

Press Release

From: Stop The Bag Ban [<mailto:stopthebagban@gmail.com>]

Sent: Monday, January 25, 2016 11:27 PM

To: 'friends@themilpitaspost.com'; 'news@themilpitaspost.com'; 'tips@patch.com'; 'angelica@el-observador.com'; 'arturo@el-observador.com'; 'jimmy@milpitasinfo.com'; 'local@mercurynews.com'

Subject: Milpitas Bag Ban Ordinance Mistake - There is NO 10 cent "minimum fee" on bags

To: The Milpitas Post, The Milpitas Patch; El Observador; Milpitas Info; San Jose Mercury News;

Without any credible justification or evidence of an actual problem, the City Council of Milpitas reversed a previous council decision and quickly and quietly passed a bag ban last September that affects every business and citizen of Milpitas in a very costly manner beginning January 1, 2016. The city council was unwilling to wait until the November 2016 statewide vote on this same issue to find out how their citizens (and the state) feel, and went ahead and imposed a ban anyway. They join more than 100 other city councils, NONE of whom subjected their bag bans to a vote of the people.

The intention of the city council was to deny businesses the ability to provide free thin-film plastic bags to customers, and to impose a first ever "minimum price" on a newly defined paper bag.

Big grocery stores, who stand to make millions off the government imposed "minimum fee" supported the ordinance. Small businesses in Milpitas, who stand to lose hundreds of thousands, opposed the ordinance.

However, in their rush to pass this feel-good law, they made a critical error in the language of the "minimum fee." The effect of the actual language is that there is NO "minimum fee" on alternative bags after January 1. In addition, if a business chooses to give away bags for free, there is no requirement to separately itemize free bags on receipts nor to maintain daily bag sales numbers for 3 years.

This is great news for small businesses, as it relieves them of costly requirements. It is also great news for the people, as it will save millions of dollars per year in senseless bag fees.

However, the City of Milpitas is spreading false information about the Bag Ban that they imposed, stating that stores must charge 10 cents for bags. This is not true.

Please see the attached letter to the City of Milpitas demanding that they halt false information and a copy of the existing ordinance.

If the City Council tries to fix this problem by amending the Ordinance, then they will be in the awkward position of having to justify and defend to the people WHY the paper bags have a new minimum composition, WHY they oppose paper bags when no information or statistics were presented to show a paper bag problem, WHY they feel they need to implement a first ever minimum price on a product (government price fixing), and WHY they require businesses to bear the heavy and costly burden of tracking daily bag sales for 3 years.

Note that some other cities have not required "minimum fees" on paper bags nor required 3 years of bag tracking in their bag bans.

We believe the people of Milpitas should oppose any changes that require businesses to penalize customers with a minimum charge for forgetting their reusable bags or choosing not to comply with the

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city council belief that people must constantly carry around and manage reusable bags that are often dirty and filthy and waste water and time to properly maintain.

The people of Milpitas should also oppose the city price fixing of any object.

If the city wants to attach a penalty to behavior that they do not approve, then let them propose such a penalty as a tax and put it to the people for a vote. Then, the money can be collected by the city and used to address the litter issue, rather than line the pockets of the big grocers.

Please feel free to contact us if you have any questions.

Don Williams

Stop the Bag Ban Citizen's Group

www.stopthebagban.com

stopthebagban@gmail.com