

After careful consideration I have concluded that I will VETO White Salmon Ordinance 2019-10-1053

I am a strong supporter of the proposed ban on single use plastic bags and reducing the use of single use paper bags! I believe it is the right thing to do and reflects the environmental concerns of our community members. So why am I vetoing the Ordinance Adopting White Salmon Municipal Code Chapter 8.50 single-use Carryout Bags? I believe there is a better way to accomplish our shared goal of eliminating single use plastic bags.

What we don't want to happen is what happened in Hood River where initial support for a similar ban disappeared when the fee was implemented and in the end, while the ban stood, the fee was withdrawn. I think we can learn a lesson from Hood River's experience and avoid the unnecessary drama and disunity they experienced.

I don't believe we need a mandatory fee of 10 cents per bag to gain compliance with this ban.

One thing I have come to believe in my years as your Mayor is that the citizens of White Salmon are a remarkable group of individuals who are committed to doing what is right and best for the environment. I don't think our citizens have to be begged or beaten into supporting this ban on single use plastic bags.

I would like to propose an alternative, based on the ordinance passed by Council October 2, 2019:

8.50.030 Regulations.

A. Requirements for Paper Bags. When a retail establishment makes a barrel sized paper bag or larger available to a customer at the point of sale, the bag shall meet the definition of a "recycled content paper carryout bag." For barrel size paper bags or larger, retail establishments are strongly encouraged to charge the customer a fee of reasonable pass-through charge of not less than 10 cents per bag.

~~1. No retail establishment shall rebate or otherwise reimburse a customer any portion of the 10-cent (\$0.10) pass-through charge.~~

21. If a retail establishment charges a fee per bag. All the retail establishments must indicate on the customer receipt the number of recycled content paper carryout bags provided and the total amount charged for the bags.

32. All monies collected by a retail establishment under this chapter will be retained by the retail establishment. The pass-through charge is a taxable retail sale.

3. For year 2020, there is no required fee per bag. Retail establishments may charge a per bag fee at their discretion. The White Salmon City Council shall review the required per bag fee in January of each year thereafter and may adopt a per bag fee by Resolution.

B. Requirements for Plastic Bags. A retail establishment may provide to any customer at the point-of-sale a plastic reusable carryout bag as defined in Section 8.20.010 G. For each plastic reusable carryout bag provided by the retail establishment, it shall collect a pass-through charge of not less than 10 cents (\$0.10).

1. No retail establishment shall rebate or otherwise reimburse a customer any portion of the 10-cent (\$0.10) pass-through charge.

2. All retail establishments must indicate on the customer receipt the number of plastic reusable carryout bags provided and the total amount charged for the bags.

3. All monies collected by a retail establishment under this chapter will be retained by the retail establishment. The pass-through charge is a taxable retail sale.

4. No retail establishment in the City shall provide or make available single-use plastic carryout bags.

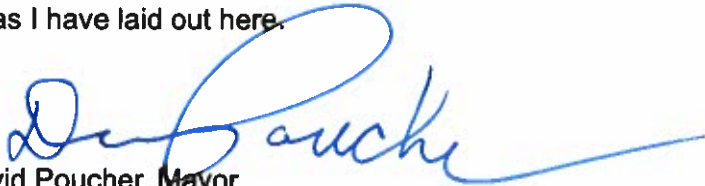
C. Exceptions. No retail establishment may collect a pass-through charge from anyone using a voucher or electronic benefits card issued under programs including, but not limited to, Women Infants and Children (WIC); Temporary Assistance to Needy Families (TANF);

Federal Supplemental Nutrition Assistance Program (SNAP), also known as Basic Food; and the Washington State Food Assistance Program (FAP).

By addressing the fee in the form of a resolution, it cannot be vetoed and the city council is allowed to evaluate the objective of reducing single-use bags adjusting the fee appropriately, i.e. if the objective is being met then there would be no fee and if the objective is not being met then a fee would be implemented.

I believe that my veto respects the interests and views of all parties involved in this issue. When we are crafting legislation we are working with our friends, neighbors and co-workers. I believe the alternative I have put forward is a middle ground that results in a win/win solution for all involved. I look forward to signing a revised single use plastic bag ban that incorporates the ideas I have laid out here.

/S/

A handwritten signature in blue ink, appearing to read "D. Poucher", with a long horizontal flourish extending to the right.

David Poucher, Mayor
City of White Salmon

phrase of this Chapter. Nothing in this ordinance is intended to create any requirements, power or duty that conflicts with any federal or state law.

SECTION 3 – EFFECTIVE DATE. This ordinance shall take effect January 1, 2020 following the date of its publication by summary.

PASSED by the City Council of the City of White Salmon at a regular meeting this 2nd day of October, 2019.

Veto  *10/11/19*

David Poucher, Mayor

ATTEST:

Jan Brending, Clerk/Treasurer

APPROVED AS TO FORM:

Kenneth B. Woodrich, City Attorney