

TOWN OF EATONVILLE

Agenda Staff Report

Agenda Item No.: _____
Subject: An ordinance of the Town of Eatonville
adding a new chapter 2.66 “Purchasing”
and new sections regarding compost
procurement

Meeting Date: January 23, 2023
Prepared by: Greg Jacoby
Town Attorney
Atty Routing No: 005-23
Atty Review Date: January 18, 2023

Summary: In March 2022, the Washington State Legislature passed a new law (HB 1799) regarding organic materials management. The stated intent of the bill is to reduce methane emissions associated with organic materials through the diversion of organic materials from landfills by encouraging and supporting productive uses of organic material, including uses for landscaping and as a soil amendment at construction sites.

The new bill requires cities and towns to adopt a compost procurement policy by January 1, 2023 if 1) they have a population of 25,000 or more; or 2) if organic materials (yard waste) collection services are provided at least 26 weeks out of the year. Eatonville meets the second criteria and is therefore required to adopt a compost procurement ordinance.

The attached ordinance is modeled after a similar ordinance that is before the Pierce County Council. It tracks the minimum requirements set forth in HB 1799, which is codified at RCW 43.19A.150.

By creating a new chapter 2.66 “Purchasing,” the town will have a place in the municipal code to codify other purchasing policies should it choose to do so.

Recommendation: Staff recommends approval of the first reading of Ordinance No. 2023-1

Motion for consideration: I move to approve the first reading of Ordinance No. 2023-1

Fiscal Impact: Unknown

Attachments: Ordinance No. 2023-1

ORDINANCE NO. 2023-1

**AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON,
ADDING A NEW CHAPTER 2.66 “PURCHASING” AND NEW
SECTIONS REGARDING COMPOST PROCUREMENT**

WHEREAS, Whereas, Engrossed Second Substitute House Bill (ESSHB) 1799 was passed by the Washington State Legislature in March 2022; and

WHEREAS, the goal of ESSHB 1799 is to increase the diversion of organic materials going to landfills in order to reduce methane gas emissions using other productive uses of organic material wastes, including “encouraging cities and counties to procure more of the compost and finished products created from their organic material”; and

WHEREAS, ESSHB 1799 added a new section to Chapter 43.19A of the Revised Code of Washington (RCW), now codified as RCW 43.19A.150, which requires all cities, towns, and counties with populations of 25,000 or more or smaller jurisdictions where organic materials collections services are provided at least 26 weeks of the year to adopt a compost procurement ordinance to implement provisions of RCW 43.19A.120; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS
FOLLOWS:**

Section 1. Title 2 is hereby amended by adding a new Chapter 2.66 “Purchasing” to read as set forth in Exhibit A, a copy of which is attached hereto and incorporated by this reference.

Section 2. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 01/23/2023
2ND READING: 02/13/2023

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk
in authentication of such passage this ____ day of February 2023.

David Baublits
Mayor

ATTEST:

Miranda Doll
Town Clerk

APPROVED AS TO FORM:

Gregory A. Jacoby
Town Attorney

EXHIBIT A

Chapter 2.66 Purchasing

Sections:

2.66.010 Definitions.

2.66.020 Compost Procurement.

2.66.010 Definitions.

“Compost Products” shall have the meaning defined in RCW 43.19A.010, as now or hereinafter amended.

2.66.020 Compost Procurement.

A. When planning government-funded projects or soliciting and reviewing bids for such projects, the Town of Eatonville shall consider whether compost products can be used in the project. If compost products can be used, they must be used for projects in at least the following categories:

1. Landscaping Projects.
2. Applications for erosion prevention, stormwater runoff filter, vegetative growth, or to improve the longevity of roads.
3. Construction and postconstruction soil amendments.
4. Low-impact development of green infrastructure to filter pollutants or to keep water onsite, or both.

B. Notwithstanding subsection A of this Section, Eatonville Departments are not required to procure, use, or require the use of compost or may use an alternate material if:

1. Compost products are not available to purchase.
2. Compost products are not available within a reasonable time or distance to the location where the work is being performed.
3. Available compost products do not comply with existing purchasing standards.
4. Available compost products do not comply with federal, state, or local health, quality, and safety standards.
5. Compost purchase prices are not reasonable or competitive.

C. The Mayor and Town Administrator are delegated the authority to provide any reporting to the State of Washington required by RCW 43.19A.150(5), as now or hereinafter amended.