


TIMOTHY M. KELLER, MAYOR

CITY OF ALBUQUERQUE
OFFICE OF THE MAYOR/ CHIEF ADMINISTRATIVE OFFICE

INTEROFFICE MEMORANDUM

TO: CITY COUNCIL

FROM: TIMOTHY M. KELLER, MAYOR 

SUBJECT: VETO OF O-22-3, REPEALING ENACTMENT NO. O-2019-008 (COUNCIL BILL NO. O-19-48) WHICH ENACTED ARTICLE 17, CHAPTER 13, ROA 1994, "THE ALBUQUERQUE CLEAN & GREEN RETAIL ORDINANCE" WHICH LIMITED THE USE OF PLASTIC SINGLE-USE CARRYOUT BAGS, CREATED A CLEAN & GREEN BUSINESS PROGRAM, AND PROVIDED FOR ADMINISTRATIVE ENFORCEMENT REGULATION

DATE: MARCH 25, 2022

As a former legislator, I write to you not taking lightly the Executive Veto power and also with the acknowledgement that this action may not ultimately stand. I am communicating my action and my reasoning to ask that City Council consider sustaining this action and postpone a wholesale repeal of the Clean and Green ordinance to allow proper study of its impact research alternatives that may better help our city achieve our sustainability goals and keep our city clean.

I also want to note that discourse on this issue has become unnecessarily divisive for our community, and resulted in some completely inappropriate personal attacks from some members of the public. These words and actions are to be condemned outright by myself, are never acceptable in our city from anyone regardless of broader political persuasion, and I trust are similarly condemned by all Councilors.

Rather than an outright repeal, there are multiple paths we can take to improve the existing ordinance, and I am committed to working with the City Council to do just that. My Administration supports the Clean and Green Ordinance and I am executing my veto authority against O-22-3, because of the current flexibility it allows for the department to best determine how it will benefit Albuquerque.

For decades the dedicated staff at Solid Waste led the recycling efforts in New Mexico. The City of Albuquerque started curbside recycling in 2012, and the sustainable innovations that started at Solid Waste continue to this day. Our employees at Solid Waste have made Albuquerque greener and we thank them.

Additionally, the Administration supports related and important policies reflected in Councilor Pena's recent resolution that will establish a framework to inform City leaders on how to increase residential recycling by 36,000 tons and a 5% commercial recycling expansion by 2025. Rather than end our Clean and Green work, our Administration finds it better to support and work with Councilor Pena, and any others who wish to further refine and improve all policies to help us be more 'clean and green.'

CITY OF ALBUQUERQUE
CITY COUNCIL

INTEROFFICE MEMORANDUM

TO: Timothy M. Keller, Mayor

FROM: Chris Melendrez, Director of Council Services *CMC 3/14/22*

SUBJECT: Transmittal of Legislation

Transmitted herewith is Bill No. O-22-3 Repealing Enactment No. O-2019-008 (Council Bill No. O-19-48) Which Enacted Article 17, Chapter 13, ROA 1994, "The Albuquerque Clean & Green Retail Ordinance" Which Limited The Use Of Plastic Single-Use Carryout Bags, Created A Clean & Green Business Program, And Provided For Administrative Enforcement Regulations (Bassan), which was passed at the Council meeting of March 7, 2022 by a vote of 6 FOR AND 3 AGAINST.

For: Bassan, Grout, Jones, Lewis, Peña, Sanchez
Against: Davis, Fiebelkorn, Benton

In accordance with the provisions of the City Charter, your action is respectfully requested.

CITY of ALBUQUERQUE

TWENTY FIFTH COUNCIL

COUNCIL BILL NO. O-22-3 ENACTMENT NO. _____

SPONSORED BY: Brook Bassan

1 ORDINANCE

2 REPEALING ENACTMENT NO. O-2019-008 (COUNCIL BILL NO. O-19-48)
3 WHICH ENACTED ARTICLE 17, CHAPTER 13, ROA 1994, “THE
4 ALBUQUERQUE CLEAN & GREEN RETAIL ORDINANCE” WHICH LIMITED THE
5 USE OF PLASTIC SINGLE-USE CARRYOUT BAGS, CREATED A CLEAN &
6 GREEN BUSINESS PROGRAM, AND PROVIDED FOR ADMINISTRATIVE
7 ENFORCEMENT REGULATIONS.

8 WHEREAS, on April 15, 2019, the City Council adopted O-19-48, “Adding a
9 New Article 17 to Chapter 13, ROA 1994, Limiting the Use of Plastic Single-Use
10 Carryout Bags; Creating an ‘Albuquerque Clean & Green Business’ Program;
11 Providing for Administrative Regulations to Carry Out the Provisions” (the
12 “Plastic Bag Ordinance”); and

13 WHEREAS, enforcement of the Plastic Bag Ordinance was paused at the
14 beginning of the pandemic to help protect frontline employees and customers
15 from the spread of COVID-19, then reinstated in August 2021 with additional
16 bag restrictions put in place at the end of 2021; and

17 WHEREAS, the bags allowed under the Plastic Bag Ordinance are
18 significantly more expensive for both consumers and businesses compared to
19 what was allowed previously; and

20 WHEREAS, local consumers, many of whom are already facing
21 considerable financial struggles, are now faced with spending dollars to
22 purchase shopping bags, in effect creating a regressive tax on our most
23 vulnerable populations; and

24 WHEREAS, some businesses have opted to use “reusable” bags and paper
25 bags as a substitute for single-use plastic bags, but these alternative bags

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1 place additional financial burdens on businesses and still take a substantial
2 toll on the environment; and

3 WHEREAS, due to supply shortages, some businesses have been unable
4 to obtain compliant bags, and many also have stockpiles of non-compliant
5 plastic bags that they can no longer use; and

6 WHEREAS, studies have shown that paper bags and “reusable” plastic and
7 canvas bags are even worse for the environment than single-use bags
8 because production involves cutting down and processing trees, increased
9 water use, toxic chemicals, fossil fuel, air pollution, and heavy machinery; and

10 WHEREAS, for example, one study found that the weight and bulkiness of
11 paper bags necessitate seven trucks to transport the same number of bags
12 that can be hauled in just one truck of plastic bags thereby increasing
13 additional negative environmental impacts; and

14 WHEREAS, although conventional plastic bags have higher environmental
15 impacts when released into the environment, studies indicate that reusable
16 bags require hundreds to tens of thousands of uses before they become more
17 environmentally efficient than single use plastic bags; and

18 WHEREAS, however, research also shows that if reusable bags are not
19 properly sanitized after each use, they can harbor and spread dangerous
20 viruses and bacteria, including E. coli, salmonella, fecal coliform, and other
21 pathogens; and

22 WHEREAS, some types of imported reusable bags have been found to
23 contain traces of toxic lead in the materials used; and

24 WHEREAS, in light of the ongoing pandemic we have become more aware
25 of the health implications associated with reusable bags, and while reuse is
26 encouraged, there are unintended health risks associated with reusable bags;
27 and

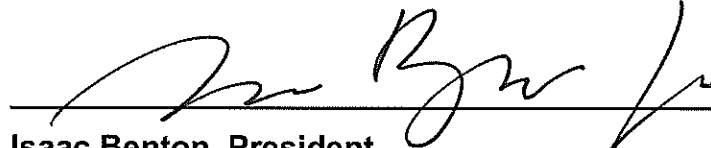
28 WHEREAS, the Plastic Bag Ordinance has placed unintended burdens on
29 both consumers and local businesses, without demonstrating its
30 effectiveness at preventing waste and protecting the environment; and

31 WHEREAS, the decision regarding what type of bag to use should be left to
32 consumers and businesses to decide; and

1 WHEREAS, while the ban on single-use plastic bags had good intentions,
2 evidence has shown that this effort is counterproductive, and that reusable
3 and paper bags also have negative effects on both the economy and the
4 environment without remarkable benefits.
5 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
6 ALBUQUERQUE:
7 SECTION 1. Enactment No. O-2019-008 (Council Bill No. O-19-48) is hereby
8 repealed in its entirety. Chapter 13, Article 17 of the Revised Ordinances of
9 Albuquerque, New Mexico 1994 shall be re-labeled as "REPEALED."
10 SECTION 2. City Council commits to prioritizing alternative approaches to
11 addressing plastic bag waste and litter, and will work with Solid Waste in the
12 upcoming budget cycle to explore improvements to the City's recycling efforts
13 related to plastic bag use.
14 SECTION 3. COMPILATION. The ordinance amendment prescribed by
15 SECTION 1 shall amend, be incorporated in, and be made part of the Revised
16 Ordinances of Albuquerque, New Mexico 1994.
17 SECTION 4. EFFECTIVE DATE. This ordinance shall take effect five days
18 after publication by title and general summary.


1 PASSED AND ADOPTED THIS 7th DAY OF March, 2022
2 BY A VOTE OF: 6 FOR 3 AGAINST.

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4 For: Bassan, Grout, Jones, Lewis, Peña, Sanchez
5 Against: Davis, Fiebelkorn, Benton
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10 Isaac Benton, President
11 City Council
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15 APPROVED THIS 25 DAY OF March, 2022
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18 Bill No. O-22-3
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23 Timothy M. Keller, Mayor
24 City of Albuquerque
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28 ATTEST:
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31 _____
32 Ethan Watson, City Clerk
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