

## Ordinance Committee Meeting Minutes October 27<sup>th</sup>, 2015

Present—Councilors McBrady, Kitchell and Anderson

Staff—Kimberly and Nathan, attorney Amy Tchao

Colin Elis from Forecaster

1. Approve past meeting minutes—tabled
2. Review and discuss draft Ordinance for regulating single-use shopping bags
3. Discussion of split fee system for regulating single-use shopping bags
4. Implementation and next steps
5. Adjourn

Is this a good policy direction? Rather than reinventing the wheel this seems to be a good regional approach. What's the difference between our languages and Portland/South Portland? Portland applies by 2% where ours is by square footage. This ordinance targets the big distributors of single-use bags rather than the smaller stores. Exemptions are kept the same, but in this language there is an exemption for greenhouses—retail store definition included their outdoor space, defining a store to 10,000 square feet and exempting greenhouses made sense.

How do we enforce this? Self-enforcement. It's in a business's best interest to comply in the public's eye. Conversation of state of emergency and if that language should be in the draft.

Findings section—"severe negative impacts" should be changed to "negative impacts". Findings—are they all necessary? Can these be summarized in the purpose and intent statement? Include first finding into purpose and intent. Group went through the findings and edited them. Removing and combining specific findings, brings the list from 13 to 7.

Discussed the millimeter thickness within the reusable bag definition

Basepoint data before the ordinance goes into effect.

Policy options—is 5 cents enough to actually change behavior? What if we went to 10 cents? And required half of the revenue be sent to the town to offset trash collection costs/ecomaine costs?

Initial research, short answer, this issue is being litigated in Colorado and Texas. In Colorado, 10 cent fee, 4 cent for retail, 6 cents for town. This is a fee and not a tax, but tax-payer rights groups across the country coupled with plastic bag manufactures aren't afraid to litigate across the country. If we go with a split fee to pool money into a fund, it will be important to call those findings out within the ordinance which the fund would be mitigating. Plan to readdress this when we know more.

Not including the food assistance exemption.

Next steps—

Need to recommend something specific and concrete to the Town Council for the November 9<sup>th</sup> meeting. Would like to see the changes before the Ordinance committee votes and brings to the council for November 4<sup>th</sup>/ 5<sup>th</sup>. Need a substance of policy differences between Falmouth and Portland.

Monday, November 2<sup>nd</sup> 9:30am will be the next Ordinance committee meeting.

Introduction on November 9<sup>th</sup>

Public hearing at meeting in December (need to meet the advertising deadline)

Order first meeting in January

Is there a way to get to the 6 businesses?

April 1<sup>st</sup> implementation date

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Additional discussion:

Discussion of holiday lights for route one.

Additional discussion on regional assessment and assessment options to discuss with the Town Council.