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**CITY OF SANTA FE, NEW MEXICO**

**RESOLUTION NO. 2021-\_\_**

**INTRODUCED BY:**

Councilor Renee Villarreal

**A RESOLUTION**

**WITHDRAWING THE CITY OF SANTA FE AS A MEMBER OF THE REGIONAL COALITION OF LANL COMMUNITIES (RCLC).**

**WHEREAS**, the City of Santa Fe (“City”) has spent \$100,000 in membership dues and invested hundreds of City Councilors’ hours in the Regional Coalition of LANL Communities (“RCLC”) since the RCLC’s inception in 2011; and

**WHEREAS**, the Governing Body has not been given regular updates on the work, focus, and impact of the RCLC, despite Councilors’ requests for updates, presentations, and/or reports; and

**WHEREAS**, while the RCLC promotes itself as an effective advocate for “mission diversification and accelerated cleanup at the Los Alamos National Laboratory”, according to Los Alamos National Laboratory’s (“LANL”) congressional budget requests, LANL’s nuclear weapons budget has increased from 61% of the total budget in 2011 to 78% in 2021, and the budget-share of environmental management dropped from 11% to 1% over the same period; and

**WHEREAS**, the RCLC supported a 2016 Consent Order that governs waste cleanup,

1 replacing a 2005 Consent Order, that allows the Department of Energy (“DOE”) to direct which  
2 sites need cleanup, the standards for the cleanup campaigns, and the campaigns’ completion  
3 schedules based on their funding allocations from Congress, and to extend cleanup deadlines based  
4 on the cost or complexity of the project, removing the enforcement authority of the New Mexico  
5 Environment Department to identify needed cleanup projects and set and monitor the schedule for  
6 completion; and

7         **WHEREAS**, the New Mexico Environment Department filed a civil lawsuit in February  
8 2021 against the DOE for non-compliance of the 2005 and 2016 Consent Orders citing a  
9 “continuing pattern of delay and noncompliance” in its failure to meet agreed-upon milestones of  
10 legacy waste cleanup and is demanding the 2016 Consent Order be terminated and replaced with a  
11 new Order through a court-supervised process; and

12         **WHEREAS**, despite documented non-compliance and delay of cleanup orders outlined in  
13 the 2005 and 2016 Consent Orders, the DOE proposed to cut the LANL cleanup budget by 46% in  
14 FY 2021 (\$220M to \$120M), as shown in its official Congressional Budget Request; and

15         **WHEREAS**, according to a 2016 analysis completed by watchdog group Nuclear Watch  
16 New Mexico using publicly available LANL documents and data, the DOE plans to leave  
17 approximately 690,251 cubic meters of waste permanently buried in unlined pits and trenches that,  
18 without comprehensive cleanup, has the potential to threaten a regional sole-source aquifer that  
19 provides drinking water for San Ildefonso Pueblo, Española, Los Alamos, and Santa Fe, among  
20 other communities; and

21         **WHEREAS**, according to a 2018 DOE Office of Environmental Management document,  
22 DOE claims that cleanup at LANL is more than 50% complete, omitting from its calculations all  
23 of the radioactive waste that it plans to leave buried, a fact which the RCLC has not challenged;  
24 and

25         **WHEREAS**, while the RCLC’s language in the proposed restated Joint Powers Agreement

1 (“JPA”) calls for “promotion of new missions for LANL that the citizens of the Coalition’s  
2 members support,” there is no evidence that the RCLC has had success in the past in directing  
3 LANL away from its primary mission of expanded production of plutonium pit bomb cores that  
4 will dominate its future as a growing nuclear weapons production site and create more radioactive  
5 waste and contamination; and

6 **WHEREAS**, while the RCLC’s language in the proposed restated JPA says that “the  
7 Parties share a common interest in assuring that LANL’s missions remain sustainable and  
8 diversified”, there is no evidence that the RCLC has had success in shaping LANL’s priorities and  
9 missions which are, as evidenced by LANL’s funding requests, contradictory to recent policy  
10 statements and various City resolutions unanimously passed by the Governing Body calling for  
11 comprehensive cleanup, no expansion of pit production until chronic nuclear safety problems are  
12 resolved, and a new site-wide environmental impact statement that, among other things, would  
13 address wildfire protection; and

14 **WHEREAS**, the following resolutions establish the City’s past and current position  
15 regarding LANL:

16 1. Resolution No. 2010-91 calling for “a new complete EIS” to “reassure the citizens  
17 of Santa Fe that the safety and environmental issues entailed in this growing project are being  
18 planned for in a careful and comprehensive way”;

19 2. Resolutions Nos. 2003-64, 2006-104, 2008-17, and 2017-76 opposing expansion  
20 of plutonium pit production at LANL until all safety issues are resolved and calling for  
21 comprehensive cleanup of legacy wastes;

22 3. Resolution No. 2017-76 that specifically documented eight nuclear safety  
23 incidences at LANL, including a 2017 National Nuclear Safety Administration (“NNSA”) report  
24 to the independent Defense Nuclear Facilities Safety Board (“DNFSB”) that found that LANL was  
25 the only nuclear weapons production suite that did not meet expectations in the functional area of

1 criticality safety expectations; and

2 4. Resolution No. 2021-10 requesting that “the National Nuclear Security  
3 Administration prepare and complete a new site-wide environmental impact statement for Los  
4 Alamos National Laboratory before expanding plutonium pit production at the facility”; and

5 **WHEREAS**, the RCLC has struggled with inconsistent leadership, financial  
6 mismanagement, and transparency, as indicated by:

7 1. the lack of a consistent Executive Director for over a year;

8 2. the findings of the New Mexico State Auditor, in a 2018 special audit, that the  
9 RCLC improperly spent \$51,519.45 in expenditures paid by the RCLC to governing board  
10 members, former Executive Directors, and third parties from July 1, 2014 through June 30, 2018;  
11 and

12 3. the lack of a designated fiscal agent to guarantee the proper use of taxpayers’  
13 dollars; and

14 **WHEREAS**, the Governing Body did not approve the proposed, amended, and restated  
15 JPA on March 31, 2021; and

16 **WHEREAS**, according to its official website hosted by the U.S. Office of Environmental  
17 Management, the Northern New Mexico Citizens' Advisory Board (“NNMCAB”) “is a community  
18 advisory group that was chartered in 1997 [by the DOE] to provide citizen input to the U.S.  
19 Department of Energy on issues of environmental monitoring, remediation, waste management,  
20 and long-term environmental stewardship at LANL” whose mission “is to provide meaningful  
21 opportunities for collaborative dialogue among the diverse multicultural communities of Northern  
22 New Mexico, the DOE, LANL, and state and federal regulatory agencies”; and

23 **WHEREAS**, according to its official website hosted by the U.S. Office of Environmental  
24 Management, NNMCAB's responsibilities include “providing advice and recommendations on  
25 DOE Environmental Management programs regarding clean-up standards and environmental

1 restoration, waste management and disposition, monitoring and surveillance, outreach, future land  
2 use and long-term environmental stewardship, and associated environmental issues.”

3 **NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE**  
4 **CITY OF SANTA FE** that, pursuant to Section 10(C) of the Joint Powers Agreement, the City  
5 withdraws as a member of the Regional Coalition of LANL Communities.

6 **BE IT FURTHER RESOLVED** that the City Manager work with the County of Santa Fe  
7 to begin exploring ways to accelerate LANL’s cleanup through the powers of the Buckman Direct  
8 Diversion Project Board.

9 **BE IT FURTHER RESOLVED** that the City Manager reach out to the County of Santa  
10 Fe, other current RCLC members, and the NNM CAB, to begin exploring ways to create a new  
11 regional coalition that considers more holistic and balanced ways that LANL can be a regional and  
12 economic partner, while supporting independent, sustainable, and clean industries such as green  
13 energy and legacy nuclear waste cleanup, that do not rely upon expanded nuclear weapons  
14 production and take into serious consideration the health and well-being of the community and the  
15 environment.

16 **BE IT FURTHER RESOLVED** that the City seek reimbursement of the 2021 annual  
17 membership dues already paid to the RCLC.

18 **BE IT FURTHER RESOLVED** that the City Clerk send a copy of this Resolution to all  
19 members of the RCLC, the Board Chair of RCLC, the Department of Finance and Administration,  
20 and the New Mexico Congressional delegation.

21 PASSED, APPROVED, and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2021.  
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25 \_\_\_\_\_  
ALAN WEBBER, MAYOR

1 ATTEST:

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4 KRISTINE MIHELICIC, CITY CLERK

5 APPROVED AS TO FORM:

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8 ERIN K. McSHERRY, CITY ATTORNEY

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25 *Legislation/2021/Resolutions/RCLC Withdrawal*