects. These projects will be amended into the FTIP as part of Amendment #6 and/or #7.

The estimated balance of the FHWA ARRA money that will be making its way to the Fresno Region will either come through the existing STIP process or through a new process proposed in California Assembly Bill 20. As the SR 180 East Temperance to Academy project is both deliverable in 120 days, and is programmed in the existing STIP line up, staff is recommending this project be included on the locally selected ARRA project list for this funding stream.

Action: Support of the locally selected ARRA project list including SR 180E. Direction may be provided at the discretion of the Committee.

B. Regional Transportation Mitigation Fee (RTMF) Update [BOREN]

Summary: Enclosed in your package are the recently completed RTMF Draft Nexus Study, a sample Ordinance and the RTMF Administrative manual. County Counsel is currently studying legal issues surrounding the process. Staff will provide an update at the meeting.

Action: Information/discussion item. Direction may be provided at the discretion of the Committee.

C. Caltrans Monthly Report [CALTRANS]

Summary: Caltrans staff will provide an update on Caltrans activities.

Action: Information/discussion item. Direction may be provided at the discretion of the Committee.

Fresno COG Sitting As the Council of Fresno County Governments Policy Board

IV. REAFFIRM ALL ACTIONS TAKEN WHILE SITTING AS THE TRANSPORTATION POLICY COMMITTEE

V. ADMINISTRATIVE CONSENT ITEMS

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A. COG Executive Minutes of February 26, 2009

B. FY 2008-09 Second Quarter Progress Report [BESHEARS]

Summary: Included in your agenda packet is the FY 2008-09 Second Quarter Progress Report which details the work performed in each work element during the second quarter. A spreadsheet that shows expended funds will be handed out at the meeting.

Action: Accept the FY2008-09 Second Quarter Progress Report as presented.

C. 2007-08 COG Financial Audit [BESHEARS]

Summary: Dedekian, Small & Markarian have completed the 2007-08 COG Financial Audit. The report identifies no findings of non compliance and includes all reports required by state and federal funding agencies.

The Statement of Revenues, Expenditures and Changes in Fund Balance show revenues of \$5,349,688, expenditures of \$5,431,332, for a net decrease of \$84,644. Fund balances at end of year are \$1,563,562 of which \$1,426,123 is reserved for contractual encumbrances, \$90,333 designated for self insurance, and \$47,106 is unreserved.

Action: Staff recommends acceptance of the 2007-08 COG Financial Audit.

D. Local Government Commission: Implementing SB 375 Workshop Notice [DAWSON]

Summary: On May 7, 2009 in Fresno, the Local Government Commission is offering a workshop co-hosted by the Governor's Office of Planning and Research and Senator Darrell Steinberg titled: *Implementing SB 375: What Local Governments Need to Know About Climate Change Legislation*. AB 32 and SB 375 create a framework to help California meet the challenges of climate change. Information on the workshop, the agenda, and registration details are included in your packet. The Council of Fresno County Governments is a sponsor of the workshop. Further information can be found at: <http://lgc.org/events/sb375.html>

Action: Information item only. Direction may be provided at the discretion of the Board.

E. Monthly Legislative Update [DANSBY]

Summary: A report is included in your agenda package that includes current bills in the 2009 legislative session that are relevant to the COG.

- To locate current and past year **state bill information** go to the Official California Legislative Information webpage at: <http://www.leginfo.ca.gov/>
- To locate current and past year **federal bill information** go to THOMAS, The Library of Congress's bill information website (in the spirit of Thomas Jefferson) at: <http://thomas.loc.gov/>

Please contact staff person, Jennifer Dansby, if you have any questions.

Action: Information item only. Direction may be provided at the discretion of the Board.

VI. ADMINISTRATIVE ACTION / DISCUSSION ITEMS

A. 2008-09 Overall Work Program (OWP) Amendment #4 [BESHEARS]

Summary: Work Element 813 Blueprint Planning - Valley Wide

Merced COG has administrated previous three Blueprint grants for the San Joaquin Valley MPO's. Fresno COG will be taking over the lead role during the fourth year implementation phase. Merced will continue administrating the third year grant. The eight Valley COGs applied for and were awarded a \$1,350,000 grant to provide the fourth year planning process. A \$337,500 match is required to be split among the valley COGs. Our share of the grant is \$177,971 and our match is \$79,435. \$650,000 of the grant has been set aside for consulting and administration.

Action: Approve 2008-09 OWP Amendment #4 increasing the budget \$1,687,500 for the fourth year Blueprint Planning Grant.

B. Sacramento "One Voice" Update [DANSBY]

Summary: The 5th annual Sacramento "One Voice" advocacy trip took place on March 9th and 10th. Staff will provide a verbal report at the Policy Board meeting.

As a handout, each Policy Board member will receive a packet with trip materials.

To find up-to-date information on "One Voice", please visit the COG website at: www.fresnocog.org.

Action: Information/discussion item. Direction may be provided at the discretion of the Board.

C. Continuation of the Public Review and Comment Period for the Model Farmland Conservation Program for Fresno County [SOBRADO]

Summary: In January 2009, Fresno COG released the draft Farmland Conservation Model Program for Fresno County for 45-day public review and comment. Due to the interest in the program, Fresno

COG is extending the public review and comment period in order to give the public sufficient time to address all of their concerns.

Questions can be addressed to Todd Sobrado at (559) 233-4148.

Action: Information/discussion item. Direction may be provided at the discretion of the Board.

D. Notice of Public Listening Session: Council of Fresno County Governments Federal Certification Review [BOREN]

Summary: A Public hearing is scheduled for Wednesday, March 25, 2009 from 5:30 – 7:30 p.m. to receive input on how to improve the region's transportation planning process.

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) will be conducting the certification review and evaluation of the region's transportation planning process carried out by the Council of Fresno County Governments (Fresno COG) and its partners. Every four years the FHWA and FTA jointly conduct this review. As part of the review, the public is invited to comment on the transportation planning process at public meeting on Wednesday, March 25, 2009 from 5:30 pm to 7:30 p.m. here at Council of Fresno County Governments, 2035 Tulare Street, Suite 201, Fresno, California. The meeting notice is enclosed in the agenda packet.

Action: Information/discussion item. Direction may be provided at the discretion of the Board.

E. Letter Regarding Lloyd Carter, California Deputy Attorney General [BOREN]

Summary: At the Policy Board meeting in February, the Board discussed their desire to send a letter to California's Attorney General, Jerry Brown, respectfully requesting the resignation of his staff member, Deputy Attorney General, Lloyd Carter. No action was taken to this effect at the Board meeting, but it was staff's understanding that the Board wished to discuss this further in March.

Lloyd Carter is a Deputy Attorney General, but also considered an environmental activist and has held positions of leadership on the California Streams Council, the Forrestiere Underground Gardens, and the California Water Impact Network. He has since stepped down from the California Water Impact Network after negative reactions to statements he made to a KMPH (Channel 26) reporter before a debate on water policy at Fresno State in February. The statements were strongly considered inappropriate and insensitive to Valley farmworkers by organizations such as the National Association for the Advancement of Colored People, the California Latino Water Coalition, the California Latino Legislative Caucus, as well as a number of farmworkers, farmers, politicians and community activists.

More detailed information on his remarks, subsequent stories, and letters of concern in reaction to his statements, are included in your agenda packet.

Staff has drafted a letter for the Board's consideration, addressed to California's Attorney General, Jerry Brown, urging Mr. Brown to seek the resignation of his staff member, Lloyd Carter, from his position as the Deputy Attorney General in the criminal division.

Action: Staff seeks direction from the Policy Board on sending a letter to California Attorney General, Jerry Brown, requesting the resignation of staff member, Lloyd Carter.

F. Status Report on Sacramento Lobbying Activities—Steve Samuelian, California Consulting LLC [SAMUELIAN]

Summary: Steve Samuelian of California Consulting Inc will provide a verbal report to the Policy Board this month on his consulting activities for the COG during the month of March.

In your agenda packet is Steve's report for the month of March.

Action: Information item only. Direction may be provided at the discretion of the Board.

VII. ELECTION OF CHAIR & VICE CHAIR

Fresno COG Sitting As the Abandoned Vehicle Abatement Authority

VIII. ABANDONED VEHICLE ABATEMENT

A. Adjustment to Hourly Terms for the County of Fresno [THOMPSON]

Summary: The Fresno County Abandoned Vehicle Abatement Program standard hourly terms are currently two hours for voluntary abatements and four hours for towed abatements. These standard terms reflect the approximate amount of time necessary to administer the two types of abatements. However, the reality for the unincorporated County program is that considerably more travel and, therefore, more travel time are required than for the city programs. While the County has two Community Service Officers dedicated to their AVA program, each CSO is responsible for a very extensive land area, far more than any city. It is therefore appropriate that the hourly terms for Fresno County's AVA Program be increased to three hours for voluntary abatements and five hours for towed abatements to reflect the additional time needed to administer the program. This matter has been reviewed by the AVA Working Group, which supports the proposed adjustment. This increase will contribute to the added viability of one of the County's already most viable programs and will further provide for the additional expenditure of AVA revenues.

Action: Staff and the Policy Advisory Committee recommend approval of the proposed adjustment to the County of Fresno's hourly terms.

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IX. OTHER BUSINESS

- A. Items from Staff
- B. Items from Members

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December 19, 2008

Barbara J. Steck, AICP
Deputy Director
Fresno Council of Governments
2035 Tulare St., Suite 201
Fresno, CA 93721

Dear Ms. Barbara Steck,

As a representative of the California Product Stewardship Council (CPSC), I would like to take this opportunity to offer my time and resources to assist in educating your policy committee and board about Product Stewardship, otherwise known as Extended Producer Responsibility (EPR). CPSC is an association of local governments. Our mission is to shift California's product waste management system from one focused on government funded and ratepayer financed waste diversion to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design that promote environmental sustainability.

What is Product Stewardship/EPR?

Extended Producer Responsibility (EPR) is a strategy to place a shared responsibility for end-of-life product management on the producers, and all entities involved in the product chain, instead of the general public; while encouraging product design changes that minimize a negative impact on human health and the environment at every stage of the product's lifecycle. This allows the costs of treatment and disposal to be incorporated into the total cost of a product. It places primary responsibility on the producer, or brand owner, who makes design and marketing decisions. It also creates a setting for markets to emerge that truly reflect the environmental impacts of a product, and to which producers and consumers respond.

AB939, passed in 1989, clearly defined the waste management hierarchy as source reduction first, followed by recycling. To date, there has been little focus on source reduction. The majority of the focus has been on back-end solutions reliant on recycling, which are costly and a burden to local government. Government agencies cannot continue to manage the waste stream alone. The businesses that design and manufacture products are the only ones who can effect source reduction by re-designing their products with the environment in mind. Producer responsibility drives product and packaging re-design.

CPSC supports the California Integrated Waste Management Board (CIWMB) in its efforts to move away from time-consuming, product-by-product legislation. There simply is not enough money in local budgets or the state budget to follow bills through the complex legislative process for every product of concern. CPSC supports the CIWMB's "framework approach" to product stewardship. The framework approach would provide a comprehensive, yet flexible method for managing products that meet a list of criteria including high cost to manage, hazard, volume in the waste stream, or have significant impacts on the environment. A "framework" approach is holistic and serves as an alternative to the current piecemeal approach with different laws, management, and funding methods.

What can my community do to support Product Stewardship/EPR?

Signing the CPSC Pledge and adopting a resolution in support of Product Stewardship accomplishes two important goals:

- Engages your community and local elected officials in a discussion about product stewardship, which calls attention to both the need for and benefits of EPR.
- Shows our lawmakers that there is support across the State of California for EPR “Framework Legislation.”

As an additional option, making a financial contribution to CPSC, a 501(c)(3) corporation made up of local government representatives and other partners, continues the important work being done to achieve these goals for our communities. While it is critical that we have funding to continue this work, a financial contribution is not a pre-requisite to participating or receiving assistance from CPSC. Some jurisdictions are using grant funds from the Department of Conservation, in-kind donations, or other means to support CPSC

Presentation and Resolution

Attached, I have included a sample resolution for you to start with. We recommend this format as it demonstrates the message we desire to deliver to our representatives. We ask you to consider adopting such a resolution, and forwarding a copy to the CPSC as well as directly to your state representatives. We encourage you to consider joining us as we approach the state legislature for enabling legislation in support of EPR.

Based on our conversation today, and barring any schedule changes, I look forward to presenting to your Policy Advisory Committee on February 20th and to your Policy Board on February 26th. I welcome any questions at those meetings.

Bob Gedert
CPSC Associates Support Representative
Bob@CalPSC.org
(559) 593-5298

Product Stewardship Tools Included with this Package

CPSC Brochures

Who is CPSC?

EPR Framework Questions & Answers

CPSC Framework Principles

CPSC Pledge

Model Local Government Resolution

Sample Letter to Legislators

National and California EPR Resolutions

NATIONAL ASSOCIATION OF COUNTIES

--Resolution supporting EPR Framework Policy & EPR for lamps, batteries, and paint

"NACo's adoption of the Extended Producer Responsibility framework is a great step forward for our environment," says Commissioner Victoria Reinhardt, Ramsey County, Minnesota. "Smart design protects the environment and saves money by preventing costly waste."

Reinhardt was the author of the framework resolution for NACo, in addition to three other product-specific producer responsibility resolutions for paint, electronics, and mercury-containing lamps. The National Association of Counties adopted the resolutions at their annual meeting in Kansas City, Missouri July 2008.

SOLID WASTE ASSOCIATION OF NORTH AMERICA

-- [1] Technical Policy 2.1 Product Stewardship has been posted on the SWANA web site (<http://www.swana.org>) under Technical Divisions/Technical Policies

In 2001, SWANA issued a technical policy on product stewardship[1]. The purpose of that policy was to establish guiding principles for SWANA and its members to use in developing programs to safely and cost-effectively manage products at the end of their useful life. To achieve that result, product stewardship efforts should aim to encourage product Manufacturers to take increasing responsibility to reduce the adverse environmental impacts of their products and packaging through improved product design and end-of-life management of the products they produce. In that policy, SWANA committed to promote product stewardship in an advocacy role as a voice for its members in the solid waste management profession.

CALIFORNIA PRODUCT STEWARDSHIP COUNCIL

-- Mission Statement: *see bottom of page.*

REGIONAL COUNCIL OF RURAL COUNCILS

-- Policy Adopted by RCRC Board, March 21, 2007

"RCRC supports producer responsibility for financing and arranging the collection and recycling of their products at end-of-life. Producer responsibility removes the financial burden from local governments and makes recycling become a cost of doing business. Placing the responsibility with manufacturers/retailers will additionally provide incentive for products to be redesigned in a manner to eliminate or reduce their impact and to increase their recyclability. RCRC prefers producer responsibility through product take-back by the manufacturers/retailers. RCRC will consider the reasonable use of Advanced Recycling Fees and Advanced Disposal Fees."

CALIFORNIA LEAGUE OF CITIES

--Policy Adopted by League of Cities Board, February 7, 2008

"The League supports legislation implementing the concept of manufacturer responsibility. This includes, but is not limited to, encouraging or providing incentives for e-waste recycling, requiring manufacturers of computer, CRT or other electronic products considered universal wastes, to operate or fund comprehensive, extended producer responsibility programs."

CALIFORNIA OCEAN PROTECTION COUNCIL

-- Resolution on Reducing and Preventing Marine Debris Adopted February 8, 2007

(excerpt) "FURTHER RESOLVES to identify the following top priority solutions from the June 2006 Plan of Action prepared by the Plastic Debris Project:

1. Reduce the sources of plastic marine debris – The California Redemption Value Program (CRV) has proven to be enormously successful at diverting over 60 percent of aluminum, glass and certain plastic containers to recycling centers. Placing a value on these items has assured that the majority get collected. The state should look closely at extending the CRV or similar Extended Producer Responsibility programs to include other plastics commonly found in marine debris. ..."

CALIFORNIA COUNCIL OF DIRECTORS OF ENVIRONMENTAL HEALTH

Resolution on Extended Producer Responsibility

-- Adopted June 13, 2007

CALIFORNIA LOCAL GOVERNMENTS

Extended Producer Responsibility Resolutions and Ordinances

-- Since February 2006, 40 California cities, counties and local government associations have passed variations of an EPR resolution.

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Strategic Directive-5: PRODUCER RESPONSIBILITY

-- Adopted February 13, 2007

"It is a core value of the CIWMB that producers assume the responsibility for the safe stewardship of their materials in order to promote environmental sustainability.

Specifically, the CIWMB will:

- Utilize existing Board authority to foster "cradle-to-cradle" producer responsibility.
- Seek statutory authority to foster "cradle-to-cradle" producer responsibility.
- Analyze the feasibility of various approaches to increasing producer responsibility, including during the product design and packaging phases, and make recommendations to the CIWMB Board by December 2007, and annually thereafter.
- Build capacity and knowledge in CIWMB on Extended Producer Responsibility (EPR) issues and solutions.
- Develop and maintain relationships with stakeholders that result in producer-financed and producer-managed systems for product discards.



Framework Principles for Product Stewardship Policy

The following principles are intended to guide development of product stewardship policies and legislation that governs multiple products. It is primarily aimed at state legislation but is also intended as a guide for local and federal policy.

1. Producer Responsibility

- 1.1 All producers selling a covered product into the State are responsible for designing managing, and financing a stewardship program that addresses the lifecycle impacts of their products including end-of-life management.
- 1.2 Producers have flexibility to meet these responsibilities by offering their own plan or participating in a plan with others.
- 1.3 In addressing end-of-life management, all stewardship programs must finance the collection, transportation, and responsible reuse, recycling or disposition of covered products. Stewardship programs must:
 - Cover the costs of new, historic and orphan covered products.
 - Provide convenient collection for consumers throughout the State.
- 1.4 Costs for product waste management are shifted from taxpayers and ratepayers to producers and users.
- 1.5 Programs are operated by producers with minimum government involvement.

2. Shared Responsibilities

- 2.1 Retailers only sell covered products from producers who are in compliance with stewardship requirements.
- 2.2 State and local governments work with producers and retailers on educating the public about the stewardship programs.
- 2.3 Consumers are responsible for using return systems set up by producers or their agents.

3. Governance

- 3.1 Government sets goals and performance standards following consultation with stakeholders. All programs within a product category are accountable to the same goals and performance standards.

- 3.2 Government allows producers the flexibility to determine the most cost-effective means of achieving the goals and performance standards.
- 3.3 Government is responsible for ensuring a level playing field by enforcing requirements that all producers in a product category participate in a stewardship program as a condition for selling their product in the jurisdiction.
- 3.4 Product categories required to have stewardship programs are selected using the process and priorities set out in framework legislation.
- 3.5 Government is responsible for ensuring transparency and accountability of stewardship programs. Producers are accountable to both government and consumers for disclosing environmental outcomes.

4. Financing

- 4.1 Producers finance their stewardship programs as a general cost of doing business, through cost internalization or by recovering costs through arrangements with their distributors and retailers. End of life fees are not allowed.

5. Environmental Protection

- 5.1 Framework legislation should address environmental product design, including source reduction, recyclability and reducing toxicity of covered products.
- 5.2 Framework legislation requires that stewardship programs ensure that all products covered by the stewardship program are managed in an environmentally sound manner.
- 5.3 Stewardship programs must be consistent with other State sustainability legislation, including those that address greenhouse gas reduction and the waste management hierarchy.
- 5.4 Stewardship programs include reporting on the final disposition, (i.e., reuse, recycling, disposal) of products handled by the stewardship program, including any products or materials exported for processing.

Adopted by Northwest Product Stewardship Council: May 19, 2008

www.productstewardship.net

Adopted by California Product Stewardship Council: June 4, 2008

www.calpsc.org



Developed with support from **Product Policy Institute**

www.productpolicy.org

Extended Producer Responsibility

Questions and Answers

Extended Producer Responsibility (EPR), also known as Product Stewardship, is an adopted strategic policy priority for the California Integrated Waste Management Board (CIWMB). CPSC supports the CIWMB in making that policy a reality. EPR provides an opportunity to use market forces to create sustainability, drive environmental benefits, and save local governments a lot of money!

What is EPR?

EPR is a policy which ensures that responsibility for end-of-life product management is shared with the producers, and all entities involved in the product chain, instead of just the general public; EPR encourages product design changes that minimize a negative impact on human health and the environment at every stage of the product's lifecycle. This allows the costs of treatment and disposal to be incorporated into the total cost of a product. It places primary responsibility on the producer, or brand owner, who makes design and marketing decisions. It also creates a setting for markets to emerge that truly reflect the environmental impacts of a product, and to which producers and consumers can respond.

Why change the current system?

Californians are generating more waste than ever before. We recycle a lot more, which is great, but recycling alone is not enough. Placing potentially useful resources in the ground is not sustainable - it is wasteful! It costs a lot to safely manage products that contain hazardous or toxic substances. Local governments need relief from these costs. It is time for producers to help pay for the management of products they create and profit from. EPR will send economic signals to the producers and the market will sort out the best solutions. Right now, there is no economic link between production and waste management costs. Until that link is made through EPR, producers have little incentive to change product and packaging design. In short, EPR can help fix a broken economic system.

If EPR is a market-based approach, is there still a rôle for government?

Yes, but not in the traditional way. Instead of government designing and running programs to recover, dispose or otherwise properly manage products at the end of their useful life, EPR calls for producers to design and implement product stewardship programs that meet state goals. Producers may carry out this responsibility by themselves or participate in a group with others, called a stewardship organization.

Government will have a role in ensuring the same rules apply to all producers and to oversee a process that identifies products, and which sets performance goals and recovery rates. Just as it is hard to imagine a ball game without players, it is hard to image a ballgame without referees and a rule book.

Who exactly are "producers"? Why not call them manufacturers?

Producers are defined as one of the following: the direct manufacturer that sells or distributes a product in California under its own name or a brand name; an entity that is not a manufacturer but is

the owner or licensee of a trademark or brand name of a product sold or distributed in California; or an entity that imports the product into California for sale or distribution.

The CIWMB does not refer to “producers” as “manufacturers” because the term “manufacturer” is too narrow. For example, many companies that we think of as manufacturers are actually brand owners, while the manufacturer is located overseas and works under contract for the brand owner. It is the brand that is advertised. Also, many retailers are producers as they sell products under their own brand. Generally, the producer will be the brand owner.

What products will be affected?

At this point we don’t know. Initially, a few products would be selected based on their impact on society in terms of the environment, public health, and cost to taxpayers and rate payers for their end-of-life management. Consideration would also be given as to whether or not there are good opportunities for improvements in design and manufacture. Given the high number of products meeting those criteria and the significant resources required to conduct individual legislative processes for each product, the CIWMB and the CPSC recommend a more streamlined, broad based approach. This approach is called “EPR Framework.”

What is meant by an EPR “Framework” approach?

Rather than implementing EPR through individual pieces of legislation for each product, under a Framework approach, there is one law that gives state government the authority, through regulation, to address multiple products. The state would develop a public process to identify priority products, and then use this process to select products that should be covered by a Product Stewardship Program. This law would also provide state government with the authority to develop rules, set goals and targets, and establish oversight so there is a level playing field for all producers.

Is EPR a “one-size-fits-all” solution?

No. An EPR Framework approach would be flexible and customized for each product category. A consistent and predictable process for each product type would make it easier for all stakeholders to understand how to participate in the process. All decisions would be made through a public process. While goals would be established by state government with public input, producers would determine how to achieve the goals. This allows producers, who best know their products, the opportunity to identify the most efficient system for sustainable design, reducing toxicity and waste, reuse, recycling, and ultimately disposing of their products.

Are “take back programs” considered EPR programs?

The short answer is sometimes. Take back programs may or may not be EPR. It depends on whether or not the producers share in the management or the costs of taking back their discarded products. For example, when state government collects an advanced recycling fee at the point of sale, the fee may subsidize a state recycling program. Such a program may be successful at collecting materials, but it does not provide an incentive for manufacturers to make their products differently nor does it establish the economic link between production and waste management costs. Instead, it simply creates a costly bureaucracy and leaves the producers with no incentive to re-design the product.

What happens to the existing reuse, recycling, and waste management infrastructure under an EPR Framework scenario?

Based on EPR programs being implemented elsewhere, most producers would contract for waste management related services. In some cases the producers may pay another organization, called a stewardship organization, to carry out their responsibilities for product management at the point of discard. This organization would then negotiate contracts with reuse, recycling, and waste management companies and local governments. For example, in British Columbia, the Paint Stewardship Organization pays the local governments, haulers and retailers directly for each gallon of paint collected at public facilities, private collections, and retail outlets.

A producer could also choose to set up its own take back program, just for its product. This is currently done by Sony and Caterpillar. Setting up its own take back program provides the producer with an incentive to design products that are easy to refurbish and reuse or recycle, because they directly benefit. Even in these situations, waste management companies may be hired to collect and haul old products.

How do we know the products would be reused or recycled responsibly, rather than sent to a landfill or incinerator?

After consultations with producers and other stakeholders, the state would establish recovery rates for each product category. Producers would have to submit annual reports explaining their progress toward achieving the recovery rates and the recovery rates could be adjusted over time to encourage higher levels of environmental and public health protection. Current laws governing the safe and proper handling of materials would remain in effect.

There are three incinerators in California which can only incinerate the waste remaining after pulling out the recyclables. Pharmaceutical products are an exception because one of the current legal options for managing unused medications is incineration. Consequently, in this product category, incineration does occur.

How can I get involved and show my support for EPR in California?

- The California Product Stewardship Council has a variety of tools to assist local governments, businesses, health officials, citizens and others interested in advancing EPR.
- Donate to CPSC. Local governments can support CPSC through Associate's fees. Businesses and individuals can help us continue this important work by making tax-deductible contributions.
- The CIWMB's EPR website identifies other organizations actively supporting EPR.
- You can also contact companies and elected officials directly to voice your support for EPR.

Have a question that we haven't answered? Send questions to: Heidi@CalPSC.org



P.O. Box 21638
Sacramento, CA 95821
916-485-7753

www.caproductstewardship.org

PLEDGE OF SUPPORT

The California Product Stewardship Council (CPSC) is a coalition of local government, their associations and organizations related to solid waste, recycling, resource conservation, environmental protection, water quality, and other cross-media issues (Associates). Together with non-government organizations (NGOs) individuals, and businesses (Partners) across California they form a network supporting product stewardship and extended producer responsibility (EPR). CPSC is a federally recognized 501(c)(3) non-profit public benefit California corporation that exists by means of your monetary and in-kind contributions in addition to private and public grant funding.

CPSC MISSION: To shift California's product waste management system from one focused on government funded and ratepayer financed waste diversion to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design that promote environmental sustainability.

CPSC FUNCTIONS:

1. Build relationships among local government and other stakeholders to increase capacity and knowledge in order to bring about producer financed and managed systems for life cycle and end of life management of their products.
2. Develop practical local and statewide EPR policy and educational tools such as model ordinances, legislation, newsletters, articles, policy briefings, PowerPoint presentations, etc.

The undersigned supports the mission and functions of the California Product Stewardship Council and will advocate in support of product stewardship and EPR.

Affiliation (check one): ☐ Associate - Local Government (City, County, Association)
☐ Partner - Individual, Business, NGO, Organization

Signature	Date
Name (print)	Title
Organization/Jurisdiction (city, county, regional agency)	Department/Agency
Mailing Address (street address or POB, city, zip)	
Telephone (with area code)	Email

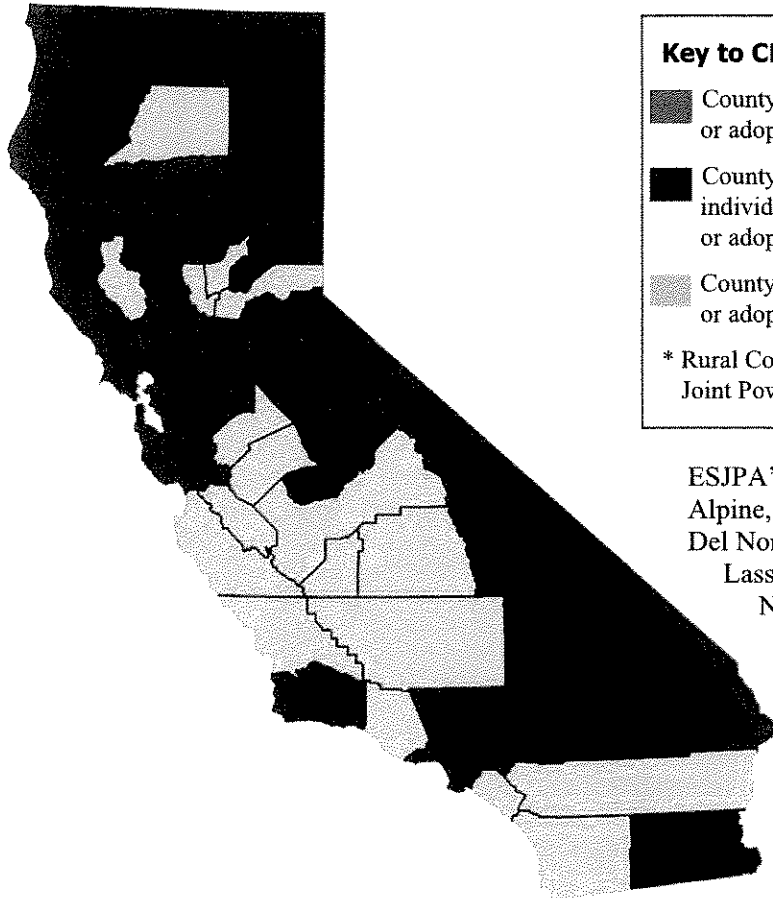
☐ Check here if you are including or will provide a financial contribution to CPSC

Please sign, include contribution, and mail to CPSC, P.O. Box 216381, Sacramento, CA 95821

Mission: To shift California's product waste management system from one focused on government funded and ratepayer financed waste diversion to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design that promote environmental sustainability.

Who is CPSC?

CPSC Associated Counties (11/1/08)



Key to CPSC Associated Counties:

-  County has either signed the CPSC pledge or adopted an EPR resolution
-  County in ESJPA* has not individually signed the CPSC pledge or adopted an EPR resolution
-  County has not signed the CPSC pledge or adopted an EPR resolution

* Rural Counties' Environmental Services Joint Powers Authority (ESJPA)

ESJPA's 22 member counties are:

Alpine, Amador**, Butte**, Calaveras, Colusa, Del Norte**, El Dorado, Glenn, Imperial, Inyo, Lassen, Madera, Mariposa**, Modoc, Mono, Nevada, Plumas, Sierra, Siskiyou, Tehama**, Trinity, Tuolumne.

***Note: ESJPA's participation in CPSC does not signal participation by each individual county member of the ESJPA. While several ESJPA members are bringing the CPSC pledge to their County Supervisors for approval, Amador, Butte, Del Norte, Mariposa and Tehama Counties are the only ESJPA member counties that have signed the pledge.*

Local government agencies in the following jurisdictions are participating in the California Product Stewardship Council (11/1/08):

Counties (15)

- | | | |
|---------------------|-------------------------|----------------------|
| ▪ Alameda County | ▪ San Bernardino County | ▪ Santa Clara County |
| ▪ Butte County | ▪ San Francisco County | ▪ Santa Cruz County |
| ▪ Mariposa County | ▪ San Joaquin County | ▪ Solano County |
| ▪ Napa County | ▪ San Mateo County | ▪ Tehama County |
| ▪ Sacramento County | ▪ Santa Barbara County | ▪ Yolo County |

Cities (38)

- Amador City
- Burbank
- Chula Vista
- Covina
- Cupertino
- Diamond Bar
- Dixon
- Dublin
- El Cerrito
- Elk Grove
- Folsom
- Fresno
- Indian Wells
- Isleton
- La Verne
- Lemon Grove
- Los Altos Hills
- Los Gatos
- Monrovia
- Monte Sereno
- Morgan Hill
- Oakland
- Palo Alto
- Pasadena
- Rohnert Park
- Rio Vista
- Sacramento
- San Dimas
- San Francisco
- San Juan Capistrano
- San Joaquin
- San Jose
- Santa Cruz
- Santa Monica
- Sierra Madre
- Union City
- Vacaville
- Vernon

Local Government Associations (26)

- Amador County Integrated Solid Waste Management Agency
- Association of Bay Area Governments, Bay Area Hazardous Waste Management Facility Allocation Committee
- Association of Bay Area Governments (ABAG), SF Estuary Project
- Bay Area Clean Water Agencies
- Bay Area Stormwater Management Agencies Association
- California Council of Directors of Environmental Health (CCDEH)
- California Stormwater Quality Association
- Central Contra Costa Solid Waste Authority
- Contra Costa Clean Water Program
- Del Norte Solid Waste Management Authority
- East Bay Municipal Utility District
- Humboldt Waste Management Authority
- Los Angeles County Integrated Waste Management Task Force
- Los Angeles County Sanitation District
- Marin County Joint Powers Authority
- Mendocino Solid Waste Management Authority
- Mojave Desert and Mountain Recycling Authority
- Monterey Regional Waste Management District
- Napa County Environmental Management
- Rural Counties' Environmental Services Joint Powers Authority (ESJPA)
(Counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Imperial, Inyo, Lassen, Madera, Mariposa, Modoc, Mono, Nevada, Plumas, Sierra, Siskiyou, Tehama, Trinity, Tuolumne)
- Sacramento Business Environmental Resource Center
- Sacramento County Department of Water Resources
- Sacramento Regional County Sanitation District
- Santa Clara Valley, CLEAN South Bay
- Sonoma County Waste Management Agency
- West Valley Clean Water (Campbell, Los Gatos, Monte Serena, Saratoga)

Partners (20)

- Allied Waste, Daly City
- California Resource Connections Inc.
- CR&R Waste and Recycling Services
- Environmental Innovations
- Executive Communications
- Gill's Onions
- Grassroots Recycling Network
- Green Party of Los Angeles County
- Keep California Beautiful
- Long Beach Coalition for a Safe Environment
- Main Street Moms
- Marin Sanitary Service
- Pacific Recycling Solutions
- ReUse Arizona
- Reverse Logistics Association
- Sierra Club Napa
- Takayama Consulting
- Teleosis Institute
- Total Recycling Associates
- The Watershed Project

**BEFORE THE
COUNCIL OF FRESNO COUNTY GOVERNMENTS
RESOLUTION NO. 2009-08**

In the Matter of:

SUPPORT EXTENDED
PRODUCER RESPONSIBILITY

RESOLUTION IN SUPPORT
FOR EXTENDED
PRODUCER RESPONSIBILITY AND
PLEDGE OF SUPPORT

WHEREAS, the Council of Fresno County Governments (Fresno COG) is the state designated Regional Transportation Planning Agency and the federally designated Metropolitan Planning Organization for the Fresno County region. Fresno COG, along with the city and county governments within the region, is a consensus builder developing programs and solutions to a variety of issues impacting Fresno County residents, and;

WHEREAS, California Product Stewardship Council (CPSC), an association of local governments, advocates for Extended Producer Responsibility, a strategy to place a shared responsibility for end-of-life product management on the producers, and all entities involved in the product chain, instead of the general public; while encouraging product design changes that minimize a negative impact on human health and the environment at every stage of the product's lifecycle. Specifically, the mission of CPSC is to:

"shift California's product waste management system from one focused on government funded and ratepayer financed waste diversion to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design that promote environmental sustainability"; and;

WHEREAS, the Fresno COG's member agencies are the local governments located within Fresno County who, along with taxpayers and rate payers, bare the costly burden of waste management requirements. Our local governments do not have the resources to adequately address the rising volume of discarded products deemed hazardous, including household batteries, fluorescent bulbs and tubes, thermostats and other items that contain mercury, as well as electronic devices such as video cassette recorders, microwave ovens, cellular phones, cordless phones, printers, and radios; and;

WHEREAS, waste management costs are expected to increase substantially in the short term unless policy changes, such the Extended Producer Responsibility strategy, are implemented;

NOW, THEREFORE, BE IT RESOLVED, Fresno COG supports the mission and functions of the California Product Stewardship Council and approves the Chair of the Policy Board to sign the Pledge of Support (attached) for CPSC to educate and advocate for EPR policies and programs. By adoption of this Resolution, the Fresno COG urges the California Integrated Waste Management Board to continue taking timely action to implement the Framework for an EPR System in California to manage Universal and other waste products.

THE FOREGOING RESOLUTION was passed and adopted by the Council of Fresno County Governments this day of March 26, 2009.

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Signed: _____
Trinidad M. Rodriguez, Chair

I hereby certify that the foregoing is a true copy of a resolution of the Council of Fresno County Governments duly adopted at a regular meeting thereof held on the 26th day of March, 2009.

Signed: _____
Tony Boren, Executive Director

