

City of Santa Fe, New Mexico

LEGISLATIVE SUMMARY

BILL NO. 2014-8

Single Use Bag Ordinance

SPONSOR(S): Wurzburger, Bushee and Ives

SUMMARY: The bill relates to the single-use bag ordinance, section 21-8 SFCC 1987 and proposes to amend the following:

- Subsection 21-8.1 to modify the legislative findings related to paper grocery bags;
- Subsection 21-8.4 to eliminate the requirement that retail establishments collect a paper grocery bag charge;
- Subsection 21-8.6 (A) to require the environmental services division to provide a comparison of those retail establishments that charge for paper bags and reusable bags and those retail establishments that do not charge for paper bags and reusable bags.

PREPARED BY: Rebecca Seligman, Legislative Liaison Assistant

DATE: February 19, 2014

ATTACHMENTS: Bill
FIR
Action Sheets & Minutes

1 CITY OF SANTA FE, NEW MEXICO

2 BILL NO. 2014-8

3 INTRODUCED BY:

4 Councilor Rebecca Wurzbarger

5 Councilor Patti Bushee

6 Councilor Peter Ives

7 AN ORDINANCE

8
9
10 RELATING TO THE SINGLE-USE BAG ORDINANCE, SECTION 21-8 SFCC 1987;
11 AMENDING SUBSECTION 21-8.1 TO MODIFY THE LEGISLATIVE FINDINGS
12 RELATED TO PAPER GROCERY BAGS; AMENDING SUBSECTION 21-8.4 TO
13 ELIMINATE THE REQUIREMENT THAT RETAIL ESTABLISHMENTS COLLECT A
14 PAPER GROCERY BAG CHARGE OF NOT LESS THAN TEN-CENTS FOR EACH PAPER
15 GROCERY BAG PROVIDED TO CUSTOMERS; AMENDING SUBSECTION 21-8.6 TO
16 ESTABLISH A 30 DAY IMPLEMENTATION PERIOD; AND MAKING SUCH OTHER
17 CHANGES AS ARE NECESSARY.
18

19
20 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

21 Section 1. Subsection 21-8.1 SFCC 1987 (being Ord. #2013-39, §2) is amended to

22 read:

23 21-8.1 Legislative Findings.

24 The governing body of the city of Santa Fe finds that:

25 A. Most plastic carry-out bags do not biodegrade and instead persist in the environment

1 for hundreds of years, slowly breaking down through abrasion, tearing and photo degradation into
2 toxic plastic bits that contaminate soil and water while entering the food web when animals
3 inadvertently ingest these materials.

4 B. It is the city's desire to conserve resources, reduce waste, litter, pollution and protect
5 the public health and welfare.

6 C. The litter problem resulting from single use plastic bags is becoming increasingly
7 difficult to manage and has costly negative implications for tourism, wildlife and aesthetics.

8 D. Even though single use paper grocery bags require more resources to manufacture,
9 transport and recycle or dispose of than single-use plastic carry-out bags, they are made from
10 renewable resources and are less of a litter problem than single use plastic carry out bags and are
11 recyclable [~~they require more resources to manufacture, transport and recycle or dispose of than~~
12 ~~single-use plastic carry-out bags~~].

13 E. The Single-Use Bag Ordinance will eliminate the use of single-use plastic carryout
14 bags by all retail establishments within the jurisdiction of the city of Santa Fe [~~place a fee on single-~~
15 ~~use paper grocery bags,~~] and encourage the use of reusable bags.

16 **Section 2. Subsection 21-8.4 SFCC 1987 (being Ord. #2013-39, §5) is amended to**
17 **read:**

18 **21-8.4 Applicability.**

19 A. A retail establishment shall not provide a single-use plastic carry-out bag to any
20 customer.

21 [~~B. Retail establishments shall collect a paper grocery bag charge of not less than ten-~~
22 ~~cents for each paper grocery bag provided to customers, except that retail establishments shall not~~
23 ~~collect a paper grocery bag charge from any person with a voucher or electronic benefits card issued~~
24 ~~under Women, Infants and Children Program(WIC), the Emergency Food Assistance Program~~
25 ~~(TEFAP), Temporary Assistance to Needy Families Program (TANF), or the federal Supplemental~~

1 ~~Nutrition Assistance Program (SNAP, also known as Basic Food Stamps). It shall be a violation of~~
2 ~~this Ordinance for any retail establishment to pay or otherwise reimburse a customer for any portion~~
3 ~~of the paper grocery bag charge;~~

4 C. ~~All retail establishments shall indicate on the customer transaction receipt the number~~
5 ~~of recyclable paper carryout grocery bags provided and the total amount of the paper grocery bag~~
6 ~~charge.~~

7 D. ~~A retail establishment may provide a paper bag to customers which are smaller than a~~
8 ~~paper grocery bag as defined by subsection 21-8.3.~~

9 E] B. To further promote the use of reusable shopping bags and reduce the quantity of
10 single-use carryout bags entering the city's waste stream, retail establishments are encouraged to
11 make reusable carryout bags free or for sale at the checkout and/or provide boxes for use at the
12 checkout free of charge. The environmental services division is authorized to provide reusable
13 carryout bags for the public at low cost or free-of-charge, targeting such programs to reach low-
14 income households to the greatest degree possible.

15 Section 3. Subsection 21-8.6 SFCC 1987 (being Ord. #2013-39, §7) is amended to
16 read:

17 **21-8.6 Effective Dates.**

18 A. The Single-Use Bag Ordinance shall become effective ~~[six (6) months after the city~~
19 ~~council approves the ordinance for all retail establishments]~~ on February 27, 2014. To facilitate the
20 transition to reusable bags, there shall be a thirty (30) day implementation period from the effective
21 date of this Ordinance.

22 B. The environmental services division shall conduct an educational campaign in both
23 English and Spanish on this ordinance

24 C. The environmental services divisions shall conduct a sample survey of some retail
25 establishments impacted by this Ordinance to provide feedback about the financial impact to each

1 establishment.

2 D. In a public meeting no later than 12 months after the effective date of this Ordinance,
3 the sustainable Santa Fe commission shall review and evaluate the survey results reported by the
4 environmental services division to assess the impacts to businesses of the Single-Use Bag Ordinance.
5 Additionally, the environmental services division shall provide to the sustainable Santa Fe
6 commission a report that contains the following:

7 (1) An estimation of the financial impact to retail establishments of
8 implementing this Ordinance; and

9 (2) An estimation of the effectiveness of this Ordinance compared to other
10 jurisdictions' efforts to reduce use of single-use carryout bags.

11 (3) A comparison of those retail establishments that charge for paper bags and
12 reusable bags and those retail establishments that do not charge for paper bags and reusable
13 bags.

14 E. The evaluation by the sustainable Santa Fe commission shall be presented in a report
15 to the city council with recommendations for any changes in the ban, pass-through charges, or other
16 provisions that are needed to improve effectiveness. The report to the city council shall be submitted
17 no later than one year after the approved date of this Ordinance.

18 **Section 4. Effective Date.** This Ordinance shall become effective immediately upon
19 adoption.

20 APPROVED AS TO FORM:

21 
22 _____

23 KELLEY A. BRENNAN, INTERIM CITY ATTORNEY

24
25 *M/Melissa/Bills 2014/Paper Bag Charges*

**City of Santa Fe
Fiscal Impact Report (FIR)**

This Fiscal Impact Report (FIR) shall be completed for each proposed bill or resolution as to its direct impact upon the City's operating budget and is intended for use by any of the standing committees of and the Governing Body of the City of Santa Fe. Bills or resolutions with no fiscal impact still require a completed FIR. Bills or resolutions with a fiscal impact must be reviewed by the Finance Committee. Bills or resolutions without a fiscal impact generally do not require review by the Finance Committee unless the subject of the bill or resolution is financial in nature.

Section A. General Information

(Check) Bill: X Resolution: _____

(A single FIR may be used for related bills and/or resolutions)

Short Title(s): **A BILL RELATING TO THE SINGLE-USE BAG ORDINANCE, SECTION 21-8 SFCC 1987; AMENDING SUBSECTION 21-8.1 TO MODIFY THE LEGISLATIVE FINDINGS RELATED TO PAPER GROCERY BAGS; AMENDING SUBSECTION 21-8.4 TO ELIMINATE THE REQUIREMENT THAT RETAIL ESTABLISHMENTS COLLECT A PAPER GROCERY BAG CHARGE OF NOT LESS THAN TEN-CENTS FOR EACH PAPER GROCERY BAG PROVIDED TO CUSTOMERS; AMENDING SUBSECTION 21-8.6 TO ESTABLISH A 30 DAY IMPLEMENTATION PERIOD; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY.**

Sponsor(s): Councilor Wurzbarger , Councilor Bushee

Reviewing Department(s): City Attorney's Office

Persons Completing FIR: Rebecca Seligman Date: 12/20/13 Phone: 955-6501

Reviewed by City Attorney: *Kelly A. Blumman* Date: _____
(Signature)

Reviewed by Finance Director: *[Signature]* Date: 1/16/14
(Signature)

Section B. Summary

Briefly explain the purpose and major provisions of the bill/resolution:

The purpose of the bill is to amend Subsection 21-8-1 SFCC 1987 to modify the Legislative findings related to paper grocery bags and amending Subsection 21.8.4 to eliminate the requirement that retail establishments collect a paper grocery bag charge of not less than ten cents for each paper grocery bag provided to customers and amending Subsection 21-8.6 to establish a 30 day implementation period; and making other such changes as necessary.

Section C. Fiscal Impact

Note: Financial information on this FIR does not directly translate into a City of Santa Fe budget increase. For a budget increase, the following are required:

- a. The item must be on the agenda at the Finance Committee and City Council as a "Request for Approval of a City of Santa Fe Budget Increase" with a definitive funding source (could be same item and same time as bill/resolution)
- b. Detailed budget information must be attached as to fund, business units, and line item, amounts, and explanations (similar to annual requests for budget)
- c. Detailed personnel forms must be attached as to range, salary, and benefit allocation and signed by Human Resource Department for each new position(s) requested (prorated for period to be employed by fiscal year)*

1. Projected Expenditures:

- a. Indicate Fiscal Year(s) affected – usually current fiscal year and following fiscal year (i.e., FY 03/04 and FY 04/05)
- b. Indicate: "A" if current budget and level of staffing will absorb the costs
"N" if new, additional, or increased budget or staffing will be required
- c. Indicate: "R" – if recurring annual costs
"NR" if one-time, non-recurring costs, such as start-up, contract or equipment costs
- d. Attach additional projection schedules if two years does not adequately project revenue and cost patterns
- e. Costs may be netted or shown as an offset if some cost savings are projected (explain in Section 3 Narrative)

Finance Director: _____

X Check here if no fiscal impact

Column #:	1	2	3	4	5	6	7	8
Expenditure Classification	FY				FY			Fund Affected

Personnel*	\$ _____	_____	_____		\$ _____	_____	_____	_____
Fringe**	\$ _____	_____	_____		\$ _____	_____	_____	_____
Capital Outlay	\$ _____	_____	_____		\$ _____	_____	_____	_____
Land/ Building	\$ _____	_____	_____		\$ _____	_____	_____	_____
Professional Services	\$ _____	_____	_____		\$ _____	_____	_____	_____
All Other Operating Costs	\$ _____	_____	_____		\$ _____	_____	_____	_____
Total:	\$ _____				\$ _____			

* Any indication that additional staffing would be required must be reviewed and approved in advance by the City Manager by attached memo before release of FIR to committees. **For fringe benefits contact the Finance Dept.

2. Revenue Sources:

- a. To indicate new revenues and/or
- b. Required for costs for which new expenditure budget is proposed above in item 1.

Column #:	1	2	3	4	5	6
Type of Revenue	FY			FY		

_____	\$ _____	_____		\$ _____	_____	_____
_____	\$ _____	_____		\$ _____	_____	_____
_____	\$ _____	_____		\$ _____	_____	_____
Total:	\$ _____			\$ _____		

3. Expenditure/Revenue Narrative:

Explain revenue source(s). Include revenue calculations, grant(s) available, anticipated date of receipt of revenues/grants, etc. Explain expenditures, grant match(s), justify personnel increase(s), detail capital and operating uses, etc. (Attach supplemental page, if necessary.)

Not applicable.

Section D. General Narrative

1. Conflicts: Does this proposed bill/resolution duplicate/conflict with/companion to/relate to any City code, approved ordinance or resolution, other adopted policies or proposed legislation? Include details of city adopted laws/ordinance/resolutions and dates. Summarize the relationships, conflicts or overlaps.

None that staff is aware of.

2. Consequences of Not Enacting This Bill/Resolution:

Are there consequences of not enacting this bill/resolution? If so, describe.

Retail establishments will charge customers ten cents for each paper bag.

3. Technical Issues:

Are there incorrect citations of law, drafting errors or other problems? Are there any amendments that should be considered? Are there any other alternatives which should be considered? If so, describe.

None that staff is aware of

4. Community Impact:

Briefly describe the major positive or negative effects the Bill/Resolution might have on the community including, but not limited to, businesses, neighborhoods, families, children and youth, social service providers and other institutions such as schools, churches, etc.

This bill encourages consumers to use reusable shopping bags and reduce the quantity of single-use carryout bags entering the city's waste stream which is optimal for our community.

Form adopted: 01/12/05; revised 8/24/05; revised 4/17/08

**ACTION SHEET
ITEM FROM THE
PUBLIC WORKS/CIP AND LAND USE COMMITTEE MEETING
OF
MONDAY, FEBRUARY 10, 2014**

ITEM 23

REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE SINGLE-USE BAG ORDINANCE, SECTION 21-8 SFCC 1987; AMENDING SUBSECTION 21-8.1 TO MODIFY THE LEGISLATIVE FINDINGS RELATED TO PAPER GROCERY BAGS; AMENDING SUBSECTION 21-8.4 TO ELIMINATE THE REQUIREMENT THAT RETAIL ESTABLISHMENTS COLLECT A PAPER GROCERY BAG CHARGE OF NOT LESS THAN TEN-CENTS FOR EACH PAPER GROCERY BAG PROVIDED TO CUSTOMERS; AMENDING SUBSECTION 21-8.6 TO ESTABLISH A 30 DAY IMPLEMENTATION PERIOD; AND MAKING SUCH OTHER CHANGES AS ARE NECESSARY (COUNCILORS WURZBURGER, BUSHEE AND IVES) (LAWRENCE GARCIA)

PUBLIC WORKS COMMITTEE ACTION: Approved on Consent

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE	FOR	AGAINST	ABSTAIN
CHAIRPERSON WURZBURGER	Excused		
COUNCILOR CALVERT, Acting Chair	X		
COUNCILOR IVES	X		
COUNCILOR RIVERA	X		
COUNCILOR TRUJILLO	Excused		

**ACTION SHEET
PUBLIC UTILITES COMMITTEE MEETING OF 2/5/14**

ISSUE NO. 14

Request for approval of Bill No. 2014-_____. An Ordinance relating to the Single-Use Bag Ordinance, Section 21-8 SFCC 1987; amending Subsection 21-8.1 to modify the legislative findings related to paper grocery bags; amending Subsection 21-8.4 to eliminate the requirement that retail establishments collect a paper grocery bag charge of not less than ten-cents for each paper grocery bag provided to customers; amending Subsection 21-8.6 to establish a 30 day implementation period; and making such other changes as are necessary. (Councilor Wurzburger and Councilor Bushee) (Lawrence Garcia and Katherine Mortimer)

Public Utilities Committee – 1/15/14 (Postponed by staff)
 Finance Committee – 1/21/14 (No Quorum)
 City Council (Request to Publish) – 1/29/14
 Public Utilities Committee – 2/5/14
 City Business Quality of Life Committee – 2/18/14
 City Council (Public Hearing) – 2/26/14

PUBLIC UTILITES COMMITTEE ACTION: Approved to forward to 2/18/14 CBQLC.

SPECIAL CONDITIONS OR AMENDMENTS:

STAFF FOLLOW UP:

VOTE:	FOR	AGAINST	ABSTAIN
COUNCILOR CALVERT, CHAIR	x		
COUNCILOR TRUJILLO		x	
COUNCILOR DOMINGUEZ	x		
COUNCILOR DIMAS	x		
COUNCILOR RIVERA	x		

ACTION SHEET
CITY COUNCIL COMMITTEE MEETING OF 02/12/14
ITEM FROM FINANCE COMMITTEE MEETING OF 02/03/14

ISSUE:

23. Request for Approval of an Ordinance Relating to the Single-Use Bag Ordinance, Section 21-8 SFCC 1987; Amending Subsection 21-8.1 to Modify the Legislative Findings Related to Paper Grocery Bags; and Amending Subsection 21-8.4 to Eliminate the Requirement that Retail Establishments Collect a Paper Grocery Bag Charge of not Less than Ten-Cents for Each Paper Grocery Bag Provided to Customers. (Councilors Wurzburger and Bushee) (Lawrence Garcia)

Committee Review:

Finance Committee (no quorum)	01/21/14
City Council (request to publish)	01/29/14
Public Utilities Committee (scheduled)	02/05/14
City Business & Quality of Life Committee (scheduled)	02/18/14
City Council (public hearing)	02/26/14

Fiscal Impact – No

FINANCE COMMITTEE ACTION: APPROVED AS DISCUSSION ITEM

SPECIAL CONDITIONS OR AMENDMENTS

Add Councilor Ives as co-sponsor.

STAFF FOLLOW-UP:

VOTE	FOR	AGAINST	ABSTAIN
COUNCILOR BUSHEE	X		
COUNCILOR CALVERT	Excused		
COUNCILOR DIMAS	X		
COUNCILOR IVES	X		
CHAIRPERSON DOMINGUEZ			

MOTION: Councilor Ives moved, seconded by Councilor Dimas, to approve this request.

DISCUSSION: Councilor Bushee talked about what happened in the past with the 30%.

Ms. Ladd said there was a non-profit developer and non-profits had access to much more funding in the past.

Chair Dominguez asked where the \$29,400 figure come from.

Ms. Ladd said that is the income figure that HUD sets every year.

Chair Dominguez said he has heard of a hybrid figure because of a high migrant population and seasonal works, and he would like to see that data. However, we don't have enough of a trend at this point.

Ms. Ladd said that may be happening in California.

VOTE: The motion was approved on a voice vote, with Councilor Bushee not casting a vote.

23. **REQUEST FOR APPROVAL OF AN ORDINANCE RELATING TO THE SINGLE-USE BAG ORDINANCE, SECTION 21-8 SFCC 1987; AMENDING SUBSECTION 21-8.1, TO MODIFY THE LEGISLATIVE FINDINGS RELATED TO PAPER GROCERY BAGS; AND AMENDING SUBSECTION 21-8.4 TO ELIMINATE THE REQUIREMENT THAT RETAIL ESTABLISHMENTS COLLECT A PAPER GROCERY BAG CHARGE OF NOT LESS THAN TEN CENTS FOR EACH PAPER GROCERY BAG PROVIDED TO CUSTOMERS (COUNCILORS WURZBURGER AND BUSHEE AND IVES). (LAWRENCE GARCIA) 01/21/14) Finance Committee (no quorum) 01/21/14; City Council (request to publish) 01/29/14; Public Utilities Committee (scheduled) 02/05/14; City Business and Quality of Life Committee (rescheduled) 02/18/14; and City Council (public hearing) 02/26/14. Financial Impact – No.**

Councilor Bushee asked if a 6 month review would be better than a year.

Kelley Brennan said, "I believe that Cindy felt the data would need more time to develop, that the period provided was probably a reasonable period, which is not to say that there won't be study about other possibilities to reach that goal. I think in understanding that we were making a change here, we also made a commitment to try to pursue other ways to create incentives to accomplish that end in the interim.

Councilor Ives asked to be added as a cosponsor.

MOTION: Councilor Bushee moved, seconded by Councilor Dimas, to approve this request.

VOTE: The motion was approved unanimously on a voice vote.