

Council Meeting Staff Report

August 14, 2015

Agenda No.:	B.
Indexes (Council Goals):	2015 Council Goal – Quality of Life – Environment Stewardship – Enhance Environmental Quality and Sustainability Balancing Costs and Benefits
Presenters:	Angelica Gurule
Legislative File:	7310-15

Title

Environmental Sustainability Board Recommendation on Proposed Plastic Bag Ban

.Recommended Action

I move that Council support the Environmental Sustainability Board's recommendation for staff to create an education campaign to reduce the use of single use plastic bags.

Board, Commission or Committee Recommendation

The Environmental Sustainability Board, recommends County Council create an education campaign to reduce the use of single use plastic bags.

Body

On April 14, 2015, at a regularly scheduled County Council meeting, Mark Jones of the Sierra Club, presented a citizen petition requesting that Council pass an ordinance prohibiting retail establishments from distributing single-use plastic carryout bags to their customers and mandating a \$.10 fee on paper bags to be collected and retained by the merchant.

The County Council acknowledged the petition and directed the Environmental Sustainability Board (ESB) to conduct two public meetings regarding an ordinance to ban or otherwise reduce the distribution of single use bags in Los Alamos County and to return to Council with options and/or a proposed ordinance.

The ESB as directed by County Council conducted two public meetings regarding an ordinance to ban or otherwise reduce the distribution of single use bags in Los Alamos County and to return to County Council with options and/or a proposed ordinance.

The ESB utilized Open Forum to gather public comment, 80.1% of participants were opposed to the ordinance to ban the plastic bag and 72.2% of participants were opposed to reduce the distribution of single use bags.

Two public meetings were held to gather public input. During the first meeting, 21 public comments were heard both in opposition and support. No action was taken at this meeting.

During the second public meeting, there were two public speakers invited to present "for" and "against" the proposed plastic bag ban. Six motions were made, one failed due to a lack of a second and one motion was retracted by the mover. The other four motions failed. Public comment was heard after each motion was made.

A third public meeting was held to finalize a recommendation for County Council. Three motions were made, the first motion failed 6-0, and the second motion failed due to lack of a second, and the third motion passed 5-1.

The passing motion and recommendation to council reads as follows, The Environmental Sustainability Board recommends County Council create an education campaign to reduce the use of single use plastic bags.

Attachments

A - Open Forum Results

B - Approved ESB Meeting Minutes for May 21, 2015

C - Approved ESB Meeting Minutes for June 18, 2015

D - Draft ESB Meeting Minutes for July 16, 2015

Attachment A – Open Forum Results

Open Forum Results

The open forum topic started on April 23, 2015 and closed on June 15, 2015. There were 847 attendees.


Plastic Bag Ban Petition	
Plastic Bag Discussion	

Responses

Should Los Alamos County implement an “ordinance to ban” the plastic bag?

		%	Count
Yes		19.9%	50
No		80.1%	201

Should Los Alamos County “reduce the distribution of single use bags”?

		%	Count
Yes		27.8%	70
No		72.2%	182

If you answered yes, how would you suggest “reducing the distribution of single use bags”?

Answered	75
Skipped	177



**LOS ALAMOS COUNTY
ENVIRONMENTAL SUSTAINABILITY BOARD
MINUTES
May 21, 2015
Municipal Building, Council Chambers**

Board Members Present: Steve Boerigter, Sarah Terrill, Cliff Han, Suzie Havemann, Don Machen, and Sandra West

Councilors Present: None

Staff Present: Philo Shelton, Angelica Gurule, Katie Thwaites, and Deni Fell

Others Present: Community members at large

Materials Distributed:

- Plastic Bag Ban Petition Packet
- Spring Quarterly Brush/Bulk Cleanup comparisons
- SWANApalooza – Zero Waste Conference

- I. **Call to Order:** Chair Steve Boerigter called the meeting to order at 5:35 p.m.
- II. **Public Comment (for items not on the agenda):** Mr. Oswaldo Galarza, CEO for Alternative Industry Resources, spoke about his interest in providing green engineering and consulting services for Los Alamos County.
- III. **Approval of April 16, 2015, Environmental Sustainability Board Minutes:** Mr. Machen moved to approve the minutes; Ms. Havemann seconded the motion. The motion passed 5-0, Mr. Han abstained.

IV. Board Business

- a. **Plastic Bag Ban Discussion:** Mr. Boerigter stated this meeting is the first of two public meetings on the topic. He then opened the floor to public comment:
Mr. Norman Worth, 1462 Camino Medio, spoke against a ban.
Ms. Jody Benson did not speak in favor of or against a ban, but rather in favor of reducing waste. She spoke in favor of the County imposing fees for bags.
Mr. Vernon Kerr, 85 Chiquita, spoke against a ban.
Mr. Gene McCall, 760 Camino Encantado, spoke against a ban.
Mr. Bill McKerley, 700 Meadow Lane, spoke against a ban and encouraged the ESB to educate the community, and respect the will of the people by allowing them to make their own decision.
Ms. Barbara Calef, 4777 Sandia Drive, did not speak in favor or against a ban, but rather about reducing consumption and waste overall by using reusable bags. She was in favor of the County imposing a fee for bags.
Ms. Mary Wilhoit, 3260 A Orange Street, spoke against a ban and quoted Todd Wynn's "The Proper Role of Government: Banning Bags & Setting Prices."
Ms. Nona Girardi, 913 Estates Drive, spoke in favor of consumer choice whether to bring own bag or be charged to use a bag.
Mr. James Chrobocinski, 825 46th Street, spoke as a citizen and small business owner. He is against a ban as he feels it would hurt small business growth.
Ms. Amy Storey, 70 Barranca Road, spoke in favor of a ban, reminding people to think globally and act locally.

Ms. Joyce Anderson, 2191 B 45th Street, founder of the Facebook page Save the Bag: Los Alamos, spoke against a ban. She believes in education not legislation. She made several suggestions to the ESB regarding the issue: conduct a litter survey, develop cost/benefit analysis, develop and implement a social media education page, look for alternatives to Friedman Recycling, and looking more closely at all sides of the issue.

Ms. Cindy Murdock, 1342 Sage Loop, spoke in favor of a ban.

Ms. Vicki Erkkila, 5375 Quemazon, as an avid recycler, spoke in favor of a ban.

Mr. Rae Ridlon, 483 Ridgecrest, spoke against a ban.

Mr. Michael Dirosa, 3045 Orange Street, spoke in favor of a ban pointing out that we should pay for things we use.

Mr. Eric Fairfield, 3000 Trinity Drive, spoke against a ban and encouraged the ESB to consider its priorities suggesting analysis of real costs and benefits for Los Alamos citizens.

Mr. Mario Schillaci, 497 Quartz, spoke against a ban by way of education and behavior change.

Ms. Karyl Ann Armbruster, 605 Totavi, spoke in favor of a ban. She quoted LANL's motto this month, "Your small act makes a difference."

Ms. Akkana Peck, 111 La Senda Road, spoke in favor of a ban, having lived in two other communities that did ban plastic bags.

Ms. Nashing Key, 805 Tiffany Court, spoke against a ban as she feels it is a consumer choice.

Ms. Rebecca Shankland, 6 Mariposa Court, spoke in favor of imposing a charge for bags in order to conserve natural resources.

Mr. Brian McCool, 220 Dos Brazos, spoke neither for nor against the ban, but rather to educate the community.

- b. **Business Recycler of the Year Process Modification:** Ms. Gurule said eleven businesses were nominated during the Earth Day event at the Los Alamos Nature Center. Mr. Boerigter said a plan going forward will be in connection with Chamberfest. In past a survey has been posted to the County's Environmental Services web page. Ms. Terrell suggested businesses provide brief feedback about its recycling efforts and or innovative ways in which it recycles. The ESB concurred. Ms. Gurule will send out queries and create a survey compiling the information for vote.

V. Staff Report

- a. **Brush and Bulk Item Collection:** Ms. Fell stated the Spring Quarterly Green Waste and Bulk Collection has been underway since Monday, April 6th. To date 58.01 tons of trash and 24.76 tons of brush have been collected. She reviewed the handout Spring Quarterly Brush/Bulk Clean Up Comparisons pointing out that more brush has been brought in than last year's total, and nearly as much brush as 2013. Crews are about one week behind schedule due to unforeseen circumstances. The largest areas in White Rock are pending pickup.
- b. **Landfill Gas Update:** Ms. Gurule reported that much progress has been made on reducing the methane gas concentrations now reading between 5-25%, down from 50-60%. It was thought that a \$1.5M system may be necessary, but after meeting with the contractor it has been decided to continue allowing the temporary system to work until winter temperatures may force Environmental Services to reconsider other options and pursue discussions with Procurement.
- c. **NM Citizen Advisory Board Updates:** Ms. Gurule shared that she serves on NM Citizen Advisory Board that is comprised of members from Los Alamos, Santa Fe, Taos and Albuquerque areas. The group focuses on contamination waste issues in and around New Mexico and how to work safely with contamination issues and for management to focus on processes for re-training purposes aimed at those who have previously worked in or around areas thought to be contaminated. She mentioned TRU (transuranic) waste being shipped to WIPP facilities in Carlsbad, NM; Andrews, TX, to decrease exposure from potential fire risks and geological concerns here in Los Alamos. Ms. Gurule also touched on the \$73M settlement agreement to be used for supplemental environmental projects allocated around the area, utilities upgrades, and WIPP route infrastructure improvements based upon recommendations site specific to LANL in FY17.

- d. **SWANApalooza 2015 – Zero Waste Conference:** Ms. Gurule briefly spoke about a couple highpoints while attending the Zero Waste Conference in New Orleans, LA. She provided the attached handout covering two topics of interest: IREP (Infinitus Renewable Energy Park): One-Bin Trash/Recycling Solution and Pay-As-You-Throw or SMART (Save Money and Reduce Trash) since 1993. The ESB was interested in exploring pay as you throw in greater detail and asked that it appear as a future agenda item at the next meeting.
- e. **Clean Up Los Alamos Day 2015:** Ms. Gurule reported this year's event was a great success. 23 groups, or 239 participants, signed up for Clean Up Los Alamos Day 2015. Each group cleaned up around parks, neighborhoods, and walking trails. 980 pounds of trash and brush were collected in the roll-off container staged at the Justice Center. 140 residents took material directly to the Eco Station. Thank you to Los Alamos National Bank for donating funds for the appreciation luncheon held at Ashley Pond and catered by Dave's Dogs. LANB also provided reusable drawstring bags for participants. Thank you to Coca-Cola for donating beverages for the luncheon. Ms. Gurule also thanked ESB member, Cliff Han, for his participation and offered special thanks to Juanita Salazar and Deni Fell, Environmental Services staff, for help coordinating this successful event.

VI. Committee/Subcommittee Reports

- a. **Chair Report:** No report.
- b. **Board Member Reports**
 - i. **FER Ad Hoc:** Don Machen – FER Committee - Mr. Machen reported that a public meeting was held on Tuesday, May 19th, but had a very poor attendance. Going forward the committee will work on the large issue concerning distributed generation sources. Issues are complex and may mean the committee will continue working beyond July.
- c. **Liaison Reports**
 - i. **Utility Board:** Sarah Terrill – No report.
 - ii. **Planning and Zoning:** Cliff Han – No report.
 - iii. **Transportation:** Don Machen – Mr. Machen said he has an informative handout available for those who are interested in pavement bicycle heat transfer markers; he also mentioned one vacancy on the board.
 - iv. **Parks and Recreation:** Sandra West – Ms. West reported the PRB has several projects in the works such as trail initiatives and expansion pieces, ice rink improvements, and the Manhattan Project National Historical Park. The ESB is invited to attend a public reception with the National Park Service for the Manhattan Project National Historical Park Field Team to be held at Fuller Lodge on June 2nd from 5:00-7:00 p.m.
 - v. **County Council:** Rick Reiss – Not present.

VII. Future Agenda Items

- a. Pay as You Throw or SMART
- b. Quarterly Pickups – Lessons Learned/Comparison 2014 vs. 2015
- c. County Water Usage

VIII. Informational Items

- a. Next Meeting: Thursday, June 18, 2015, at 5:30 p.m. in the training room at Fire Station #3 in White Rock.
- b. Next B&C Luncheon: Thursday, September 17, 2015, at 11:45 a.m. to 1:00 p.m. in Council Chambers.

IX. Adjournment

The meeting adjourned at 7:52 p.m.

Approved: _____

Steve Boerigter
Environmental Sustainability Board Chair

Date: _____

6/18/15



LOS ALAMOS COUNTY ENVIRONMENTAL SUSTAINABILITY BOARD MINUTES June 18, 2015 White Rock Fire Station #3

Board Members Present: Steve Boerigter, Sarah Terrill, Cliff Han, Suzie Havemann, Don Machen, and Sandra West

Councilors Present: Rick Reiss

Staff Present: Philo Shelton, Angelica Gurule, Katie Thwaites, and Deni Fell

Others Present: Community members at large

Materials Distributed:

- Plastic Bag Ban Petition Summary
- How Does Charging for Shopping Bags Support the County Council's Strategic Leadership Plan, presentation by Mark Jones
- Save the Bag: Los Alamos, presentation by Joyce B. Anderson
- Letter to the Editor LA Monitor by Joel M. Williams
- Letters to the Editor LA Daily Post by Joel M. Williams
- FY16 Work Plan for Los Alamos County Boards and Commissions
- SMART – Save Money and Reduce Trash
- Pay-As-You-Throw EPA Summer 2010 Bulletin

- I. **Call to Order:** Chair Steve Boerigter called the meeting to order at 5:35 p.m.
- II. **Public Comment (for items not on the agenda):** None
- III. **Approval of May 21, 2015, Environmental Sustainability Board Minutes:** Ms. West moved to approve the minutes; Mr. Machen seconded the motion. The motion passed 6-0.
- IV. **Board Business**
 - a. **Plastic Bag Ban Discussion:** Mr. Boerigter stated County Council directed this board to conduct two public meetings regarding an ordinance to ban or otherwise reduce the distribution of single use bags. This meeting is the second of two public meetings on the topic. He then opened the floor for fifteen minute presentations both "for" and "against" the issue.
 - i. **Structured Presentation "For"**

Mr. Mark Jones, 520 Navajo Road, thanked the board for their work on the proposal, and also to those both for and against the issue as an example of participation in local democracy. Mr. Jones went on to review some background information about the Sierra Club and the League of Women Voters (LWV) being tasked by the ESB to gather public opinion through petition. The request was then brought to County Council, and who then tasked the ESB to conduct the two public meetings. Based upon public comment the local LWV and Sierra Club groups decided reducing plastic bag use by having a fee on both plastic and paper bags would have more community support than a ban and therefore recommend a 10 cent fee be charged. He named communities that charge fees for both types of bags highlighting Breckenridge, CO as a particularly pertinent example. Much like that of Los Alamos County, Breckenridge

has a low population and the economy is largely based on tourism. Mr. Jones moved on to explain how a fee proposal relates to the County Council's focus areas of the Strategic Leadership Plan: Economic Vitality, Quality of Life, and Quality Governance. With regard to economic vitality, Mr. Jones said we need to maximize our opportunity with respect to the development of the Manhattan Project National Historical Park by conserving resources in addition to the image we may present to the visitors of our community. Second, to collaborate with Los Alamos National Laboratory as the area's #1 employer by aligning ourselves with its policy and commitment to reducing waste. Third, to achieve financial stability without creating an economic burden on our merchants. Merchants will retain the 10 cent fee in addition to providing fewer bags to customers. Lastly, a fee would also help to eliminate litter in the downtown areas. With regard to quality of life, Mr. Jones stated education and environmental stewardship are key. We must teach that individual actions have an impact on our community and the environment. Plastic bags exemplify a use-once-and-toss culture, so one should consider personal convenience over personal responsibility. The final strategic focus area named is quality governance. Mr. Jones said if leadership is exercised by the ESB and by County Council regarding a plastic bag ordinance, significant benefits to the county will result. The presentation has been attached for reference.

ii. Structured Presentation "Against"

Ms. Joyce B. Anderson, representing a citizen's group entitled Save the Bag: Los Alamos, began by thanking the board for the invitation to present. She mentioned the two rounds of Open Forum which solicited responses from the public regarding the issue and felt comments were primarily aimed at calling the county out for government overreach, not allowing people to make consumer and lifestyle choices, and a waste of time. Ms. Anderson went on to say that the community does want more information and education about options. There have also been concerns that the County may be setting a precedence by telling businesses what they can or cannot provide to customers. She encouraged the ESB to work with the people in the community for a true market solution and to consider the principal of opportunity costs: are the benefits of taxing and banning plastic shopping bags greater than an alternative? Ms. Anderson mentioned specific points in the County Council's Strategic Leadership Plan to significantly improve the quantity and quality of retail business, to encourage the retention of existing business, to assist in business opportunities for growth, and to attract new tourism related business. She feels a plastic bag tax or ban would have a negative impact on the community making it hard to market Los Alamos as business friendly, or to attract new business at all. How would such a fee or tax be enforced, how would compliance be assured? Negative effects would be felt throughout the community. She made reference to other communities with bag bans and/or fees and warned of costly litigation that could follow. She went on to cite NM State Law's definition of *fee* and *excise tax*, as well as referencing anti-donation laws. In conclusion, Ms. Anderson said banning and taxing plastic bags would be contrary to community wishes, would not help to protect the environment and would violate the state law. She recommends the ESB end the debate and for County Council to take no action. The presentation has been attached for reference.

iii. Results of Business Survey

Mr. Boerigter said the ESB recently decided to conduct its own business survey regarding plastic bags. Sections of the business community were divided among board members. Questions included:

- 1) Name of business.
- 2) Does the business use single-use plastic bags?
- 3) About how many single-use bags are given out on a daily or weekly basis?
- 4) What would the business use if single use plastic bags were banned?

He noted that some businesses may have been excluded as they operate out of homes or some may have been closed at the time of inquiry. For the record, ESB members have not shared the results until this meeting. Mr. Boerigter surveyed White Rock, Ms. Havemann surveyed businesses north of Orange Street, Mr. Machen surveyed Smith's LA and WR, Ms. Terrill surveyed businesses between 4th Street and 20th Street excluding Central Park Square, Mr. Han surveyed 20th to Orange Streets and Central Park Square, Ms. West surveyed businesses east of 4th Street. Results varied, but on the whole most had a neutral stance on the issue. Some larger businesses deferred to their corporate policy's decision should a ban or fee indeed go into effect, while others were more concerned with handling negative customer feedback. Attachments provide a breakdown of each business visited.

Mr. Boerigter then allowed for public comment:

Mr. Larry Freestone, 410 Brighton Loop, expressed concerns about Smith's results. Ms. Val Shelley, 550 Totavi, expressed concern from a legal standpoint on the issue should action be taken.

Ms. Thwaites, Assistant County Attorney, stated that the ESB has not asked for legal to weigh in.

Ms. Francine Mendoza, 130 Aragon Avenue, expressed concerns for freedom of choice and was opposed to a ban.

Ms. Lisa Shin, local optometrist, asked if any dentists or doctors were surveyed and expressed the importance of plastic bags in her business.

Mr. Norm Wilson, 676 47th Street, spoke against a ban.

Ms. Rose Stevens, North Mesa, spoke in opposition.

Ms. Iris Chung, 2875 Arizona Avenue, spoke to the results of the Smith's Marketplace survey.

iv. Trash/Recycle Data

Ms. Gurule provided information regarding how plastic bags are currently handled using Friedman Recycling Inc., the County's mixed recycled contractor. She noted plastic bags are only recycled if the market was available, otherwise plastic bags are discarded. Please see attached document for details.

Following the presentations, Mr. Boerigter asked if any member of the board would like to entertain a motion.

Mr. Han moved that the ESB ban the free distribution of single use reusable paper or plastic bags from retail business, meaning businesses shall price bag accordingly with fees for proposed new ordinance. The motion failed due to lack of a second.

Mr. Machen moved, that after two public hearings the Los Alamos ESB concurs with the single use plastic bag fee to reduce and reuse plastic bag petition and urges the County Council to debate and support this important national and international environmental issue placing Los Alamos County among the hundreds of municipalities, cities, states and even countries who have done similar things. Ms. Havemann seconded the motion.

Mr. Han offered a friendly amendment to add single use paper bag as a fee.

Mr. Machen and Ms. Havemann accepted the friendly amendment.

Mr. Boerigter opened the floor to public comment.

Mr. Norm Wilson, 676 47th Street, spoke in opposition.

Mr. Chris Fischahs, no address available, spoke in opposition.

Ms. Francine Mendoza, 130 Aragon, spoke in opposition.

Mr. Mark Jones, 520 Navajo Road, spoke in support.

Mr. Michael Dirosa, 3045 Orange Street, spoke in support.

Mr. Larry Freestone, 410 Brighton, spoke in opposition.

Ms. Joyce Anderson, 2191 B 45th Street, spoke in opposition.

Ms. Rebecca Shankland, 6 Mariposa Court, spoke in support.

Ms. Jody Benson, 3457 Pueblo Drive, spoke in support.

Mr. Joel Williams, 51 Zuni, spoke in opposition.

Mr. Boerigter called the question. The motion failed 3 – 3; Ms. Havemann, Mr. Machen, and Mr. Han voted in favor while Ms. West, Ms. Terrill, and Mr. Boerigter voted against the motion.

Ms. West moved the ESB recommend to County Council to take no action on a bag ban or fee at this time, and instead accept the Environmental Sustainability Plan.

Mr. Boerigter then stated the Sustainability Plan has not yet been approved.

Ms. West retracted her suggested motion.

Mr. Boerigter moved that upon hearing community input concerning single use plastic bags, considering the substantial efforts underway to develop and implement the Los Alamos County Environmental Sustainability Plan, and recognizing the desire as a scientifically-focused community, to make decisions based upon clear and objective evidence the ESB does not recommend further county action with regard to single use plastic bags, but instead strongly recommends adoption of the Environmental Sustainability Plan and continued support to achieve the goals stated therein. Mr. Terrill seconded the motion.

Mr. Boerigter opened the floor to public comment.

Ms. Cindy Murdock, 1342 Sage Loop, spoke in support.

Ms. Francine Mendoza, 130 Aragon, spoke in opposition.

Ms. Katie Thwaits, Assistant County Attorney, stated the ESB should remain on topic as the public has not been noticed as to approval of the Environmental Sustainability Plan. She recommended removal of the second piece of the suggested motion regarding adoption of the plan and that an alternative could be to seek continued support of the board.

Following Ms. Thwaits recommendations, Mr. Boerigter amended the motion to then read as follows: I move that upon hearing community input concerning single use plastic bags, recognizing the desire as a scientifically-focused community to make decisions based upon clear and objective evidence, the ESB does not recommend further county action with regard to single use plastic bags, but instead strongly recommends achievement of the goals of the Environmental Sustainability Board.

Mr. Boerigter opened the floor to public comment.

Mr. Joel Williams, 51 Zuni, spoke.

Ms. Jody Benson, 3457 Pueblo Drive, spoke in opposition of the motion.

The motion failed 4 – 2. Ms. Havemann, Mr. Machen, Mr. Han, and Ms. West voted no; and Ms. Terrill and Mr. Boerigter voted yes.

Ms. West moved to form a committee to research alternative options to the reduction of plastic bags, aside from a plastic bag ban or fee, and to present to County Council. Mr. Han seconded the motion.

Mr. Boerigter opened the floor to public comment.

Mr. Chris Fischahs, , no address available, spoke in opposition.

Mr. Norm Wilson, 676 47th Street, spoke in opposition.

Ms. Iris Chung, 2875 Arizona Avenue, spoke in opposition.

Mr. Mark Jones, 520 Navajo Road, spoke.

Ms. Francine Mendoza, 130 Aragon Avenue, spoke in opposition.

Ms. Joyce Anderson, 2191 B 45th Street, spoke in opposition.

Mr. Boerigter stated that per Assistant County Attorney, Ms. Thwaites, the requirement for a motion to form a committee must contain several elements and thus concluded that if the motion were to pass it will appear as an item on the next ESB meeting agenda in order to work out further requirements. With that, Mr. Boerigter called the question.

The motion failed 5 – 1. Ms. Havemann, Mr. Machen, Mr. Han, Ms. Terrill and Mr. Boerigter voted no; and Ms. West voted yes.

Ms. Terrill moved that the ESB tell County Council no further action will be taken on the issue of plastic bag ban or fee. Mr. Boerigter seconded the motion.

Ms. Rose, North Mesa, spoke in opposition.

The motion failed 4 – 2. Ms. Havemann, Mr. Machen, Mr. Han, Ms. West voted no; Ms. Terrill and Mr. Boerigter voted yes.

- b. **FY16 Work Plan:** Ms. Gurule stated County Council approved the FY16 Work Plan. She presented an updated version as has been attached for the record. No action was taken.
- c. **Save Money And Reduce Trash (SMART):** Ms. Gurule said the program is something to consider in light of the County Council's recent approval of Environmental Services rate increases. SMART is a simple and fair unit based pricing for solid waste management. She referenced a 2010 EPA study indicating communities that have implemented pay-as-you-throw programs are seeing significant waste reductions, as much as 50%.

V. Staff Report *(Due to time restraints on the room reservation, Chair Boerigter declared the remainder of the agenda items be deferred until the next ESB meeting to be held on July 16, 2015).*

- a. **Brush and Bulk Item Collection**
- b. **NM Citizen Advisory Board Updates**
- c. **NMRC Annual Conference Update**
- d. **Chamberfest**

VI. Committee/Subcommittee Reports

- a. **Chair Report:** No report.
- b. **Board Member Reports**
 - i. **FER Ad Hoc:** Don Machen – FER Committee – No report.
- c. **Liaison Reports**
 - i. **Utility Board:** Sarah Terrill – No report.
 - ii. **Planning and Zoning:** Cliff Han – No report.
 - iii. **Transportation:** Don Machen – No report.
 - iv. **Parks and Recreation:** Sandra West – No report.
 - v. **County Council:** Rick Reiss – No report.

VII. Future Agenda Items

- a. Quarterly Pickups – Lessons Learned/Comparison 2014 vs. 2015
- b. County Water Usage

VIII. Informational Items

- a. Next Meeting: Thursday, July 16, 2015, at 5:30 p.m. in the B&C Room 110 of the Municipal Building.
- b. Next B&C Luncheon: Thursday, September 17, 2015, at 11:45 a.m. to 1:00 p.m. in Council Chambers.

IX. Adjournment

The meeting adjourned at 8:30 p.m.

Approved: _____

Steve Boerigter
Environmental Sustainability Board Chair

Date: _____

7-16-15



LOS ALAMOS COUNTY ENVIRONMENTAL SUSTAINABILITY BOARD *DRAFT MINUTES* July 16, 2015 Municipal Building, Council Chambers

Board Members Present: Steve Boerigter, Cliff Han, Suzie Havemann, Don Machen, Sandra West, and John Bliss

Councilors Present: None

Staff Present: Angelica Gurule, Katie Thwaites, and Deni Fell

Others Present: Community members at large

Materials Distributed:

- Los Alamos County Environmental Sustainability Plan DRAFT December 2014
- Why the US Recycling Industry is Feeling Down in the Dumps, Aaron C. Davis for the Washington Post
- Spring Brush & Bulk Cleanup Comparisons Graph
- Quarterly Green Waste & Bulk Collection Summer Schedule 2015
- 2015 Business Recycler of the Year
- County of Los Alamos Staff Report Canyon Rim Trail Phase 2

I. Call to Order: Chair Steve Boerigter called the meeting to order at 5:35 p.m.

II. Public Comment (for items not on the agenda): Angelica Gurule, Environmental Services Manager, thanked Steve Boerigter, Suzie Havemann, and Don Machen for their service to the community by serving on the Environmental Sustainability Board and presented each with a recognition award. Ms. Gurule also announced there will be three vacant ESB positions to fill and applications are currently being accepted.

III. Approval of June 18, 2015, Environmental Sustainability Board Minutes: Mr. Han moved to approve the minutes; Mr. Machen seconded the motion. The motion passed 5-0; Ms. Havemann was not present for the vote and Ms. Terrill was absent.

IV. Board Business

- a. Final Recommendation for Proposed Plastic Bag Ban Petition:** Mr. Boerigter asked the ESB if a member would like to offer a recommendation to County Council for action.

Ms. Havemann began by saying, "Given the goals stated in our Los Alamos County Strategic Leadership Plan, and given the mandate from our County Council at their April 14th meeting for the ESB to conduct two public meetings regarding an ordinance to ban or otherwise reduce the distribution of single use bags in Los Alamos and then offer Council options or a proposed ordinance, and given our review of public input, surveys of local businesses, initial research of similar efforts in other communities, and the fact we are here to make recommendations to Council that support environmental sustainability for our community."

Ms. Havemann moved that we ask County Council to consider and vote on one of two options:
1) In order to make a more fact-based and research-based decision regarding the use of single use plastic and paper bags, direct County staff to complete a study and report the results back to Council by a certain date; the study should address the following questions, at minimum:

- a) The results of single use bag fees in other jurisdictions, with focus on cities similar in demographics to Los Alamos;
- b) Definition of what types of businesses and bags would be included in a fee program (grocery store vs. restaurant carry-out or medical practice; grocery bag vs. smaller produce bag);
- c) The options for execution and allocation of such fees (i.e. the monetary amount, how it is collected, how it is monitored);
- d) The legal ramifications, if any, with regard to NM State Law.

2) Take no action.

Mr. Machen seconded the motion.

After a round of member feedback Ms. West proposed to amend the motion to include *“or other appropriate board or committee”* to follow *“direct County staff.”* Mr. Bliss seconded this amended motion.

Mr. Boerigter opened the floor to public comment:

Ms. Barbara Calif, 4777 Sandia Drive, spoke in opposition to the proposed amended motion, but spoke in support of Ms. Havemann’s initial motion.

The motion to amend failed 6-0; Ms. Terrill was absent.

Mr. Boerigter opened the floor to public comment:

Mr. Mark Jones, 520 Navajo Road, spoke in support of the motion as originally stated or to check with legal department with regard to directing staff.

Mr. Vernon Kerr, 85 Chiquita, spoke in opposition.

Ms. Nona Girardi, 913 Estates Drive, spoke in support of more research on the topic.

Ms. Joyce Anderson, 2191 B 45th Street, spoke in opposition.

Mr. Michael DiRosa, 3045 Orange Street, spoke in support of referring the issue to County Council.

Ms. Jody Benson, 3457 Pueblo Drive, spoke in support of the motion as stated by Ms. Havemann.

Ms. Karyl Ann Armbruster, 605 Totavi, spoke in support.

Mr. Bill McKerley, 700 Meadow Lane, spoke in opposition.

Ms. Amy Storey, 70 Barranca Road, spoke in support.

Mr. Han offered an amendment to the motion.

For clarification, Mr. Boerigter asked Ms. Havemann to re-read the first portion of the motion she proposed, *“We ask County Council to consider and vote on one of two options.”*

Mr. Han then moved to amend Ms. Havemann’s motion to read: *“We ask County Council to consider and vote on one of four options to include: 3)To propose fees on plastic and paper shopping bags; and 4)To implement a monthly prize presented to businesses for environmentally friendly actions.”*

The motion failed due to lack of a second.

Mr. Boerigter called the question for the motion, as originally stated above. The motion failed 2-4; Ms. Havemann and Mr. Machen were in favor while Mr. Han, Ms. West, Mr. Bliss and Mr. Boerigter opposed. Ms. Terrill was absent.

Mr. Han then moved the ESB recommend the County Council to set up a monthly business environmental sustainability prize. The motion failed due to lack of a second.

Mr. Bliss moved the ESB recommend to County Council an ordinance or proclamation to encourage citizens and businesses to continue efforts to reduce the use of single use plastic bags and to combine it with an educational component for citizen groups to participate while the ESB continues to track the issue for future review. Ms. Havemann seconded the motion.

Mr. Boerigter opened the floor to public comment:

Mr. Mark Jones, 520 Navajo Road, spoke in opposition.

Ms. Barbara Calef, 4777 Sandia Drive, spoke in support.

Ms. Karyl Ann Armbruster, 605 Totavi, spoke in support of elected officials making decision.

Ms. Joyce Anderson, 2191 B 45th Street, spoke in support of educational efforts however urged the ESB to pass a decision along to the County Council.

Ms. Nona Girardi, 913 Estates Drive, spoke to priorities, feasibility and fact gathering as opposed to inaction.

Mr. Brian McCool, 220 Dos Brazos, spoke in support of Open Forum.

Ms. Jody Benson, 3457 Pueblo Drive, spoke in support of offering County Council two motions as a way to support both Ms. Havemann's and Mr. Bliss' motions.

Ms. Amy Storey, 70 Barranca Road, spoke in support.

Mr. Boerigter spoke in support of a public awareness campaign as it could be an effective initiative and could potentially affect other members of County staff, such as the County's Public Information Officer and its various outreach mechanisms. He went on to rephrase Mr. Bliss' motion to read, *"I recommend County Council create an education campaign to reduce the use of single use plastic bags."* Mr. Bliss and Ms. Havemann accepted the wording and then Mr. Boerigter called the question. The motion passed 5-1; Mr. Han opposed and Ms. Terrill was absent.

- b. Hosting a Backyard Fruit Party:** Mr. Han stated the climate in recent years has not provided an opportunity for a fruit yield in our community; however, this year could be one to set an action plan into motion. The purpose would be collecting fruit to share with neighbors and to provide educational activities that could include workshops on art, how to compost, how to save water, or how to make cider. Mr. Boerigter added that this type of event could present subjective evidence for working on an educational public awareness campaign for green waste bins. This could present an alternative for throwing over-ripe fruit elsewhere instead of in trash roll carts to then be hauled away to a landfill, as a money saver. Ms. Gurule said a green bin feasibility study will begin in collaboration with New Mexico State University.

Mr. Han moved to recommend a public awareness campaign to reduce the disposal of fruit and other green waste from the waste bins. The motion was seconded by Ms. West.

Mr. Boerigter offered a friendly amendment to change the wording from *waste bins* to *solid waste stream*. Mr. Han and Ms. West accepted the friendly amendment.

Ms. Gurule reminded the ESB that a feasibility study to remove green waste from the waste stream and to collect it on a regular basis has already passed as a recommendation. Bathtub Row Brewing Co-Op was asked to attend the meeting to share suggestions for this type of community event. Unfortunately they could not attend. After further discussion, Mr. Han retracted the motion. He then moved the ESB to suggest Los Alamos County host a backyard fruit party to divert fruit from the waste bin and to educate to the public environmentally related issues. The motion failed for lack of a second.

- c. Chamberfest:** For the record, Ms. Gurule said this item should have been entitled Science Fest. She went on to say the Science Fest event is this Saturday, July 18th from 11 a.m. - 3 p.m. and would like volunteers from the ESB to help with a booth.
- d. Finalization of the Environmental Sustainability Plan:** Ms. Gurule stated the Environmental Sustainability Plan was returned to the ESB by the County Manager's Office for review and comments by newly appointed board member, Ms. West. Following her input and recommendations to update some information, it is ready to go back to the CMO for final review and approval. Ms. West moved that the latest draft of the Los Alamos County Environmental Sustainability Plan be submitted to County Council for approval. Mr. Machen seconded the motion. The motion passed 5-1; Mr. Han opposed and Ms. Terrill was absent.

- e. **Discussion Regarding US Recycling Industry Article:** Mr. Machen presented an article related to the report made by Ms. Gurule at the June 18th ESB meeting concerning mixed recycling at Friedman Recycling in Albuquerque. She commented that the recycling industry is down noting the recent change in pricing during contract renewal. Mr. Boerigter also commented about an article in the Wall Street Journal noting that when larger recycle bins are made available the quality of the stream changes and results in higher costs to recycle. Ms. West mentioned awareness and future opportunities for change in community behavior via composting or lucrative recycling such as cardboard. Ms. Gurule said a commercial dumpster audit is taking place to examine how much cardboard is going into the mixed recycling stream, and suggested that some creative marketing skills could be a leverage to entice businesses to make more conscious efforts.

V. Staff Report

- a. **Brush and Bulk Item Collection – Lessons Learned/Comparison 2014 vs. 2015:** Ms. Fell reported spring brush and bulk item numbers were up significantly in 2015 when compared with 2014 data. 59.34 tons of brush has been collected to date versus 24.36 tons of brush from the previous year, over 50%. Total trash tonnage was up as well from 106.47 in 2014 to 126.88 in 2015. Ms. Gurule noted the pickup periods are being extended over two months' time when in past would conclude after one month. If the green waste feasibility study yields results we're anticipating, quarterly collection could possibly end and be traded for a more effective program.
- b. **NM Citizen Advisory Board Updates:** Ms. Gurule reported on the LANL remediation program as it relates to RDX Royal Demo Explosives, TA-16 legacy discharge into canyons in and around Los Alamos County, removal of cancer causing carcinogens and concerns for problem areas in Martin Spring and Burning Ground Spring. There are questions being raised concerning ecological risks to wildlife when hunted and then consumed by the public. No answers have been provided as the EPA faces high explosive regulatory challenges, focusing on arsenic levels in the ground water system and chromium levels in Mortandad Canyon.
- c. **Business Recycler of the Year:** Ms. Gurule reported the Los Alamos Co+Op received the highest number of votes via Survey Monkey poll online. Ten businesses were nominated and only five responded with a brief summary of their recycling efforts and moved forward in the voting process. Timeliness has been an issue in the past, but aligning this nomination and award with Chamberfest was a success.

VI. Committee/Subcommittee Reports

- a. **Chair Report:** No report.
- b. **Board Member Reports**
 - i. **FER Ad Hoc:** Don Machen – FER Committee – Mr. Machen reported that the FER Ad Hoc committee completed their tasks at the July 15th meeting and provided serious recommendations with regard to power supply to both the Board and the Department of Public Utilities.
- c. **Liaison Reports**
 - i. **Utility Board:** Sarah Terrill – Not present.
 - ii. **Planning and Zoning:** Cliff Han – No report.
 - iii. **Transportation:** Don Machen – Mr. Machen shared a new version of the Canyon Rim Trail Phase 2 Presentation that ties into trails at Smith's Marketplace. He also shared the Transportation Board will need a new liaison from the ESB as his term nears expiration.
 - iv. **Parks and Recreation:** Sandra West – Ms. West said nothing was discussed specifically related to the ESB for the months of June and July, but she will provide an update on the park rules pertaining to dogs as well as the County's role in the new Manhattan National Park capital improvement project.
 - v. **County Council:** Rick Reiss – Not present.

VII. Future Agenda Items

- a. County Water Usage
- b. Recycle Fashion Show – Ms. Gurule stated this year’s Recycle Fashion Show will be held on November 15, 2015, and asked if anyone may be interested in emceeing this fun public event.

VIII. Informational Items

- a. Next Meeting: Thursday, August 20, 2015, at 5:30 p.m. in the Boards and Commissions Room #110 in the Municipal Building.
- b. Next B&C Luncheon: Thursday, September 17, 2015, at 11:45 a.m. to 1:00 p.m. in Council Chambers.

IX. Adjournment

The meeting adjourned at 7:51 p.m.

Approved: _____

Steve Boerigter
Environmental Sustainability Board Chair

Date: _____