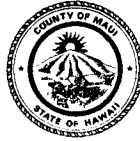


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COUNTY COUNCIL
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May 18, 2017

MEMO TO: Patrick K. Wong
Corporation Counsel

F R O M: Elle Cochran, Chair *EC*
Infrastructure and Environmental Management Committee

SUBJECT: **PLASTIC BAG REDUCTION** (IEM-12)

At its meeting of May 15, 2017, the Infrastructure and Environmental Management Committee discussed a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 20.18, MAUI COUNTY CODE, RELATING TO PLASTIC BAG REDUCTION."

During its discussion, the Committee noted a proposed paper bag fee of .25 cents to be charged by businesses to the customer for the use of a recyclable paper bag. It was noted the proposed fee would be retained by the business.

However, concerns were expressed that the fee may be too high and a charge of that nature should be justified by a portion of the fee being retained by the County and deposited into an "Environmental Fund" which may be used for mitigation of impacts associated with disposable bags, or for environmental beautification.

Therefore, to assist the Committee in its deliberations, may I respectfully request that you opine on the following:

1. Does the County have the authority to impose a fee for recycled paper bags that would be retained by the businesses providing the bags?
2. Does the County have the authority to impose a fee, which would be retained in part by the business and in part by the County to offset

Patrick K. Wong
May 18, 2017
Page 2

disposal costs (given that there is no current ability to recycle such bags on Maui). Could the County retain the entire fee?

3. Should the County retain the paper bag fee would the fee be considered a tax? What are the legal implications regarding implementing a new tax?
4. If the County retains a portion of the fee, would there be any restrictions on the use of the funds from the fee?

I would appreciate receiving a response by **June 2, 2017**. To ensure efficient processing, please include the relevant Committee item number in the subject line of your response.

Thank you for your consideration of this request. Should you have any questions, please contact me or the Committee staff (Gary Saldana at ext. 7137, or Stacey Vinoray at ext. 8006).

Iem:ltr:012acc02:grs

cc: Richelle Thomson, Deputy Corporation Counsel
Environmental Coordinator, Office of Economic Development
Director of Environmental Management