



## City of Hallandale Beach City Commission Agenda Cover Memo

**Hallandale Beach**  
PROGRESS. INNOVATION. OPPORTUNITY.

<b>Meeting Date:</b>	April 18, 2018		<b>Item Type:</b> <i>(Enter X in box)</i>	<b>Resolution</b>	<b>Ordinance</b>	<b>Other</b> X	
<b>Fiscal Impact:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Ordinance Reading:</b> <i>(Enter X in box)</i>	<b>1<sup>st</sup> Reading</b>		<b>2<sup>nd</sup> Reading</b>	
		X		<b>Public Hearing:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Yes</b>
<b>Funding Source:</b>	N/A		<b>Advertising Requirement:</b> <i>(Enter X in box)</i>	Yes		No	
						X	
<b>Account Balance:</b>	N/A		<b>Quasi Judicial:</b> <i>(Enter X in box)</i>	Yes		No	
						X	
<b>Project Number :</b>	N/A		<b>RFP/RFQ/Bid Number:</b>	N/A			
<b>Contract/P.O. Required:</b> <i>(Enter X in box)</i>	<b>Yes</b>	<b>No</b>	<b>Strategic Plan Priority Area: <i>(Enter X in box)</i></b>				
		X					
<b>Sponsor Name:</b>	Roger M. Carlton, City Manager		<b>Department:</b> Office of the City Manager, Roger's Raiders Program	Roger M. Carlton, City Manager			

**SHORT TITLE:**

DEVELOPMENT OF A POLYSTYRENE ADMINISTRATIVE POLICY BY ROGER'S RAIDERS KRISTIN RAMIREZ (EVENTS, MARKETING, AND VOLUNTEER COORDINATOR), KENNETH BOWE (RECREATION AIDE) AND SUSAN FASSLER (GREEN INITIATIVES COORDINATOR)

**Staff Summary:**

## **Background**

The City's leadership development program, Roger's Raiders, officially kicked off on October 1, 2017. Since the kickoff, program participants have been matched with a mentor (Assistant City Managers Steven Parkinson, Jeremy Earle, Greg Chavarria or Deputy City Manager Nydia Rafols) and have participated in working luncheons with Merrett Stierheim, retired Florida public administrator, (October 25, 2017), and Ms. Yocelyn Galiano, Village Manager, Village of Pinecrest (April 6, 2018). As a part of the program, Roger's Raiders participants are also assigned a project/s to be completed on their own time. Once completed, projects are presented during a City Commission meeting. This is designed to create an understanding of how a completed package is presented to the City Commission and to instill confidence in presenting to the City Commission.

Deputy City Manager Nydia Rafols assigned Kenneth Bowe (Recreation Aide), Susan Fassler (Green Initiatives Coordinator), and Kristin Ramirez (Events, Marketing, and Volunteer Coordinator) a group project that focused on developing an Administrative Policy (one of nearly 30) pertaining to the use of City funds to purchase Expanded Polystyrene (EPS) food service articles, more commonly known as Styrofoam. Food service articles include plates, bowls, cups, containers, to-go containers, lids, trays, coolers, ice chests and all similar articles that consist of expanded polystyrene. The City Commission has expressed a desire to prohibit this and therefore a policy needed to be developed.

EPS is one of the most commonly used plastics in the world. Plastics are derived from fossil fuels, therefore are created by a non-renewable process. EPS is lightweight, durable and is relatively inexpensive (from a monetary standpoint) to produce. It is oftentimes used in packaging, but also functions as a building material and is used in electrical appliances and household items. EPS is also commonly used as a single-use, disposable food container due to its lightweight, cost effectiveness and bacteria resistant nature. However, EPS poses a large negative impact to human health and the environment.

Some plastic products are recyclable, however EPS is not easily recycled and is not accepted by most curbside materials recovery facilities (recycling centers that accept municipal recycling). It is estimated that EPS takes hundreds of years to break down in the landfill. Furthermore, EPS foam is 95% air and highly mobile. Therefore, many EPS containers can escape from garbage bins and enter the natural environment. EPS is not able to be broken down by the activity of living organisms (it is non-biodegradable), but instead breaks down into smaller and smaller fragments as it is exposed to light (photodegradation). Data from the 2016 Hallandale Beach International Coastal Cleanup showed that Styrofoam fragments were the second most common form of pollution found on the City's beach. These small fragments are toxic to wildlife and studies are beginning to explore the possibility of these toxins making their way up the food chain, potentially negatively impacting human health (ex: a fish ingests EPS fragments and is then ingested by a human).

This Roger's Raiders project builds upon an Ordinance that was brought forth to the City Commission during the summer of 2015, which would have banned the use of EPS food service articles by City

contractors and temporary use permit holders on City property (Exhibit 2). The possession, use or disposal of EPS food service articles would have also been prohibited in all City facilities, properties, parks and beaches. This Ordinance passed by a vote of 5-0 during the April 15, 2015 City Commission meeting. The item was then brought back to the City Commission during the May 6, 2015 meeting. A representative of Crush Recycling Solutions advocated for the recyclability of EPS and two people (residents of Pompano Beach, Florida and Monroe, Georgia) spoke in opposition to the Ordinance. As a result, former Mayor Cooper recommended that the item be deferred and this motion passed by a vote of 3-2 (Exhibit 4). However, since this time there has been a distinct lack of successful, large scale EPS recycling services available to municipalities in South Florida.

### **Current Situation**

The Roger's Raiders team researched the history of the industry/use of EPS, the legislative action, both in favor of, and opposing, the enactment of a ban on the use of EPS by Florida cities and the State of Florida. Eleven (11) existing policies implemented by cities similar to Hallandale Beach were investigated.

The State of Florida preempts local governments from imposing a ban on the sale or use of EPS products by private entities. This preemption (F.S. 500.90<sup>1</sup>) was signed by the Governor on March 16, 2016. However, the effective date of this preemption was backdated to January 1, 2016. Prior to and after the January 1, 2016 date, several municipalities enacted EPS bans of various scope. It is interesting to note that cities that enacted before this date were able to implement a city-wide ban of EPS food service products. Cities that opted to regulate EPS food service articles after this date were not able to enact city-wide bans and regulate private businesses. For example, the City of Coral Gables Commission gave tentative approval to ban the use of EPS by city vendors, at special events and in take-out food containers prior to the preemption's effective date. Final approval was given after the preemption went into effect. This matter is currently in litigation.

Due to preemption by the State and the deferral by a previous City Commission, the City of Hallandale Beach is unable to enact a city-wide ban on the use of EPS food service articles at this time. However, the environmental and health benefit in restricting the use of EPS food service articles to the maximum extent feasible is clear. As such, the Roger's Raiders team has developed an internal Expanded Polystyrene Administrative Policy. The intent of this policy is to preserve and enhance the overall health and quality of the environment in the City of Hallandale Beach by restricting the use of City funds by City employees, contractors and/or vendors to purchase expanded polystyrene for use or sale on City property or in City facilities.

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1. **F.S. 500.90.-Regulation of polystyrene products preempted to department.** The regulation of the use or sale of polystyrene products by entities regulated under this chapter is preempted to the department. This preemption does not apply to local ordinances or provisions thereof enacted before January 1, 2016, and does not limit the authority of a local government to restrict the use of polystyrene by individuals on public property, temporary vendors on public property, or entities engaged in a contractual relationship with the local government for the provision of goods or services, unless such use is otherwise preempted by law.

Under the proposed Policy, City funds may not be expended to purchase EPS food service articles for use or sale in City facilities or on City property. This includes funds used by City employees or used to pay City contractors and vendors. EPS food service articles will no longer be permitted to be sold or used in City facilities or on City properties by contractors or vendors that are paid with City funds. The entire policy, exemptions to this Policy, enforcement, and the Education/Outreach Plan can be seen in Exhibit 4.

The policy will be effective upon signature by the City Manager and this item is being brought forth to inform the City Commission and seek input. If any short term transitional extensions are justified due to hardship, requests will be considered.

**Fiscal Impact**

This Policy is not expected to produce a large fiscal impact to the City; however, the Green Initiatives Coordinator will evaluate the annual impacts of the Policy by comparing the cost of purchasing non-EPS food service articles to the cost of EPS food service articles for City events, where applicable. The Coordinator will also work with the Procurement Department and the Events, Marketing, and Volunteer Coordinator to identify and educate contractors that may be impacted by the proposed policy.

**Why Action is Necessary**

Staff is presenting this item for City Commission input to fulfill a Roger's Raiders requirement and because the team is committed to the future of our planet. This project was much more than a fulfillment of a requirement for the team to complete the Roger's Raiders project.

**Proposed Action:**

City Commission to review the Roger's Raiders proposed administrative policy and provide comments before the policy is implemented.

**Attachment(s):**

- Exhibit 1 – Presentation
- Exhibit 2 – May 6, 2015 Hallandale Beach EPS Ordinance
- Exhibit 3 – May 6, 2015 City Commission Meeting Minutes
- Exhibit 4 – Expanded Polystyrene Administrative Policy

Prepared by:



Kristin Ramirez, Events, Marketing, and Volunteer Coordinator



Kenneth Bowe, Recreation Aide



Susan Fassler, Green Initiatives Coordinator

Approved by:



Nydia Rafols, Deputy City Manager