

City of Stanwood



City Council Packet

Stanwood City Council Regular Meeting

Thursday, June 13, 2024



AGENDA
CITY COUNCIL REGULAR MEETING
June 13, 2024 | 7:00 p.m.

Stanwood-Camano School District, Admin. Building Board Room
26920 Pioneer Highway, Stanwood, WA 98292

Members of the public may attend Stanwood City Council meetings
in-person or via Zoom. The Zoom link is posted on the City's website calendar
<https://www.stanwoodwa.org>

- 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. APPROVAL OF THE AGENDA**
- 4. PRESENTATIONS - NONE**
- 5. PUBLIC COMMENTS**
 - Verbal comments may be provided in-person.
 - Written comments must be provided to the Clerk by 12:00 p.m. the day of the meeting via this link: <https://stanwoodwa.org/FormCenter/City-Clerk-5/City-Council-Meeting-Remote-Public-Comme-61>
 - Remote (online or phone-in) comments can be received by reasonable accommodation only. Any requests for reasonable accommodation for remote participation, must be sent in writing to the City Clerk at cityclerk@stanwood.wa.us by 12:00 p.m. the day of the meeting.
- 6. STAFF / DEPARTMENT REPORTS**
 - Police Compstat Report – May **6.1**
- 7. COUNCIL COMMITTEE REPORTS**
 - Parks and Trails Advisory Committee Meeting Minutes – April 15, 2024 **7.1**
- 8. CONSENT AGENDA**
 - a. Approve Vouchers and Payroll Checks **8.1**
 - b. Approve City Council Regular Meeting Minutes – May 23, 2024 **8.5**
 - c. Approve Second Reading and Adoption of Ordinance 1534 Complete Streets **8.11**
- 9. UNFINISHED BUSINESS**
 - Approve Third and Final Reading and Adoption of Ordinance 1531 **9.1**
 - Fireworks Code Amendment
- 10. PUBLIC HEARING: NONE**
- 11. NEW BUSINESS**
 - a. Approve First Reading of Ordinance 1533 Compost Procurement Code Amendment **11.1**
 - b. Adopt Resolution 2024-09 Storefront Improvement Program Amendment **11.47**
 - c. Authorize the Mayor to Sign a Contract with KPG for Construction Management of the Viking Way Phase II Project **11.61**
- 12. PUBLIC CLOSING COMMENTS**
- 13. EXECUTIVE/LEGISLATIVE REPORTS**
 - a. Mayor's Report
 - b. City Administrator's Report
 - c. Councilmember's Reports/Questions
- 14. RECESS TO EXECUTIVE SESSION - NONE**
- 15. ADJOURN**

Upcoming Meetings:

Thursday, June 27, 2024 City Council Meeting 7:00 pm
Thursday, July 11, 2024 City Council Meeting 7:00 pm



**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: **6a**

DATE: June 13, 2024

SUBJECT: Police Compstat

CONTACT PERSON: Reports Chief Jason Toner

ATTACHMENTS: A – May 2024 Compstat

SUMMARY STATEMENT

Attached is the May 2024 Compstat Report for council review.

Stanwood Police Department CompStat Report



City of Stanwood Police Chief Jason Toner

Prepared by: Snohomish County Sheriff Office Crime Analysis Unit and Stanwood Police Department

MAY 2024

Stanwood Police Department

COMPSTAT REPORT



What is CompStat?

CompStat stands for 'Computer Statistics' dealing specifically with crime. It is found to be an effective way to accurately track crime and use the information to deploy officers to address it in timely manner. It is a performance management system that is used to reduce crime and achieve other police department goals. It emphasizes information-sharing, responsibility and accountability and improving effectiveness.

What is the benefit to the community?

CompStat allows us to track crime problems and allocate resources to the areas that are being affected. By being able to focus our efforts on areas being impacted, we are able to make apprehensions and drive down crime in Stanwood.

How is data collected?

Crime Analysts access a variety of systems to collect and analyze law enforcement data. Data collection begins at the 911 call center (SNO911) and carries over into law enforcement records management systems (LERMS). Much of the information presented in this report is also reported to state and federal agencies annually.

What data will you see in this report?

What occurred within the city limits of Stanwood and calls responded to by the Stanwood Police outside the city.

This is a true representation of all police activity occurring in the City of Stanwood, you will see these calls listed as "In the STW Beat". On occasion, Stanwood Police officers will be called outside the city to assist other agencies. We also have deputies who live outside of the city so on occasion they will make a traffic stop or respond to a nearby call while commuting to work. You will see these call listed as "Answered by STW ORI"

Incident data:

This represents what police were called to and includes self-initiated activity. Multiple 911 calls for the same incident are presented as a single incident.

Case data:

An incident becomes a case when the deputy determines reporting protocol is met. A case is often generated based on a specific crime, traffic collisions, arrest or the need to document specific actions or information.

MAY 2024

Stanwood Police Department

POLICE STAFFING



The City of Stanwood contracts for law enforcement services through the Snohomish County Sheriff's Office. The contract is identified as a "stand alone" contract, which allows the City of Stanwood to maintain its own police identity to include policies and procedures that meet unique small city needs. All uniforms and vehicles are identified as Stanwood Police and we provide services to the city population of approximately 8,405.

DIVISIONS:

CHIEF OF POLICE: Has the rank of Lieutenant with the Sheriff's Office. Oversees all aspects of the Police Department daily operations. The Chief works with city staff to ensure community needs are met.

ADMINISTRATIVE SERGEANT: Administers the day-to-day administrative functions of the Police Department and oversees the day shift deputies, School Resource Officer and Detective. Steps in as the Chief of Police when the chief is absent.

NIGHT SERGEANT: Oversees the swing shift and night shift deputies.

PATROL DIVISION: Responds to crimes in progress, traffic collisions, missing persons, and other emergency and non-emergency calls for service.

SCHOOL RESOURCE OFFICER: Utilizes the concept of educator, informal counselor, and law enforcer; working to bridge the gap and build relationships between law enforcement and youth.

DETECTIVE: Works in conjunction with patrol and the resources of the Snohomish County Sheriff's Office to investigate a broad range of felony- and misdemeanor-level crimes that occurred in the City of Stanwood.

	ASSIGNED	VACANCIES	PERCENTAGE
Chief	1	0	100%
Sergeant	2	0	100%
Deputy	6	0	100%
School Resource Officer No longer a PD employee - SCSO contract	1	0	100%
Detective	1	0	100%

MAY 2024

Stanwood Police Department

RECORDS UNIT



Records Summary: Job duties include, but are not limited to, the following;

- Provide administrative support for all members of the Stanwood Police Department.
- Assist the Chief of Police with police budget tracking and review.
- Verify and code all incoming invoices for the Police Department.
- Ordering of supplies for the department, and special events.
- Subject matter expert for the Law Enforcement Records Management System (LERMS) used by Stanwood Police Department.
- Manage all Stanwood Police Department documents and records.
- Review all electronic case file entries and information for accuracy.
- Scan paper records into electronic case files.
- Forward criminal arrest referrals to the Prosecuting Attorney's Office.
- Enter trespass notices, gun alerts, and other safety alerts into the agency's electronic records management system.
- Route Child Protective Services & Adult Protective Service referrals.
- Maintain department case file and document archives per Washington State records retention/destruction schedules.
- Responsible for federal reporting of crime statistics to the National Incident Based Reporting System (NIBRS).
- Run monthly case audits and records validations.
- Enter court orders, missing persons, vehicle impounds, lost or stolen property, stolen vehicles, etc. into Washington Crime Information Center and National Crime Information Center (WACIC/NCIC).
- Provide second checks for all entries made into Washington Crime Information Center and National Crime Information Center (WACIC/NCIC).
- Conduct background checks for concealed pistol license and pistol transfers applications.
- Provide fingerprint services for concealed pistol license applicants and citizen fingerprints.
- Review and fulfill public records requests within the guidelines of the Public Records Act.
- Create/update/maintain all process, procedure, and training manuals for the position.
- Serve as Stanwood Police Department's Terminal Agency Coordinator for the Washington State Patrol ACCESS program.
- Assists with walk-in and telephone customers, averaging 8,000 yearly contacts.
- Route calls to 911 and non-emergency dispatch.
- Respond to requests for service and answer general questions.
- Manage key & key fob assignments for City of Stanwood employees.

	2024	2023	2022	2021	Year to Date
Public Records Requests	35	63	32	24	206
Concealed Pistol License Issued	39	50	40	23	155
Pistol Transfer Checks The PD no longer processes Pistol transfer checks. As of Feb 1st they are done by WSP for the entire state	0	29	38	40	YTD total adjusted to correct entry error from January 1
Fingerprinting & Approximate Time	36 9.0 hrs	22 5.5 hrs	23 5.75 hrs	30 7.5 hrs	71 17.75 hrs

MAY 2024

Stanwood Police Department

Message from the Chief



This past Saturday there was a tragic three vehicle collision resulting in the death of an elderly female on the Stanwood side of the Mark Clark Bridge. This fatality collision resulted in the State Route 532 being reduced to one lane going to Camano Island and a severe traffic back-up in Stanwood. There have been a few angry comments on social media about why wasn't traffic control handled better in town and why the road was closed for so long.

There are a few reasons why there was not a more robust traffic control plan implemented. At the time of the collision, there was one officer working in town and he immediately responded to the scene. An Island County Deputy responded from Camano Island and a Snohomish County Deputy responded from Arlington to help with traffic control on SR-532. The location of the collision made a detour impossible as it was past any intersecting city streets. Additionally, with it being a Saturday and events scheduled on Camano Island, traffic was higher than normal.

Due to the collision being a fatality the Snohomish County Collision Investigation Unit is required to respond and investigate, which added to the time SR-532 was going to be closed. In total law enforcement was on scene for over six hours, alternating east and west bound traffic every ten minutes. In short, the reason traffic was impacted for so long in Stanwood was because it was a fatality collision on the only road onto the island and there are not enough police officers working to have more than two deputies on traffic control.

Citizens Patrol

This past month our citizen patrol volunteers have been out patrolling our local business and neighborhoods. Their basic function is to be extra eyes for the Stanwood Police Department and to be a visual deterrent for criminals who want to commit crimes in our city. They do house checks for people who are on vacation, checks of our parks, checks of our business shopping areas such as Haggen's, QFC, YMCA, etc., and if they see anything suspicious, they will report it to the officer on duty by means of the police radio or by calling them via cellphone. Our citizen patrol volunteers are instructed to not confront anyone when seeing suspicious activity but are encouraged to interact with the public as a liaison of the police department. The citizen patrol will always be paired of 2 or more volunteers when on patrol for safety reasons and accountability.

Our two inaugural members Gary Reinecke and Dave Herrera were interviewed by the Stanwood Camano News spoke about how the "Citizen Patrol program has been a perfect opportunity to learn while giving back to the community". Please stop by the June 7th Farmers Market and say hello to our volunteers, who will be handing out information out the Citizens Patrol.

Chief Toner

MAY 2024

Stanwood Police Department

Detective Report



Stanwood Police Case 2024-1392

Identity Theft and Forgery

On 04-28-2024 the Stanwood Post Office reported mail stolen from the drop box outside the building. Staff told police the drop box door had been pried open.

On 05-17-2024 Sgt. Gilje contacted a woman at the Stanwood Police Department reference fraudulent activity on her checking account. The woman mailed a check to State Farm using the Stanwood Post Office drop box on 04-27-2024.

The woman later learned the check had been stolen and deposited into a Capital One bank account after the payee and amount was changed.

Detective Martin wrote an affidavit supporting a search warrant for Capital One bank to obtain records associated with the person who deposited the forged check.

There have been several reports of mail theft from Post Office drop boxes and Post Offices in Snohomish County over the last six months. Some of the incidents involved the use of stolen Post Office master keys.



MAY 2024

Stanwood Camano School District SCHOOL RESOURCE OFFICER

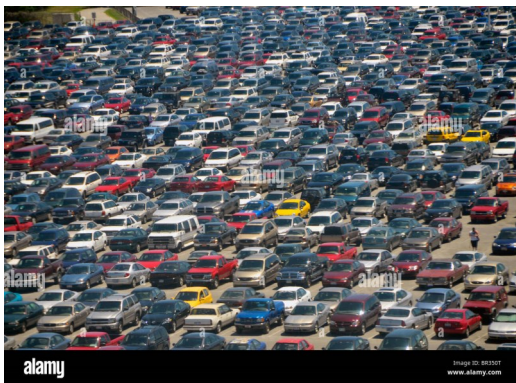


PROM 2024

The 2024 Stanwood High School Senior Prom had a change of venue this year. Instead of being held at Thomas Family Farm in Snohomish, it was held at the Rosehill Community Center in Mukilteo. It was a great venue and all the attendees had a great time. The Stanwood Camano News did a good article on our own Steve Amtower highlighting his participation in our past proms, always renting and bringing his fancy rental cars for the kids to take pictures in. We are lucky to have Steve be a part of our proms.

SCHOLARSHIP NIGHT 2024

May 29th Stanwood and Lincoln Hill High Schools held their 2024 Scholarship Night. The Stanwood Camano Area Foundation handed out a record \$320,390 in scholarships to 148 well-deserving graduating Seniors. 122 donors in the community stepped up to provide scholarship awards to our soon to be graduates.



PARKING LOT FULL!

Grumblings from parents and students are being heard about the lack of parking at Stanwood High School. New drivers toward the end of the year do not get assigned parking due to lack of spaces. Some students currently park at Haggen or Church Creek Park (no extended parking). Stanwood High admin and security are looking for ways to alleviate this issue. We're hoping students don't start parking in area neighborhoods again.

MAY 2024



The following pages cover incidents data. This is also known as calls for service. If 30 people call because there's a wreck in front of Haggens, it counts here once.

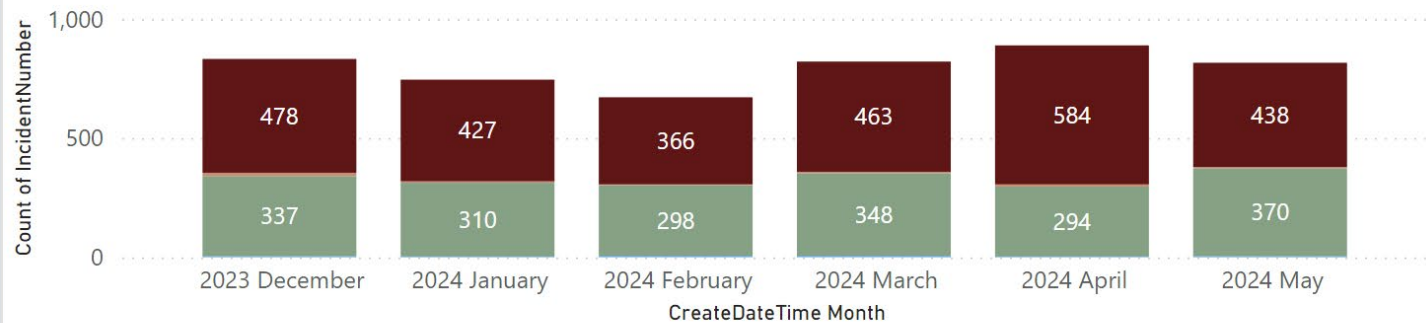


Previous Month Over Time

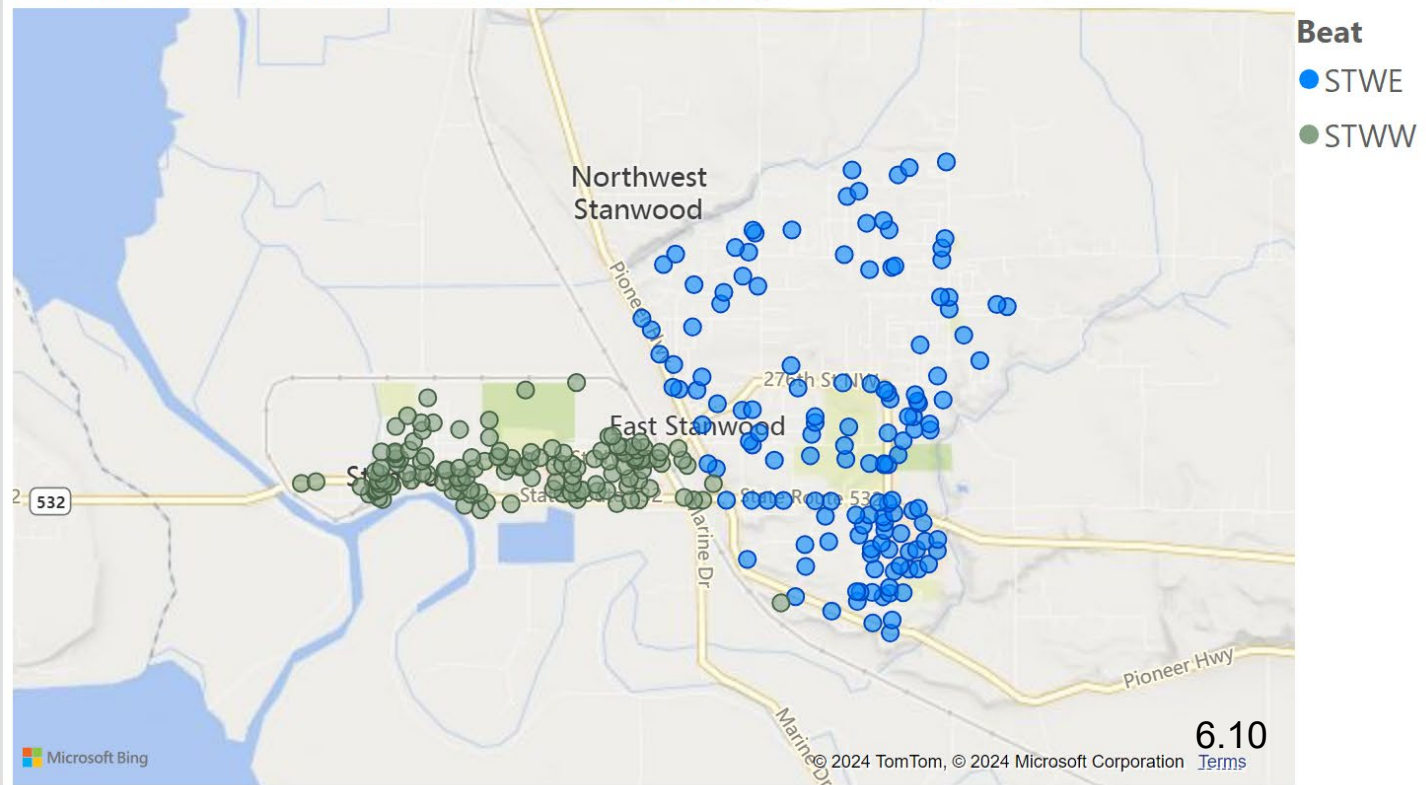
TOTAL INCIDENTS - ALL ORIS inside STW

Total Incident Counts, Past 6 Full Months by Origination Type

Call Origination (Blank) 911 call ASAP Officer-Initiated

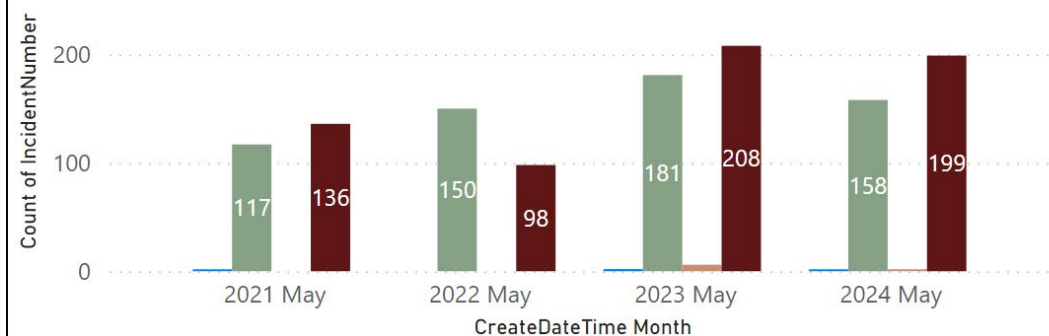


All incidents Past 1 Month - excludes victim privacy concerning incidents



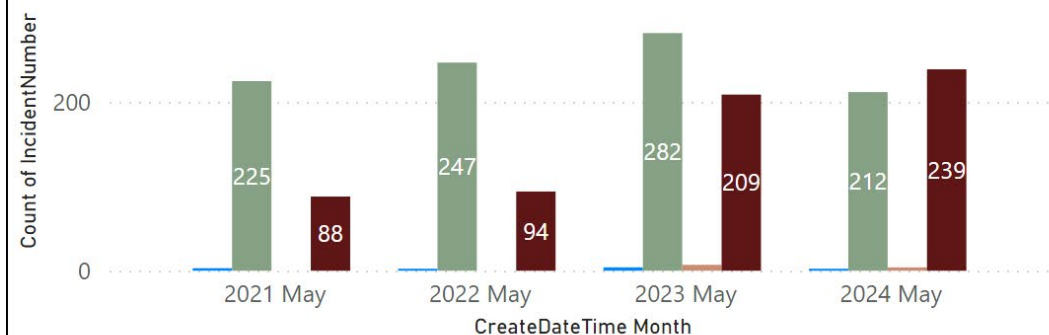
Stanwood West, Incidents by Origination

Call Origination (Blank) 911 call ASAP Officer-Initiated



Stanwood East, Incidents by Origination

Call Origination (Blank) 911 call ASAP Officer-Initiated

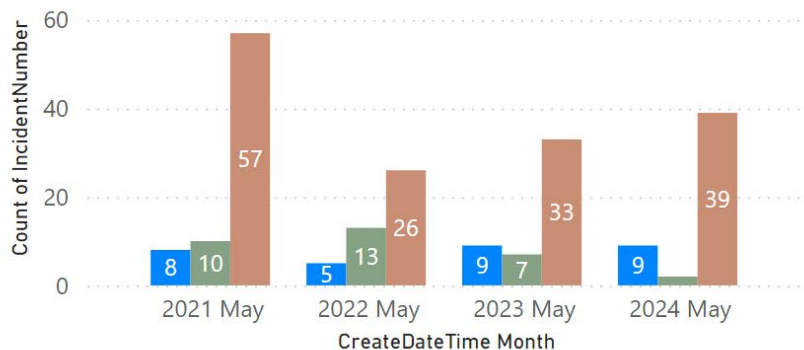




Previous Month Over Time

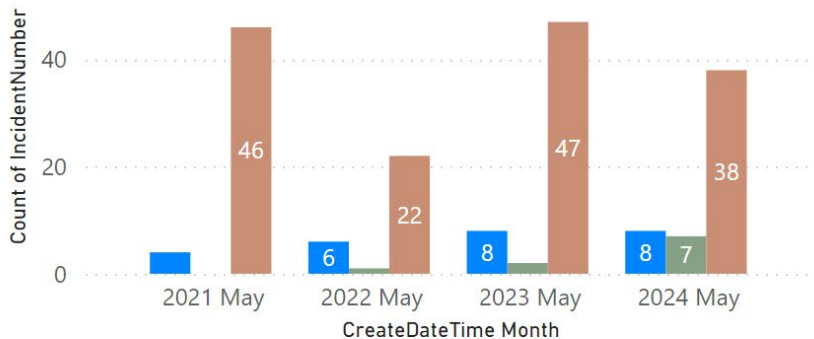
Stanwood West

IncidentType Collision DUI Traffic



Stanwood East

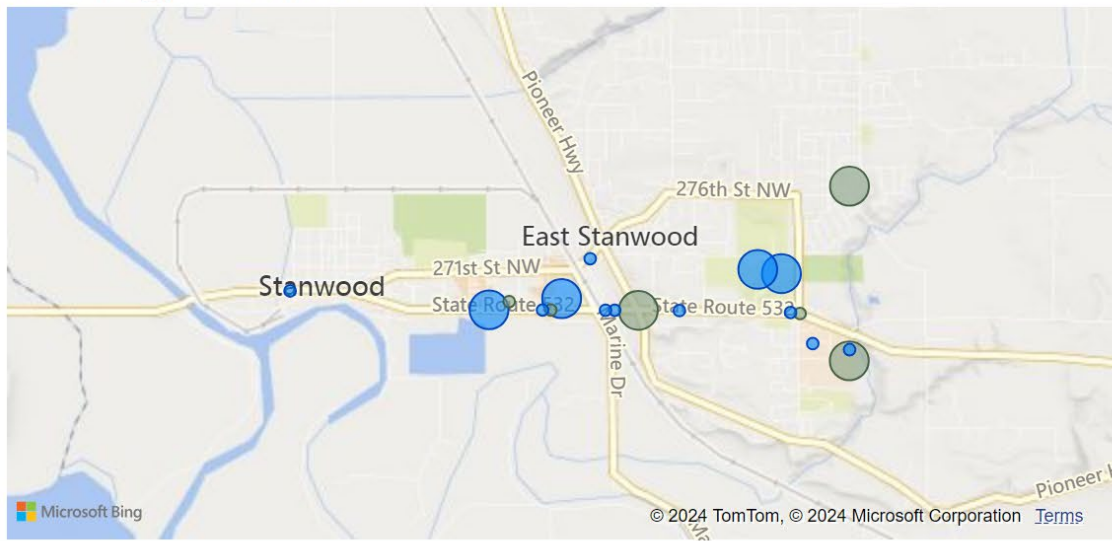
IncidentType Collision DUI Traffic



Collision, DUI, and Traffic INCIDENTS

Previous Month, Current Year

IncidentType Collision DUI

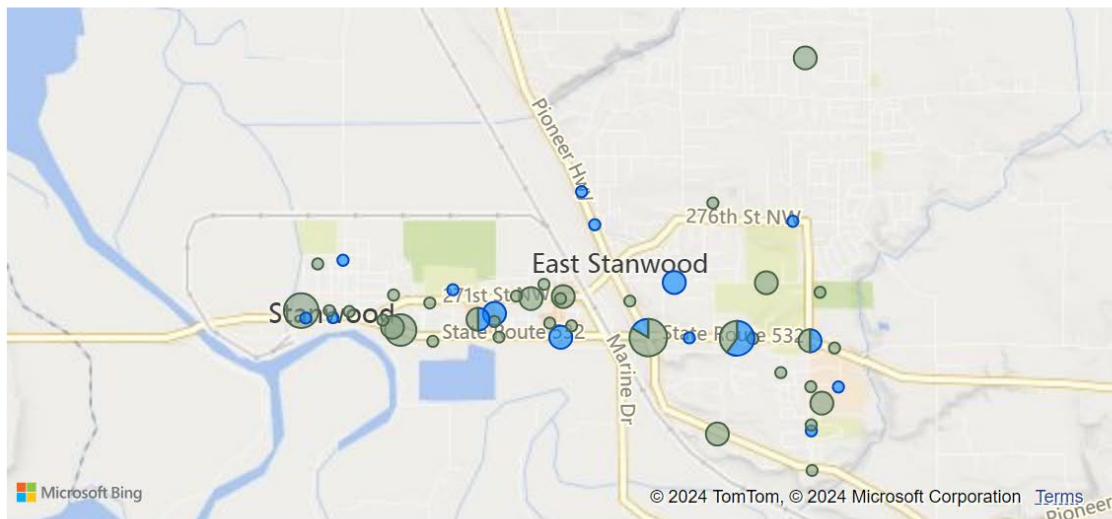


STWW & STWE

Year	Collision	DUI
2023		
December	17	6
2024		
January	19	5
February	17	2
March	15	5
April	9	13
May	17	9

Traffic - Previous Month, Current Year

Call Origination 911 call Officer-Initiated



STWW & STWE

Year	Traffic
2023	
December	110
2024	
January	98
February	52
March	80
April	86
May	77



Tickets - To Current Date, Current Year

Data begins in 2021, due to lack of tickets issued in 2020 (due to covid lockdowns).

of Tickets - This CY

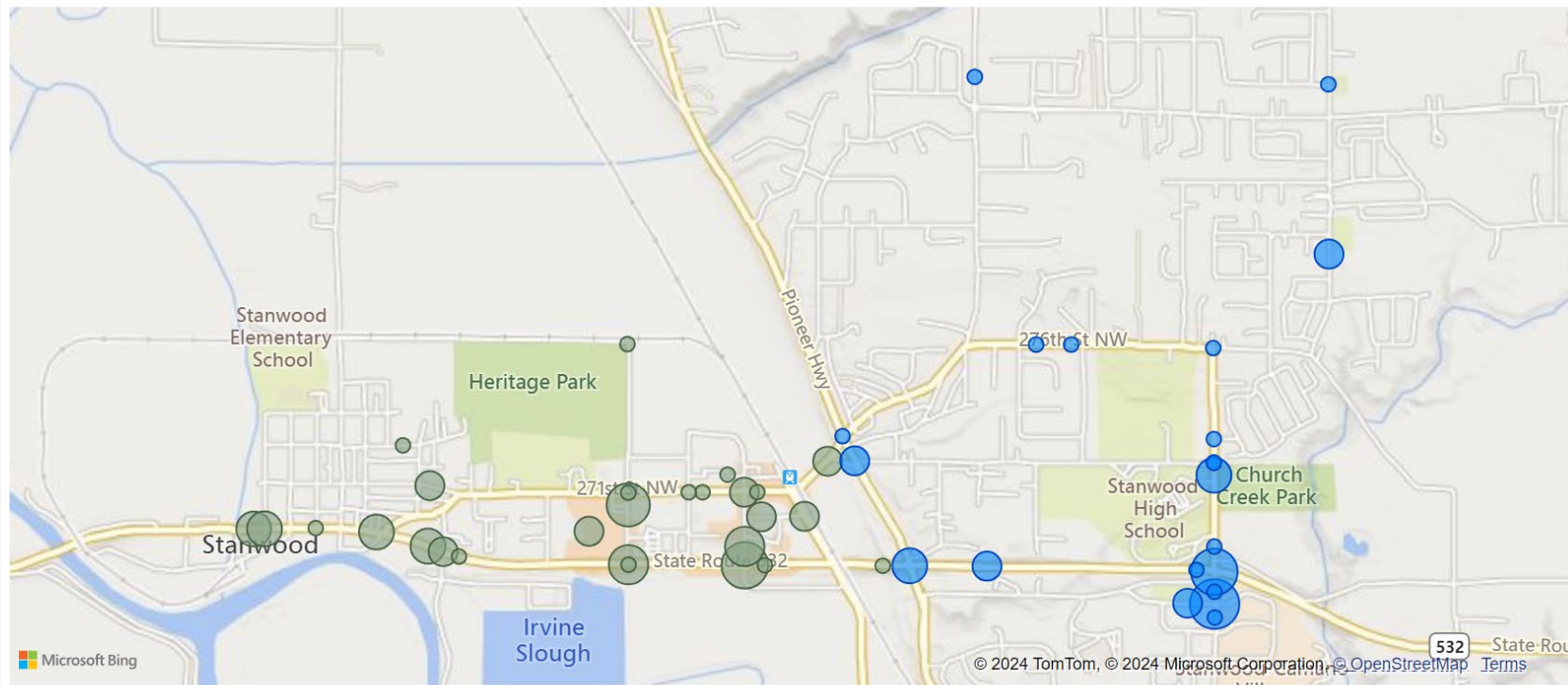
71

of Citations - This CY

97

Location of Citations this CY

Beat ● STWE ● STWW



Total Tickets

Month	2023	2024
January	18	20
February	36	16
March	16	13
April	16	24
May	23	24
June	30	
July	9	
August	36	
September	38	
October	102	
November	26	
December	28	

How Many Tickets Had More than One Citation? 2022 to present

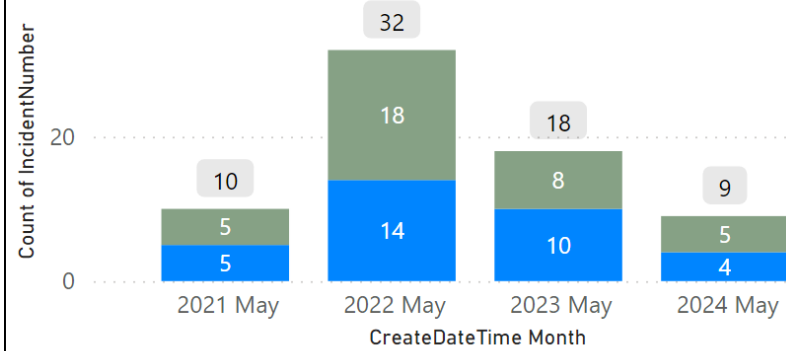
88



Alarms

Alarms

Beat ● STWE ● STWW

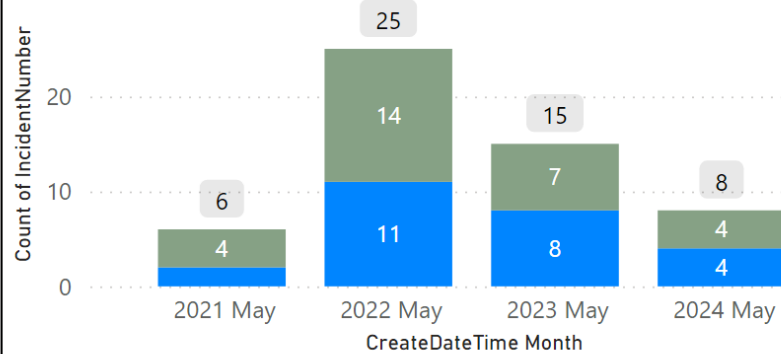


STWW & STWE

Year	Alarm
2023	
December	20
2024	
January	12
February	13
March	18
April	21
May	9

Alarms that were False Alarms

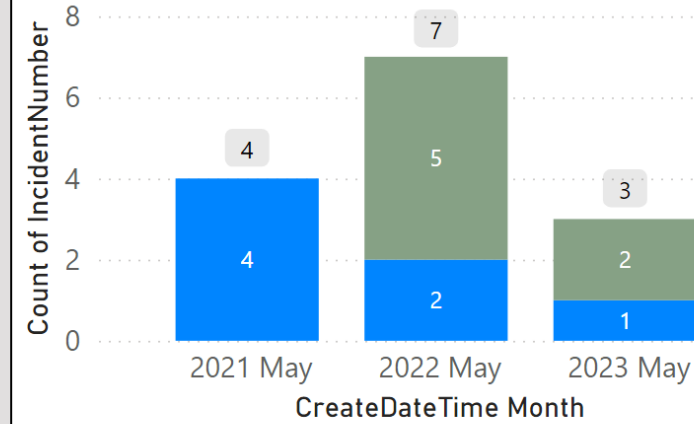
Beat ● STWE ● STWW



Abandon Vehicles

Abandon Vehicles

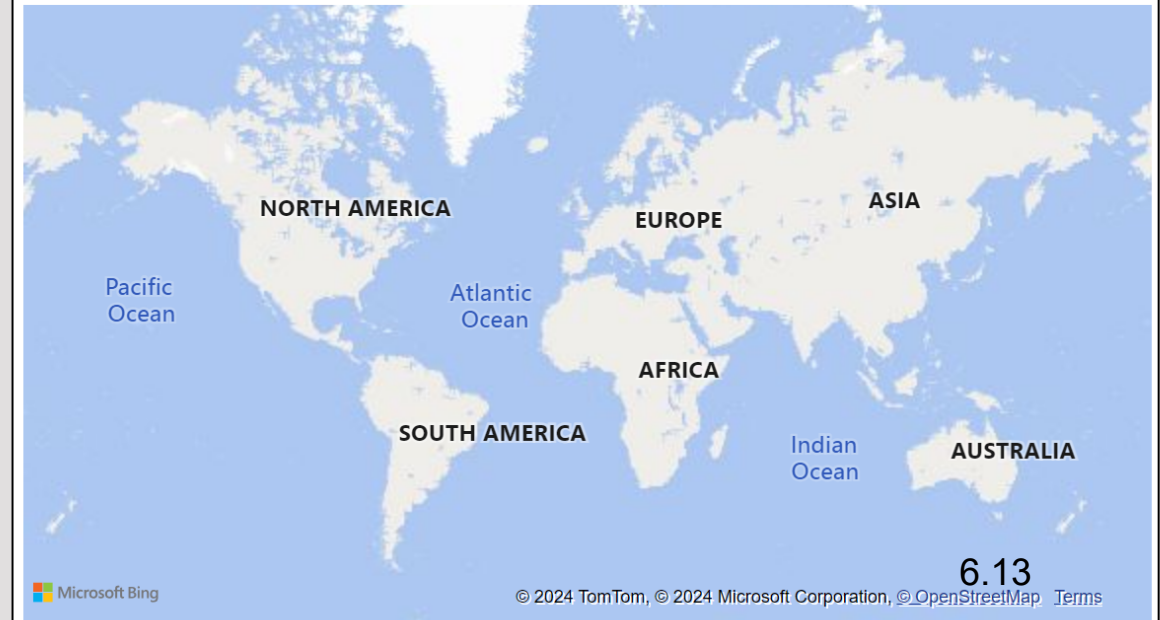
Beat ● STWE ● STWW



STWW & STWE

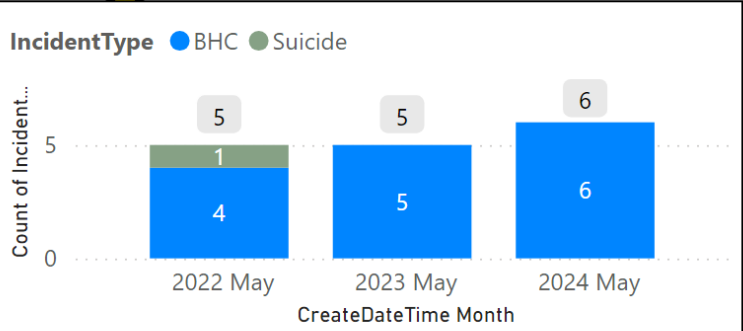
Year	Abandoned Vehicle
2023	
December	3
2024	
January	5
February	1
March	9

Abandon Vehicles Past Calendar Month, ThisYear

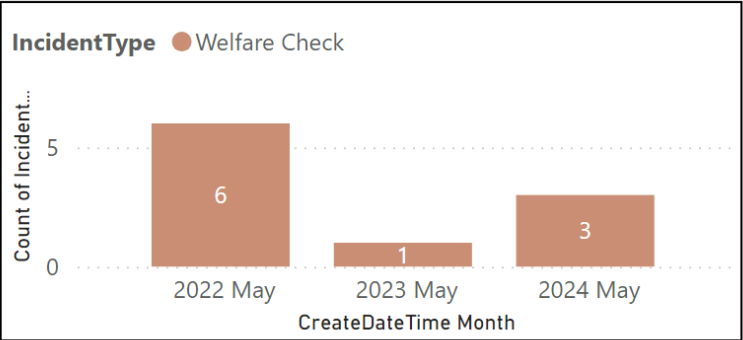




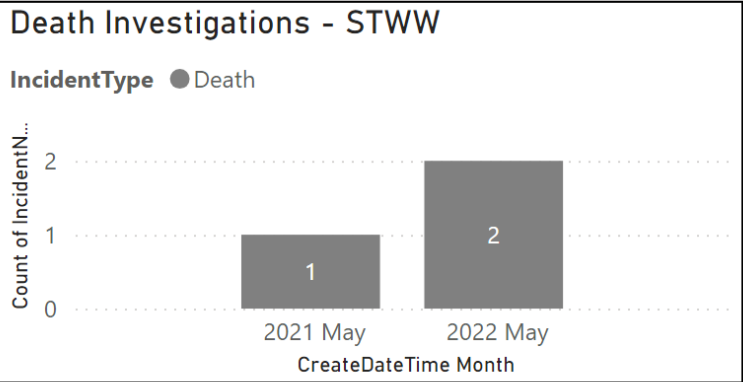
Stanwood West



Year	BHC	Suicide
2023		
December	7	3
2024		
January	9	1
March	2	
April	2	3
May	6	

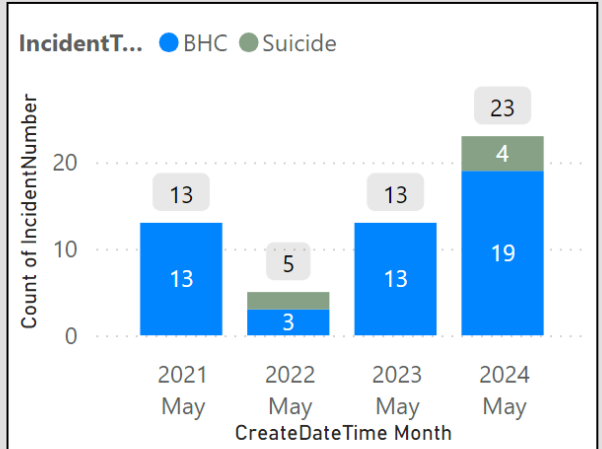


Year	Welfare Check
2023	
December	9
2024	
January	1
February	5
March	4
April	7
May	3

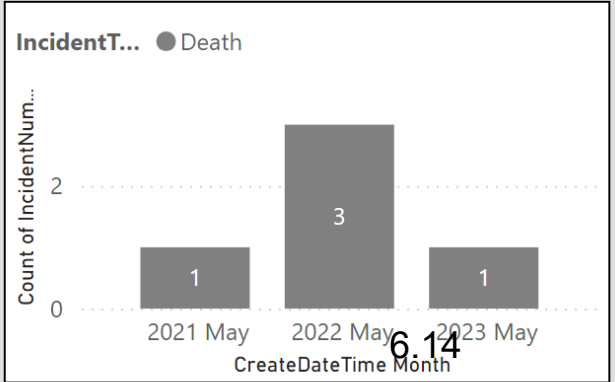
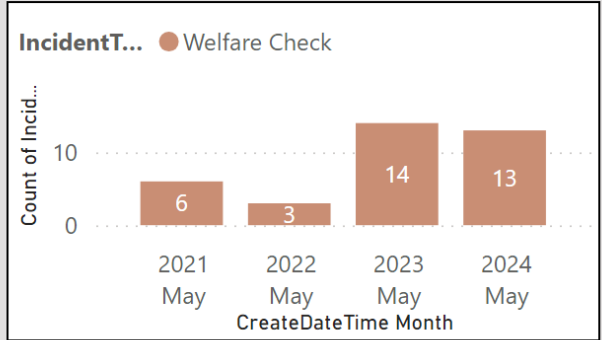


Stanwood East

Year	BHC	Suicide
2023		
December	17	1
2024		
January	4	
February	1	1
March		8
April	4	4
May	19	4



Year	Welfare Check
2023	
December	1
2024	
January	4
February	6
March	10
April	7
May	13



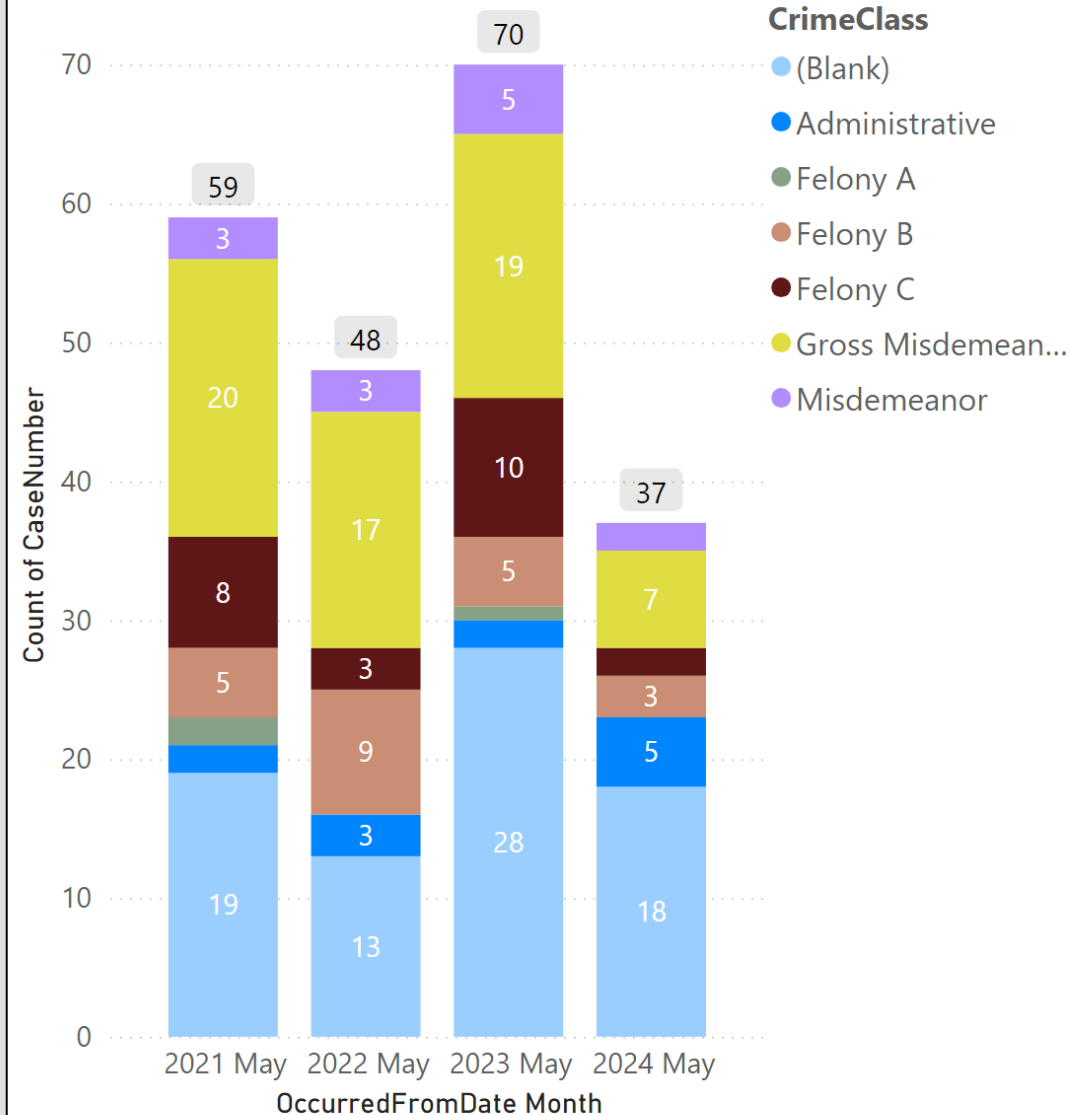


The following pages cover case data. The key difference between cases and incidents data is a Deputy has determined something did transpire that justifies writing a case report.

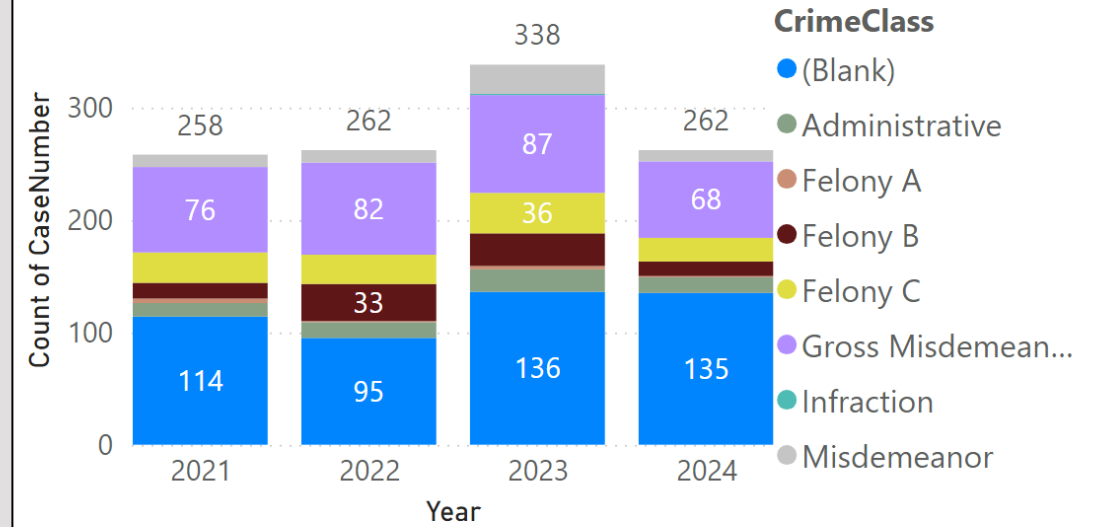
TOTAL CASES

IN THE STW BEAT

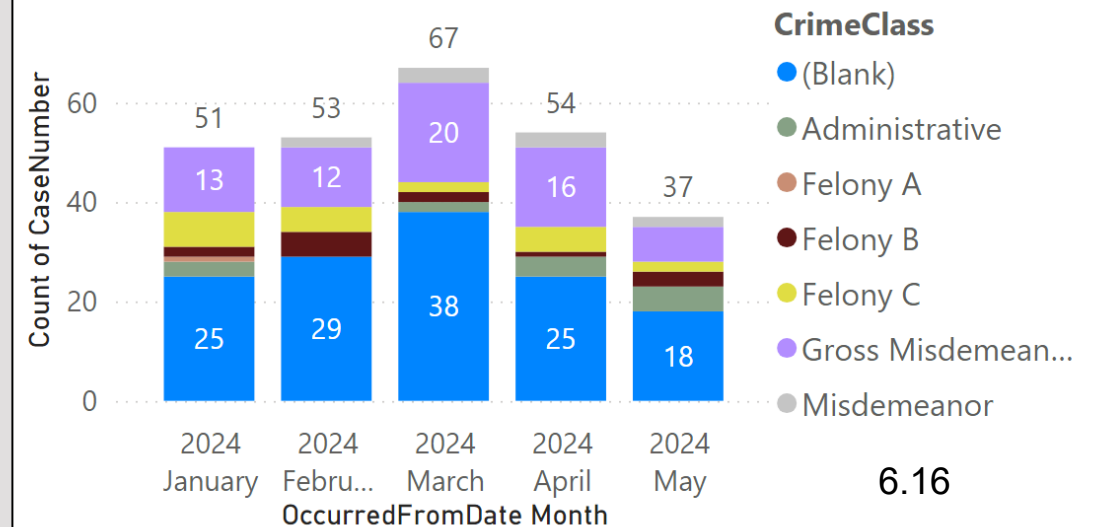
Cases, Previous Month, Yr over Yr



Case Count by Statute, Jan 1 - present, Yr over Yr



Case Count by Statute, Jan 1 - present, Current Year

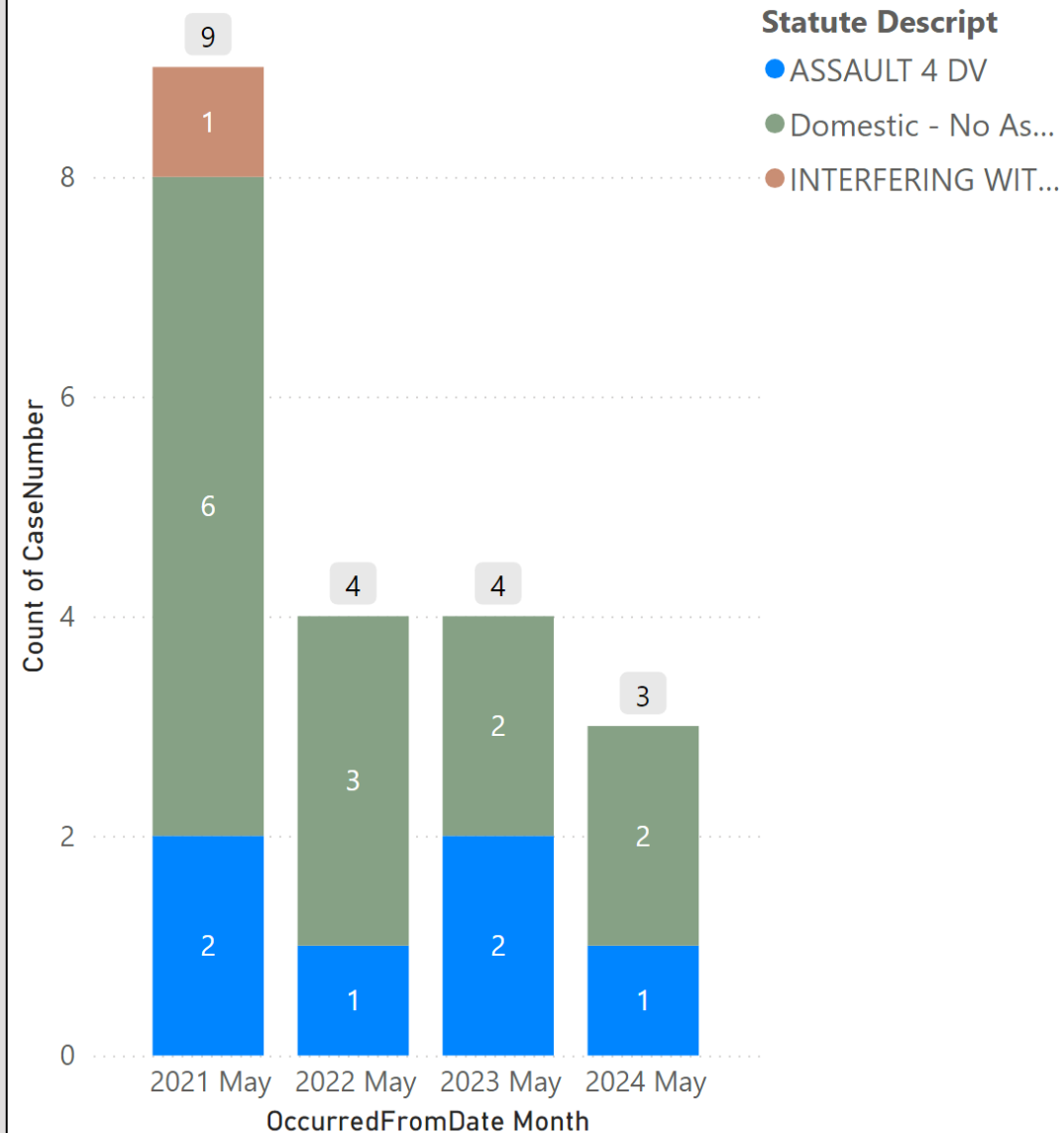


Domestic Related CASES

IN THE STW BEAT

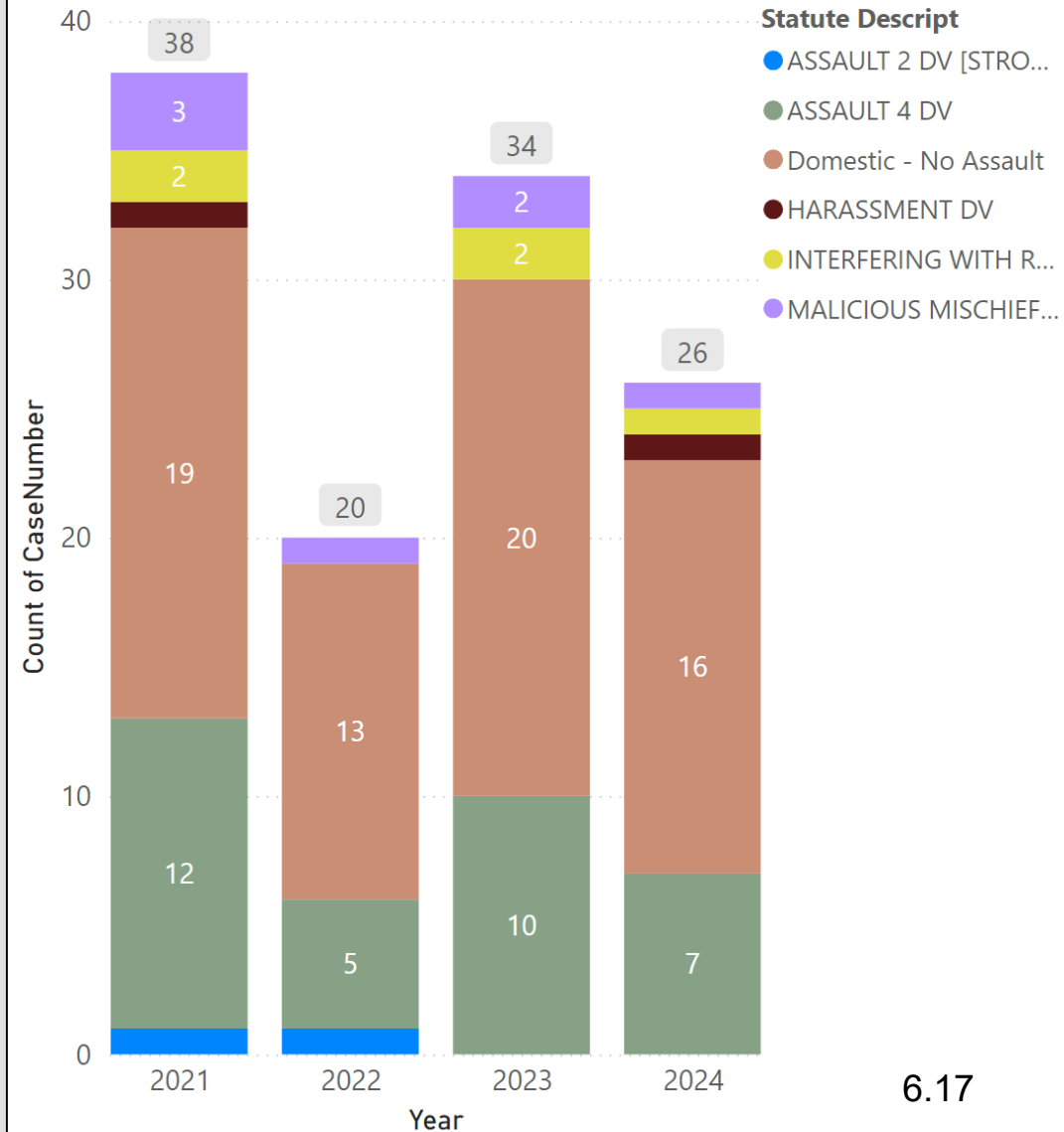
Previous Month Over Time

Count of CaseNumber by Year, Month and Statute Descript



To Date By Year

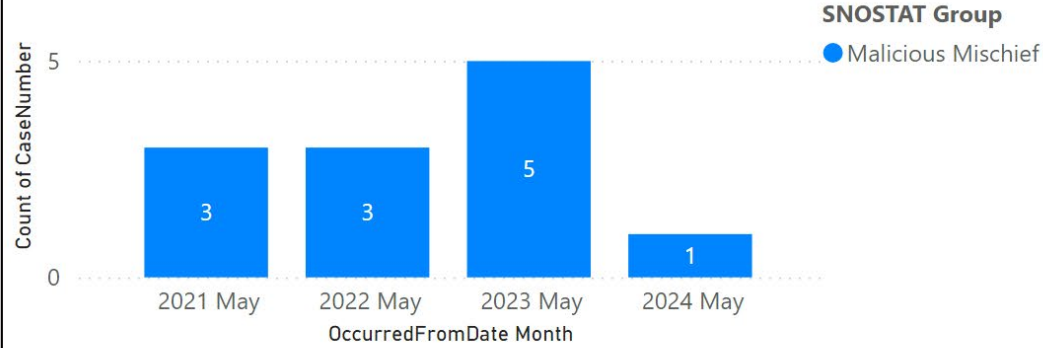
Count of CaseNumber by Year and Statute Descript



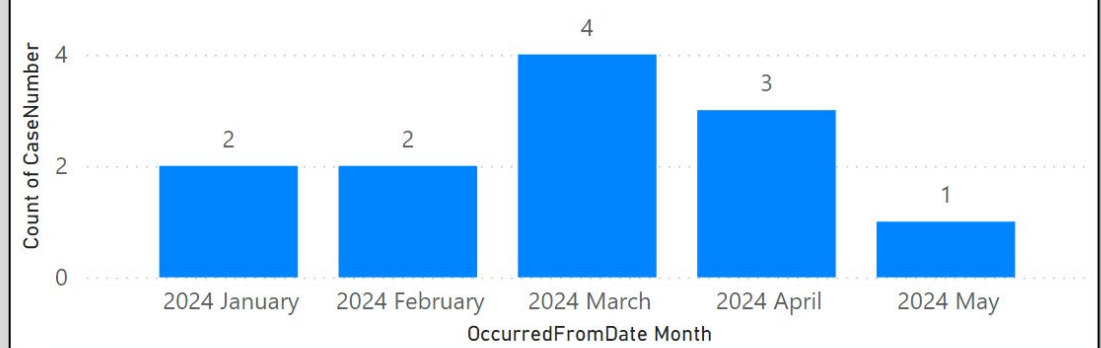


Malicious Mischief CASES

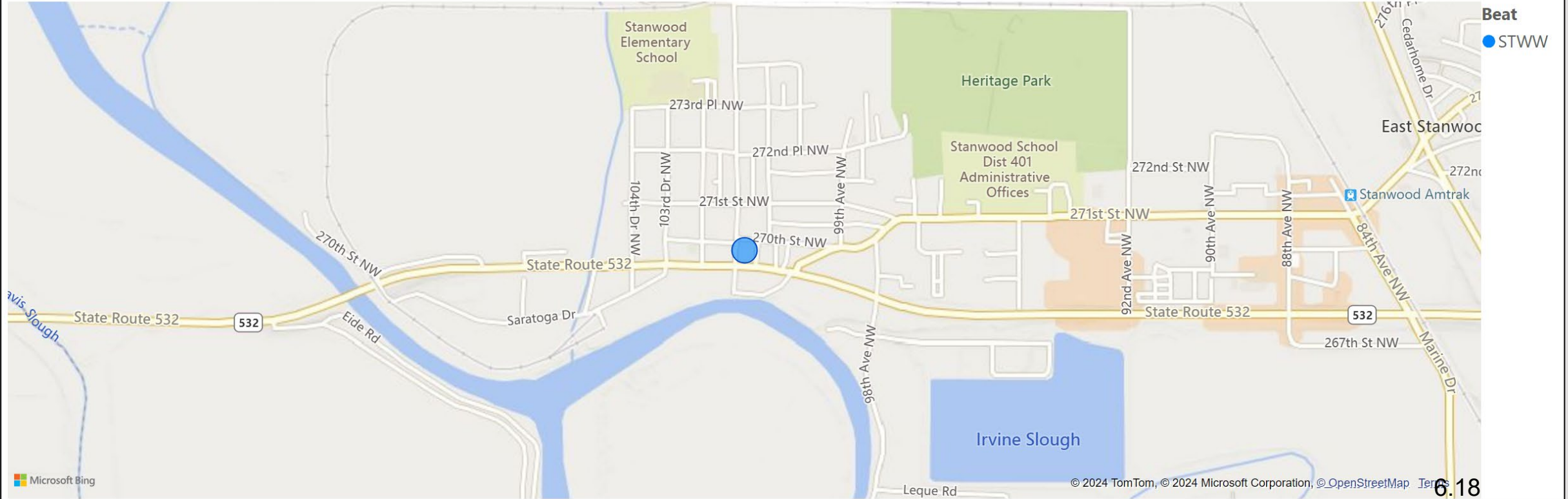
Count of CaseNumber by Year, Month and SNOSTAT Group



Count of CaseNumber by Year and Month



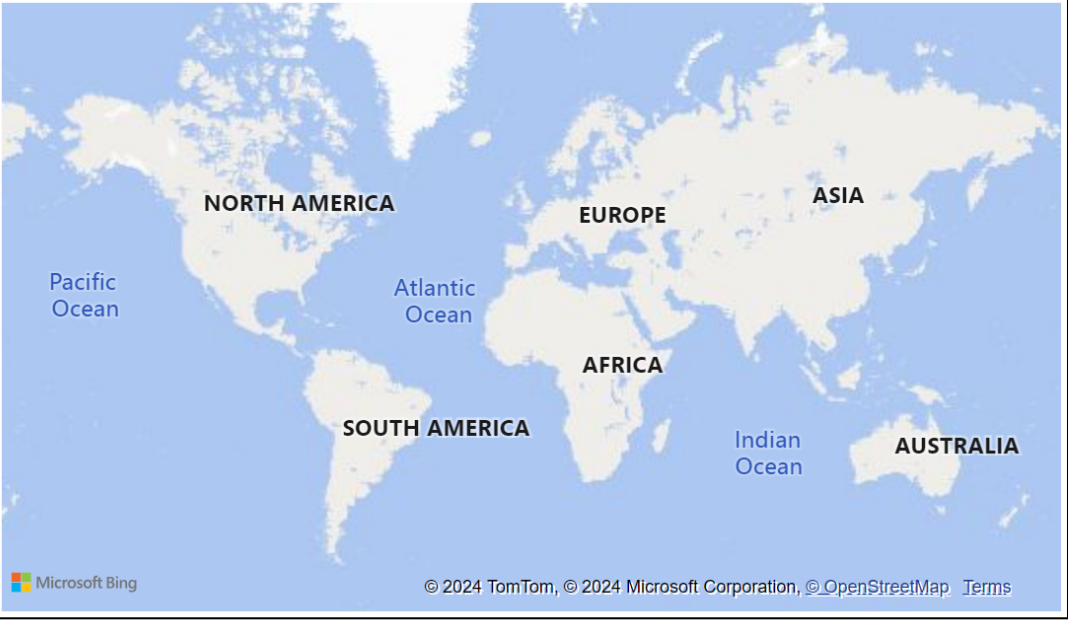
Cases in the past Calendar month, Current Year





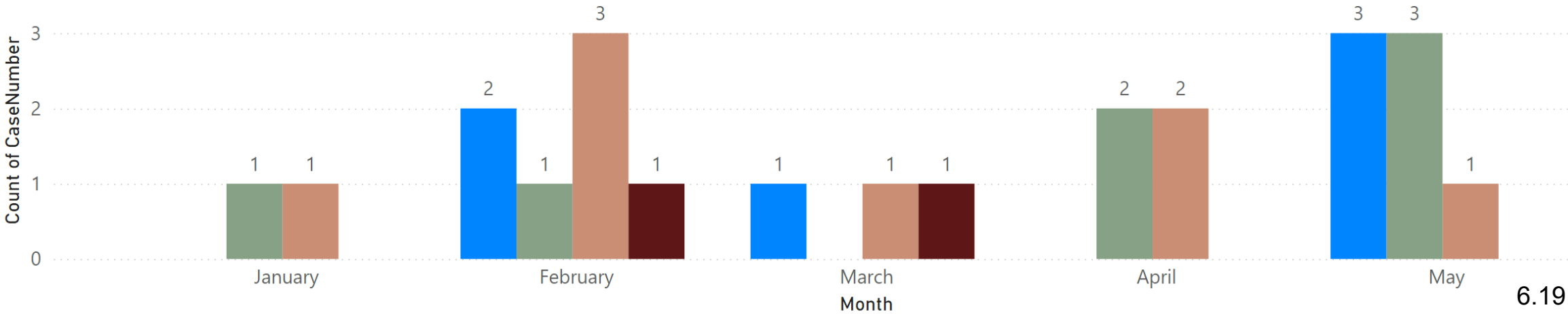
Auto Theft CASES

Past Six Calendar Months



Jan 1 - Present, each year

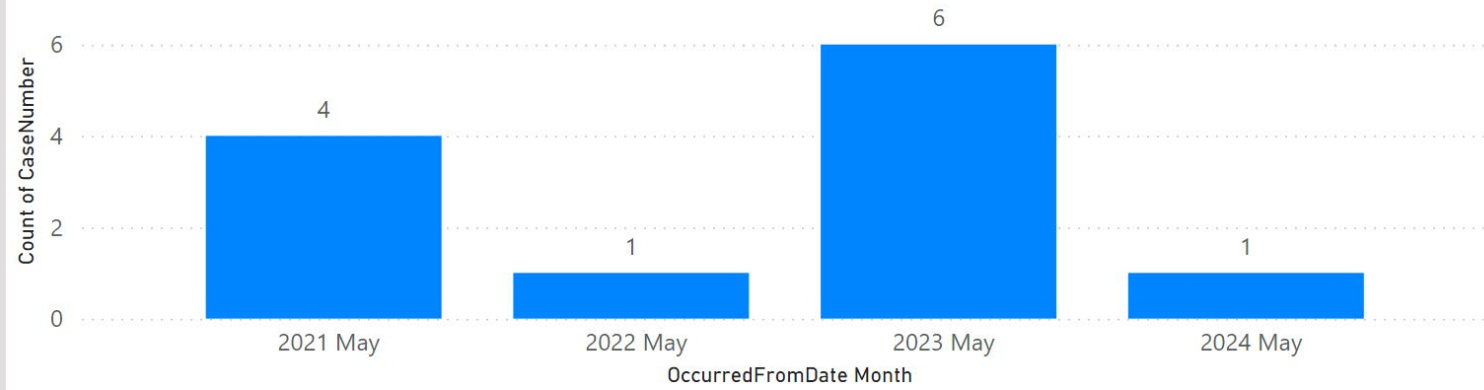
Year ● 2021 ● 2022 ● 2023 ● 2024





Vehicle Prowl CASES

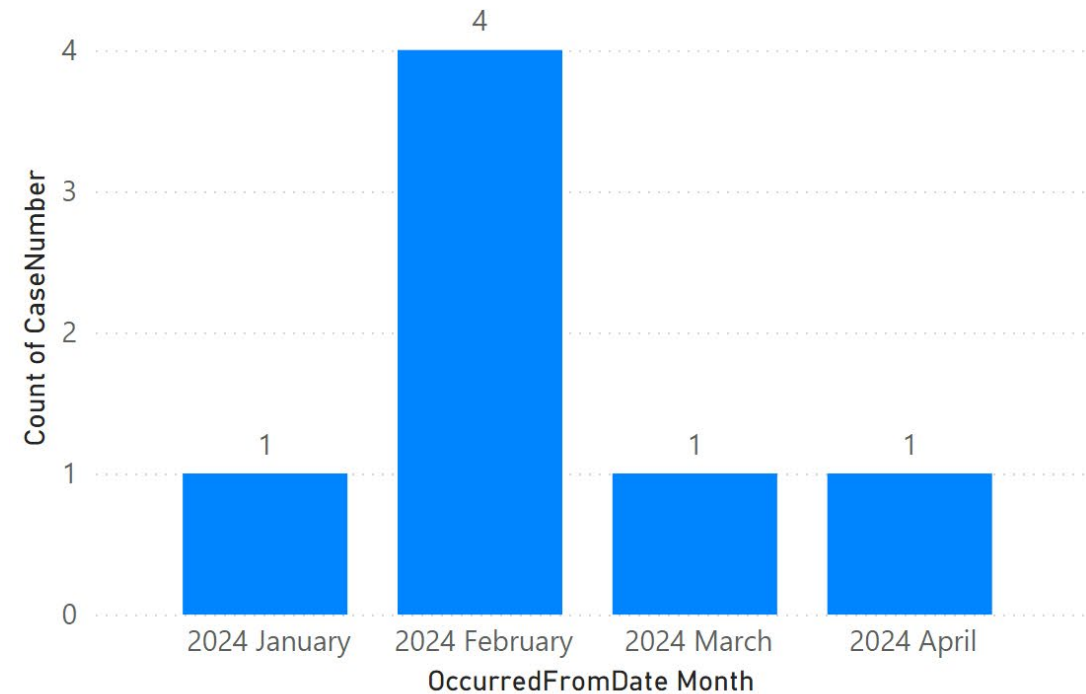
Count of CaseNumber by Year and Month



Jan 1 - Current Date, Current Year

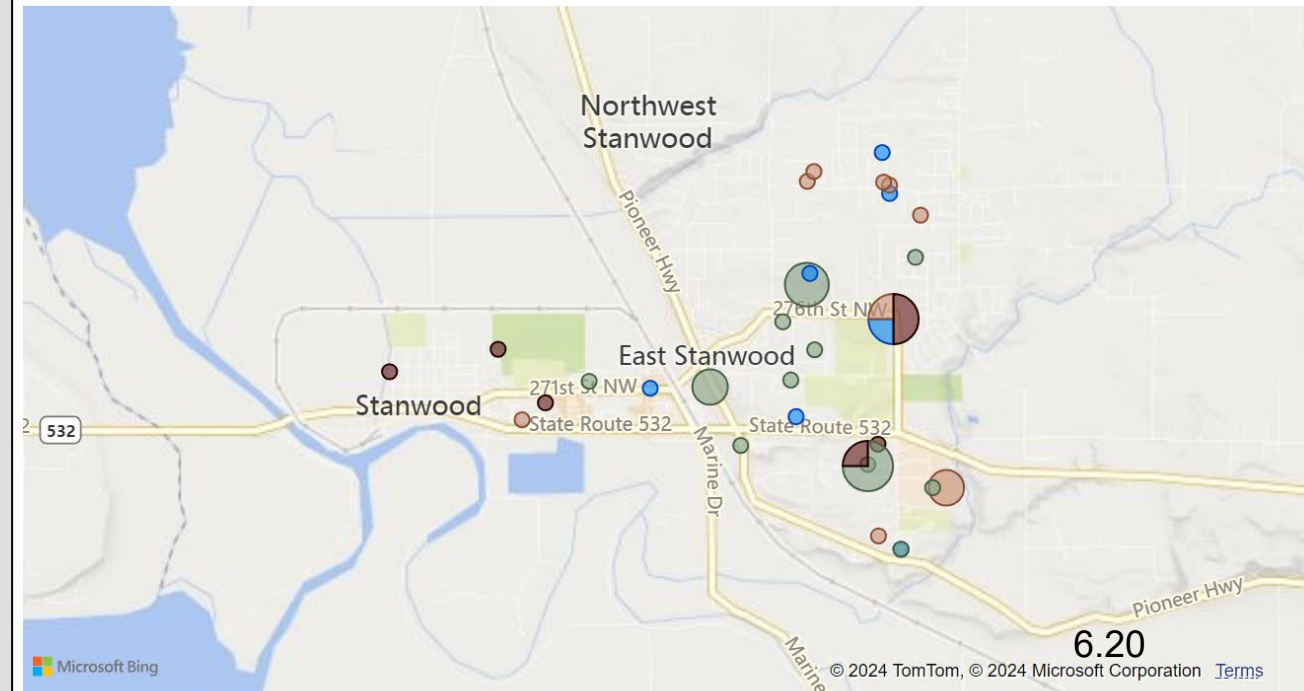
Year	Veh Prowl 1	Veh Prowl 2	Total
2021		7	7
2022	2	16	17
2023		10	10
2024		7	7

Count of CaseNumber by Year and Month



Count of CaseNumber by Year, Lat and Lon

Year ● 2021 ● 2022 ● 2023 ● 2024

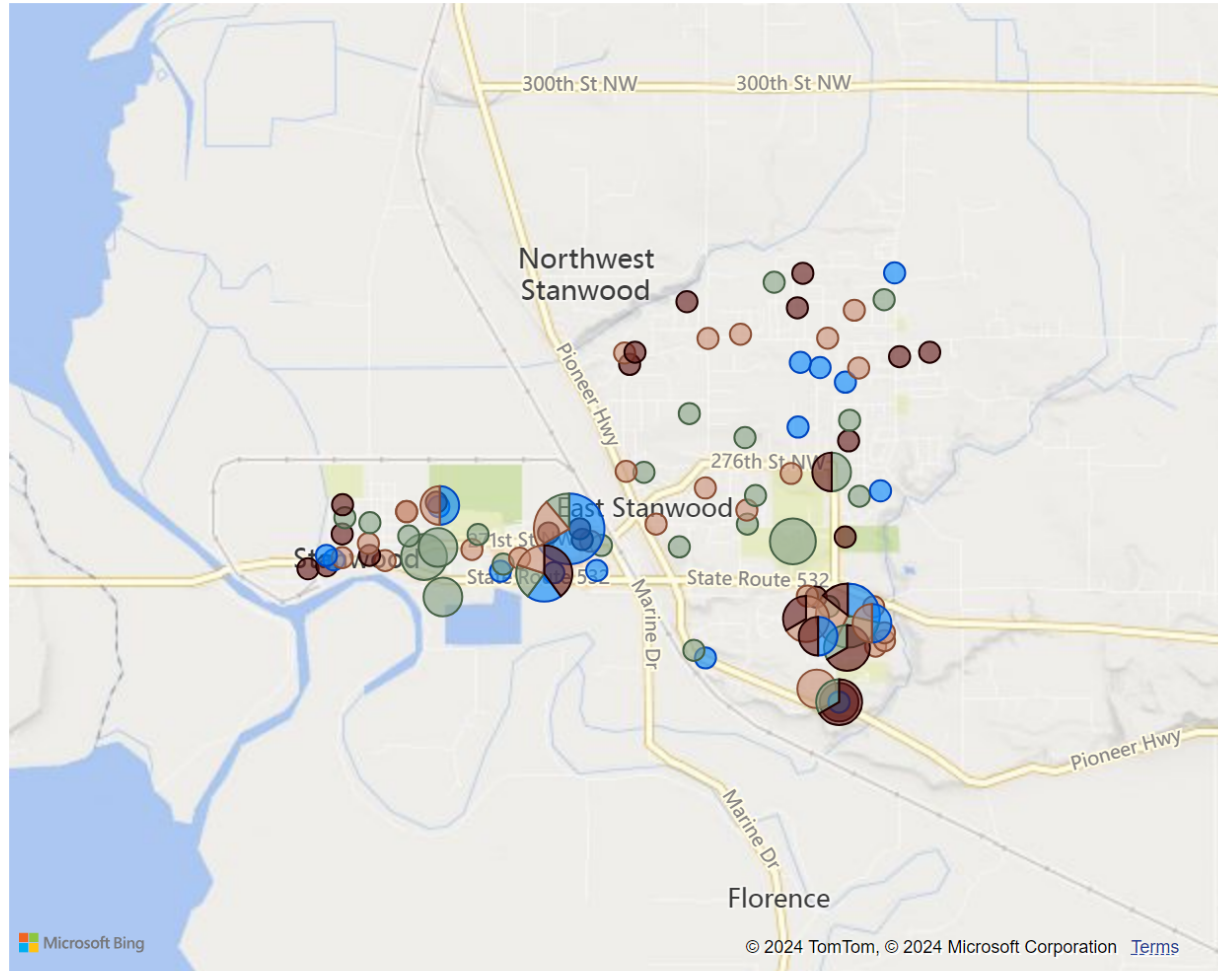




Theft CASES

Count of CaseNumber by Year, Lat and Lon

Year ● 2021 ● 2022 ● 2023 ● 2024



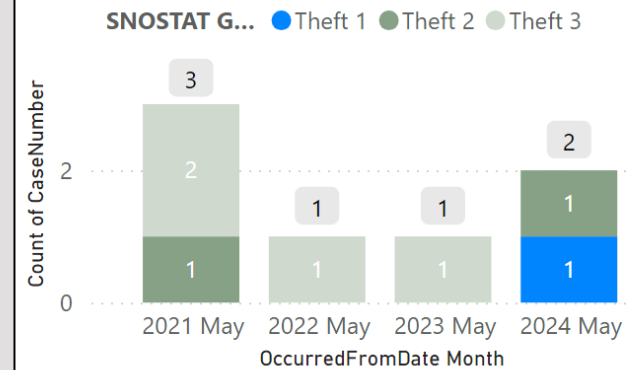
Jan 1 - Current Date

Beat	2021	2022	2023	2024
STWE	11	21	18	14
STWW	14	15	8	10
Total	25	36	26	24

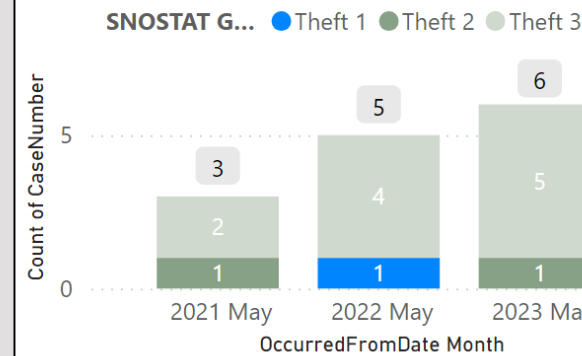
Current YTD

Year	STWE	STWW
▲		
📅 2024		
January	3	2
February	2	2
March	4	2
April	5	2
May		2

Stanwood West



Stanwood East

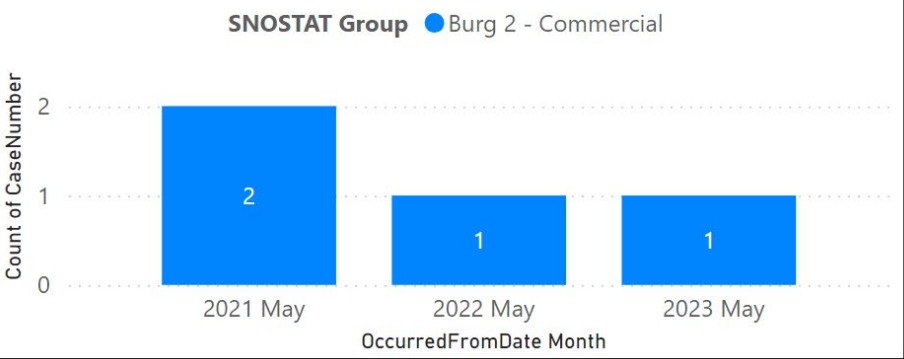




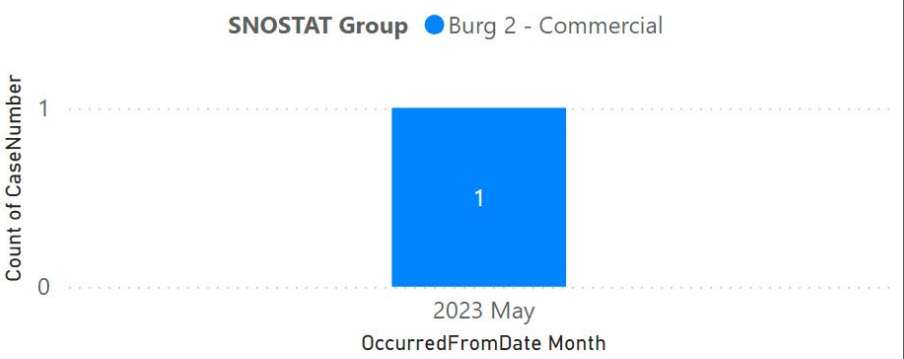
Burglary CASES

Jan 1 - Current Date		
Year	STWE	STWW
2021	1	4
2022	7	4
2023	6	3
2024	1	3

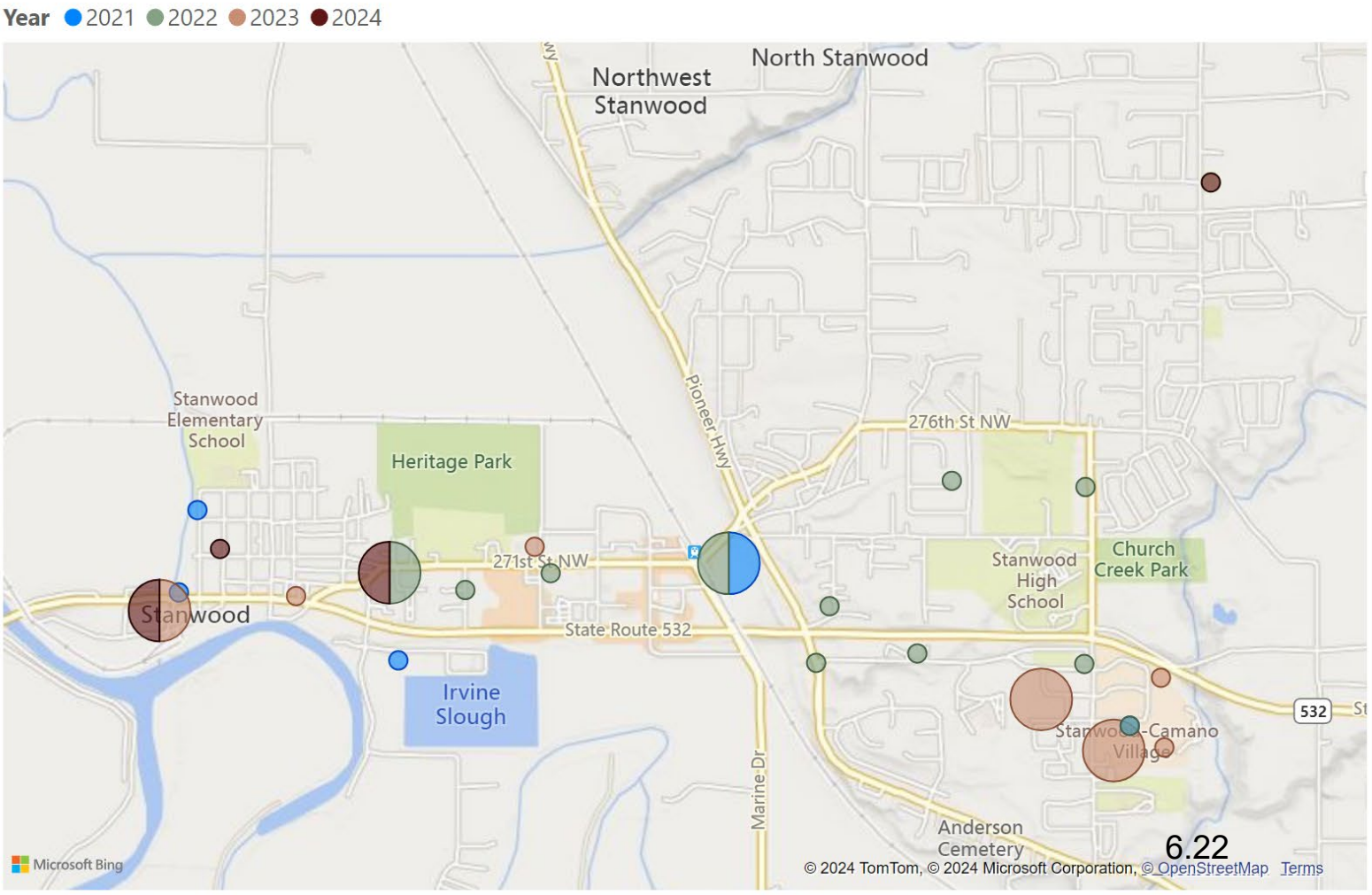
Stanwood West



Stanwood East



Count of CaseNumber by Year, Lat and Lon





CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 7

DATE: June 13, 2024

SUBJECT: Parks and Trails Advisory Committee Meeting Minutes – April 15, 2024

CONTACT PERSON: Carly Ruacho, Senior Planner

ATTACHMENTS: A – Meeting Minutes

SUMMARY STATEMENT

Minutes from the April 15, 2024, Parks and Trails Advisory Committee Meeting are attached to this staff report for approval as presented. These minutes were approved at the May 20, 2024, Parks and Trails Advisory Committee Meeting.



Parks and Trails Advisory Committee Meeting Minutes April 15, 2024

Note: The meeting was not recorded due to a Zoom platform/wifi error.

1. Call to Order/Roll Call: 3:24 PM

Members Present:

Dave Hall
Lisa Bruce - phone
Matt Withers
Judy Williams
Gordy Holmes
Peter Kamb
Meagen Watne

Members Absent:

None

Others Present:

Carly Ruacho, Parks Planning Manager
Alan Lytton, City Engineer/CP Manager
Bryan Hill, Stanwood Camano Little League Representative

2. Citizen Comments

Bryan Hill representing Stanwood Camano Little League thanked staff on behalf of the SCLL coaches and board for help with the new online scheduling platform. Bryan reported that SCLL felt it was overall a positive change and appreciated Amanda helping the league members through the learning curve of the first year. Bryan also made a request on behalf of SCLL to remove the pitcher's mound at the Church Creek Park field and indicated that the league had a removable mound that could stay onsite and be available for field users.

3. Approval of March 2023 Meeting Minutes

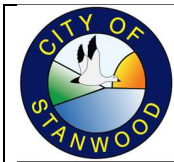
March 18, 2024 minutes were approved as written.

4. Park Prioritization List Update

The committee discussed and finalized their priority list of projects for Church Creek Park. The committee generally agreed on the following order of prioritized projects:

- | | |
|---|--|
| 1. **Picnic shelter roof (5 of 6) | 8. **Sidewalk to entrance (2 of 6) |
| 2. **Crosswalk to HS (4 of 6) | 9. **Thinning of alder trees (1) |
| 3. **Dug out roofs (4 of 6) | 10. Seating along paths (1) |
| 4. Trails/Loop trails (4 of 6) | 11. Additional picnic tables (1) |
| 5. Baseball field improvements (4 of 6) | 12. Improved signage (1) |
| 6. Trail along western park edge inside park (3 of 6) | 13. Agreement with HS for overflow parking (1) |
| 7. Trails in NW Park (3 of 6) | 14. Forest/Wetland Management (1) |

**Items are currently budgeted for 2024



Parks and Trails Advisory Committee Meeting Minutes April 15, 2024

Final Church Creek Park and Heritage Park priority project lists will be compiled per committee comments and will be presented for a vote at May's meeting.

5. Private Business Enterprises in City Parks

Current SMC 6.40.040(1) states "Within the boundaries of any park owned or operated by the city of Stanwood, it is unlawful to:

(f) Engage in the sale of any merchandise or services, or operate any concession, without authorization from a special event permit issued under Chapter 5.06 SMC or a temporary use permit issued under SMC Title 17."

The PTAC voted and is unanimously supportive of a change to the code language that would allow for private business(es) to operate accessory uses in the parks on a seasonal basis each year with approval from the City and any necessary conditions to preserve the character and public use of the park.

6. Volunteer Projects

The Committee suggested the following ideas for volunteer group projects in the parks:

Weeding along SR532, graffiti clean-up, ivy pulling, banner projects, litter/debris clean-up, naturalist projects (counting wildlife, installing bat boxes), native plantings, trail markers, painting/installing benches and/or tables.

7. Park Updates

Carly went over the recent updates on Parks projects.

- Dug outs for Heritage Park arrived last week. Construction underway.
- Hamilton Landing restrooms and remaining play equipment scheduled to arrive next week.
- Hearing Examiner public hearing for Port Susan Trail Shoreline Permit held on 4/4.
- Public Farm activity beginning at Ovenell.

8. Committee Member Comments

Judy Williams – Commented that it was nice to see projects coming to fruition after many years of discussion – exciting times – and that we are doing great.

Peter Kamb – reported that his small kids are not able to utilize the full play structure at Heritage Park due to a difficult connection element combining the two sections. He requested that the monkey bar element be replaced with something more user friendly for all levels of abilities.

Meagen – commented that she would be attending the open house regarding Depot Park (new downtown park) with her concerns that the bandstand is too small and the raised seating area will get wet from the sail shades. She felt there were better uses of the funds planned for the development of the new park.

Gordy – reported that he had sent the group a PDF copy of a recent pickleball presentation. He also reminded everyone that the free pickleball clinics will begin on May 9 at Heritage Park including one evening session for City employees.

Adjourn: 4:50 PM

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**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: 8a

DATE: June 13, 2024

SUBJECT: Approval of Voucher and Payroll Checks

CONTACT PERSON: Amy Bergemeier, Accounting Specialist

ATTACHMENTS: A - Voucher Check Detail

SUMMARY STATEMENT

Approve issuance of Washington Federal Bank voucher checks 38430 through 38484 and electronic fund transfers in the amount of \$1,199,935.06. Approve issuance of Washington Federal payroll electronic fund transfers in the amount of \$50,050.00.

RECOMMENDED MOTION

MOTION TO APPROVE ISSUANCE OF WASHINGTON FEDERAL BANK VOUCHER CHECKS 38430 THROUGH 38484 AND ELECTRONIC FUND TRANSFERS IN THE AMOUNT OF \$1,199,935.06. APPROVE ISSUANCE OF WASHINGTON FEDERAL PAYROLL ELECTRONIC FUND TRANSFERS IN THE AMOUNT OF \$50,050.00.

CHECK REGISTER

ATTACHMENT A

City Of Stanwood

Time: 11:59:16 Date: 06/05/2024

05/10/2024 To: 06/05/2024

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2332	05/15/2024	Claims	3	EFT	Washington Federal Bank	375.94	May service analysis charge
2354	05/23/2024	Payroll	3	EFT		3,350.00	May 2024 Draw
2355	05/23/2024	Payroll	3	EFT		1,800.00	May 2024 Draw
2356	05/23/2024	Payroll	3	EFT		2,500.00	May 2024 Draw
2357	05/23/2024	Payroll	3	EFT		2,500.00	May 2024 Draw
2358	05/23/2024	Payroll	3	EFT		2,000.00	May 2024 Draw
2359	05/23/2024	Payroll	3	EFT		1,000.00	May 2024 Draw
2360	05/23/2024	Payroll	3	EFT		2,000.00	May 2024 Draw
2361	05/23/2024	Payroll	3	EFT		3,000.00	May 2024 Draw
2362	05/23/2024	Payroll	3	EFT		4,000.00	May 2024 Draw
2363	05/23/2024	Payroll	3	EFT		2,000.00	May 2024 Draw
2364	05/23/2024	Payroll	3	EFT		2,000.00	May 2024 Draw
2365	05/23/2024	Payroll	3	EFT		2,200.00	May 2024 Draw
2366	05/23/2024	Payroll	3	EFT		1,600.00	May 2024 Draw
2367	05/23/2024	Payroll	3	EFT		2,000.00	May 2024 Draw
2368	05/23/2024	Payroll	3	EFT		500.00	May 2024 Draw
2369	05/23/2024	Payroll	3	EFT		1,500.00	May 2024 Draw
2370	05/23/2024	Payroll	3	EFT		1,800.00	May 2024 Draw
2371	05/23/2024	Payroll	3	EFT		1,000.00	May 2024 Draw
2372	05/23/2024	Payroll	3	EFT		2,800.00	May 2024 Draw
2373	05/23/2024	Payroll	3	EFT		2,000.00	May 2024 Draw
2374	05/23/2024	Payroll	3	EFT		500.00	May 2024 Draw
2375	05/23/2024	Payroll	3	EFT		4,500.00	May 2024 Draw
2376	05/23/2024	Payroll	3	EFT		1,500.00	May 2024 Draw
2377	05/23/2024	Payroll	3	EFT		2,000.00	May 2024 Draw
2416	05/23/2024	Claims	3	EFT	Brim Tractor Company Inc	94.38	City of Stanwood
2417	05/23/2024	Claims	3	EFT	Databar Inc.	963.40	8952
2418	05/23/2024	Claims	3	EFT	Databar Inc.	1,786.99	8952
2419	05/23/2024	Claims	3	EFT	Department Of Commerce	140,914.29	City of Stanwood
2420	05/23/2024	Claims	3	EFT	Department Of Commerce	108,524.88	City of Stanwood
2421	05/23/2024	Claims	3	EFT	Department Of Commerce	174,970.29	City of Stanwood
2422	05/23/2024	Claims	3	EFT	Edge Analytical, Inc	360.00	STA01
2423	05/23/2024	Claims	3	EFT	Edge Analytical, Inc	25.00	STA01
2424	05/23/2024	Claims	3	EFT	Edge Analytical, Inc	33.00	STA01
2425	05/23/2024	Claims	3	EFT	Edge Analytical, Inc	33.00	STA01
2426	05/23/2024	Claims	3	EFT	Lithtex NW Printing Solutions	100.10	City of Stanwood
2427	05/23/2024	Claims	3	EFT	Perteet Inc.	9,065.00	City of Stanwood
2428	05/23/2024	Claims	3	EFT	RH2 Engineering Inc	38,877.23	City of Stanwood
2429	05/23/2024	Claims	3	EFT	RH2 Engineering Inc	2,407.47	City of Stanwood
2430	05/23/2024	Claims	3	EFT	RH2 Engineering Inc	9,128.17	City of Stanwood
2431	05/23/2024	Claims	3	EFT	Snohomish County Public Def Association	2,574.00	City of Stanwood
2432	05/23/2024	Claims	3	EFT	Snohomish County Public Def Association	904.00	City of Stanwood
2433	05/23/2024	Claims	3	EFT	Strategies 360 Inc	2,000.00	City of Stanwood
2434	05/23/2024	Claims	3	EFT	US Bank	13,519.19	4485 5945 5564 1495
2435	05/23/2024	Claims	3	EFT	Vestis	52.68	937963000
2557	05/29/2024	Claims	3	EFT	Harland Clarke	395.96	ordered checks for main WAFD account
2568	05/29/2024	Claims	3	EFT	WA St Dept of Revenue **	20,468.86	April excise tax reported in May
2569	05/29/2024	Claims	3	EFT	HSA Bank	5.00	HSABank fee for May
2626	06/03/2024	Claims	3	EFT	US Bank St Paul	117,064.65	2019 Bonds & 2021 Bonds STAWATSEW19 & STAWATREF21
2627	06/03/2024	Claims	3	EFT	Heartland Payment Systems	218.10	May Merchant Fee charges
2413	05/23/2024	Claims	3	38430	APP- Associated Petroleum Products	5,175.46	AP0100494
2414	05/23/2024	Claims	3	38431	Atwell, LLC	17,365.40	City of Stanwood
2415	05/23/2024	Claims	3	38432	Bonner Electrical Contracting LLC	4,246.61	City of stanwood

CHECK REGISTER

ATTACHMENT A

City Of Stanwood

Time: 11:59:16 Date: 06/05/2024

05/10/2024 To: 06/05/2024

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2436	05/23/2024	Claims	3	38433	Builders Exchange of Washington Inc	237.25	City of Stanwood
2437	05/23/2024	Claims	3	38434	Calhoun & De Jong Inc.	174.70	1CITY07
2438	05/23/2024	Claims	3	38435	City of Everett *	215.00	STACITG
2439	05/23/2024	Claims	3	38436	Core Safety Group LLC	2,800.00	City of Stanwood
2440	05/23/2024	Claims	3	38437	D.P. Nicoli, Inc	5,732.57	CITY0905
2441	05/23/2024	Claims	3	38438	Daily Journal Of Commerce, Inc	185.60	3941
2442	05/23/2024	Claims	3	38439	FastSigns Clackamas	4,133.44	City of Stanwood
2443	05/23/2024	Claims	3	38440	Fastenal	582.02	WAARN1604
2444	05/23/2024	Claims	3	38441	H D Fowler Company, Inc	447.84	City of Stanwood
2445	05/23/2024	Claims	3	38442	Hach Company	1,857.99	City of Stanwood
2446	05/23/2024	Claims	3	38443	Herc Equipment Rental Corp.	700.47	1024925
2447	05/23/2024	Claims	3	38444	Integrity Electric Skagit LLC	6,134.96	City of Stanwood
2448	05/23/2024	Claims	3	38445	Matthew D Kallicott	245.25	City of Stanwood
2449	05/23/2024	Claims	3	38446	Lankford Associates, Inc.	2,045.00	City of Stanwood
2450	05/23/2024	Claims	3	38447	Lenz Enterprises Inc	3,004.03	City of Stanwood; City of Stanwood; City of Stanwood; City of Stanwood; City of Stanwood; City of Stanwood
2451	05/23/2024	Claims	3	38448	National Barricade Co LLC	2,400.20	City of Stanwood
2452	05/23/2024	Claims	3	38449	Marilyn O'Day	500.00	04 1857 10 - 6418 288TH ST NW
2453	05/23/2024	Claims	3	38450	O'Reilly Auto Parts	17.64	1872464
2454	05/23/2024	Claims	3	38451	ODP Business Solutions, LLC	42.94	36274097; 36274097
2455	05/23/2024	Claims	3	38452	Owen Equipment Company Inc	677.11	36577
2456	05/23/2024	Claims	3	38453	PUD Of Snohomish County *	373.15	201942398; 200103539
2457	05/23/2024	Claims	3	38454	Pape' Machinery	187.51	314673
2458	05/23/2024	Claims	3	38455	Puget Tech LLC	894.00	City of Stanwood
2459	05/23/2024	Claims	3	38456	RTC Manufacturing, Inc.	1,394.00	City of Stanwood
2460	05/23/2024	Claims	3	38457	Refund -Stanwood Lacrosse	700.00	City of stanwood
2461	05/23/2024	Claims	3	38458	Audrey D Rotrock	447.24	City of Stanwood
2462	05/23/2024	Claims	3	38459	Safeway	66.45	191483
2463	05/23/2024	Claims	3	38460	Skagit Farmers Supply	1,453.82	135052; 135052; 135052; 135052; 135052
2464	05/23/2024	Claims	3	38461	Skagit Valley Publishing	656.37	48893; 48893; 48893; 48893; 48893; 48893; 48893
2465	05/23/2024	Claims	3	38462	Sno Co Dept Of Emergency Management	2,909.25	DEMSTNWD
2466	05/23/2024	Claims	3	38463	Sno Co District Court	516.45	DCT34003; DCT34003
2467	05/23/2024	Claims	3	38464	Sno Co Human Services Dept *	633.67	HSALC021
2468	05/23/2024	Claims	3	38465	Sno Co Information Services *	12,902.98	DIS1107
2469	05/23/2024	Claims	3	38466	% Ellen Hagey Sno Co Prosecuting Attorney *	2,640.03	City of Stanwood
2470	05/23/2024	Claims	3	38467	Sno Co Sheriffs Office *	196,463.92	SSH00001
2471	05/23/2024	Claims	3	38468	Snohomish County Treasurer	10.10	City of Stanwood
2472	05/23/2024	Claims	3	38469	Everett Daily Herald/ Sound Publishing, Inc.	130.96	14104597
2473	05/23/2024	Claims	3	38470	Stanwood Ace Hardware #14901	347.23	20013; 20013; 20013; 20013; 20013; 20013
2474	05/23/2024	Claims	3	38471	Stanwood Car Care	146.21	1565
2475	05/23/2024	Claims	3	38472	Stanwood City Utility	3,749.53	2416; 1675; 1674; 1587; 1573; 1473; 1348; 1332; 1271; 1241; 4724; 4252; 4916; 1328
2476	05/23/2024	Claims	3	38473	Stanwood High School Horticulture	2,850.00	City of Stanwood
2477	05/23/2024	Claims	3	38474	Stilly Auto Parts Napa	60.78	27197; 27197
2478	05/23/2024	Claims	3	38475	TRICO Companies, LLC	257,396.92	City of Stanwood

CHECK REGISTER

ATTACHMENT A

City Of Stanwood

Time: 11:59:16 Date: 06/05/2024

05/10/2024 To: 06/05/2024

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Trans	Date	Type	Acct #	Chk #	Claimant	Amount	Memo
2479	05/23/2024	Claims	3	38476	US Bank Na Custody/ Treas Div-Money Ctr	73.00	777221717
2480	05/23/2024	Claims	3	38477	Utilities Underground Loc	133.32	STNWOD1
2481	05/23/2024	Claims	3	38478	WA St Dept of Licensing *	510.00	City of Stanwood
2482	05/23/2024	Claims	3	38479	WA St Treasurer	880.68	City of Stanwood
2483	05/23/2024	Claims	3	38480	Wave Broadband	135.22	3201-0316547-01
2484	05/23/2024	Claims	3	38481	West Coast Code Consultants, Inc.	971.98	City of Stanwood
2485	05/23/2024	Claims	3	38482	Western Exterminator Company	234.79	683591; 683591
2486	05/23/2024	Claims	3	38483	Whitney Equipment Co Inc	4,616.83	City of Stanwood; City of Stanwood
2487	05/23/2024	Claims	3	38484	Wilbur-Ellis Company LLC	1,513.56	2388993
2589	05/14/2024	Claims	8	EFT	US Bank St Paul	152.05	May analysis fee

001 General Fund	284,951.31
101 Street Fund	11,060.82
103 Street Construction Fund	15,074.08
104 Park And Trail Improvement Fund	2,799.01
110 Building Improvement Fund	266,798.49
115 Tourism And Promotion	894.00
401 Sewer Fund	179,791.51
403 Sewer Construction Fund	39,006.97
410 Drainage Fund	5,856.21
411 Drainage Construction Fund	9,201.04
421 Water Fund	412,834.28
422 Water Construction Fund	20,558.49
630 Agency Fund	1,158.85

	Claims:	1,199,935.06
* Transaction Has Mixed Revenue And Expense Accounts	Payroll:	50,050.00
		1,249,985.06

CERTIFICATION: I, the undersigned do hereby certify under penalty of perjury, that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Stanwood, and that I am authorized to authenticate and certify to said claim.

() Finance Director () Auditing Officer Wendy Dowhower Date: 6-5-24
 (X) Deputy Finance Director



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8b

DATE: June 13, 2024

SUBJECT: City Council Meeting Minutes – May 23, 2024

CONTACT PERSON: Lisa Sokolik, City Clerk

ATTACHMENTS: A – Council Meeting Minutes

SUMMARY STATEMENT

The City Council meeting minutes for May 23, 2024, are attached to this staff report for Council's approval.

RECOMMENDED MOTION

"I MOVE TO APPROVE THE MAY 23, 2024, CITY COUNCIL MEETING MINUTES AS PRESENTED".

CITY OF STANWOOD
Regular Meeting of the City Council
May 23, 2024 | 7:00 p.m.
MINUTES

1. Call to Order and Pledge of Allegiance

Mayor Sid Roberts called the meeting to order at 7:00 p.m. Councilmember Gaumond led the Pledge of Allegiance.

2. Roll Call

City Clerk Lisa Sokolik called the roll with the following Councilmembers Present: Dani Gaumond, Marcus Metz, Darren Robb, Robert Hicks, Steve Shepro, Andreena Bergman, and Tim Schmitt. The meeting was quorate.

Also present: City Administrator Shawn Smith, Community Development Director Patricia Love, Finance Director David Hammond, Public Works Director Kevin Hushagen, Deputy Fire Chief Dave Kraski, Police Sgt. Kore Oyetuga, City Attorney Nikki Thompson, City Engineer/Capital Projects Manager Alan Lytton, and City Clerk Lisa Sokolik.

3. Approval of the Agenda

*Motion by Councilmember Bergman, second by Councilmember Gaumond to approve the agenda as Published. **Motion carried unanimously.***

4. Presentation

Stanwood High School Update – Ava Fast

ASB Secretary, Ava Fast gave a report on the high school's recent activities:

- Wrapped up the ASB Elections for 2024-2025 school year.
- Sparta Olympics is happening now, the week of May 20th.
- The final assembly is on May 31st, students who are nominated for the Four- A's award will be recognized.
- The final dance of the year, Mama Mia Tolo will be on May 31st.
- ASB Executive Board is working on amending the school's constitution to include several new positions and to correct any scrivener's errors.

5. Public Comments

<u>Name</u>	<u>City</u>	<u>Topic</u>
Robin Carmichael	Stanwood	Does not live inside city limits but in favor of a full fireworks ban.
Michael Wooten	Stanwood	In favor of a full fireworks ban.
Christi Bell	Stanwood	In favor of a full fireworks ban.

6. Staff / Department Report

No staff or department reports.

7. Council Committee Reports

- a. Community Development Committee Meeting Minutes – May 2, 2024
- b. Planning Commission Meeting Minutes – April 8, 2024

8. Consent Agenda

- a. Approve Vouchers and Payroll Checks
- b. Approve City Council Regular Meeting Minutes – May 9, 2024
- c. Approve City Council Special Workshop Minutes – May 9, 2024

*Motion by Councilmember Shepro, second by Councilmember Robb to approve consent agenda item A. Approval of Vouchers and Payroll Checks, item B. Approve City Council Regular Meeting Minutes for May 9, 2024, and item C. Approve City Council Special Workshop Minutes for May 9, 2024. **Motion carried unanimously.***

9. Unfinished Business

- a. Approve Second Reading and Adoption of Ordinance 1531 Fireworks Code Amendment

Love gave a summary of the revisions made to the draft code amendment that addresses Council's questions and directives made during the first reading; changes include:

- Added the definition of illegal fireworks.
- Added a Class 1 penalty (\$250.00) for selling illegal fireworks.
- Deleted allowing sales of fireworks on December 27-31.
- Fireworks are only allowed to be discharged on the 4th of July or public displays, no longer allowed on New Year's.
- The penalty for discharge of fireworks has been changed from a Class 2 civil infraction (\$125.00) to a Class 1 civil infraction (\$250.00).

Council discussed and asked questions.

Motion by Councilmember Schmitt, second by Councilmember Shepro to accept the second reading of Ordinance 1531 as set forth in attachment "A" and to proceed with the third and final reading.

Roll call of votes was taken.

<i>Councilmember Robb</i>	<i>– No</i>
<i>Councilmember Hicks</i>	<i>– Yes</i>
<i>Councilmember Shepro</i>	<i>– Yes</i>
<i>Councilmember Bergman</i>	<i>– No</i>
<i>Councilmember Schmitt</i>	<i>– Yes</i>
<i>Councilmember Gaumond</i>	<i>– No</i>
<i>Councilmember Metz</i>	<i>– Yes</i>

Motion carried 4 yeas, 3 nays.

10. Public Hearing - No public hearing.

11. New Business

- a. Acceptance of the 92nd Ave and 271st Street Intersection Project Completed by In-Depth Excavation

*Motion by Councilmember Robb, second by Councilmember Metz to authorize the final acceptance of the 92nd Ave and 271st Street Intersection with In-Depth Excavation. **Motion carried unanimously.***

- b. Authorize the Mayor to Sign a Contract with Valdez Construction for the 72nd Ave Sidewalk Infill Project

*Motion by Councilmember Metz, second by Councilmember Bergman to authorize the Mayor to sign a contract with Valdez Construction for the 72nd Sidewalk Infill project for \$68,767.00. **Motion carried unanimously.***

- c. Authorize the Mayor to Sign a Contract with Konnerup Construction for the Viking Way Phase 2 Project

Motion by Councilmember Metz, second by Councilmember Shepro to authorize the mayor to sign a contract with Konnerup Construction for the Viking Way Phase 2 project for \$1,855,280.75 with a ten percent construction contingency of \$185,528.00.

*Roll call of votes was taken. **Motion carried unanimously.***

- d. Approve First Reading of Ordinance 1534 Complete Streets

Motion by Councilmember Bergman, second by Councilmember Robb to accept the first reading of Ordinance 1534 as set forth in attachment "A" and to proceed with second reading.

12. Public Closing Comments

<u>Name</u>	<u>City</u>	<u>Topic</u>
Christi Bell	Stanwood	Request to have project costs written out more clearly.

13. Executive/Legislative Reports

a. Mayor's Report

- Attended the Hamilton Landing Park ribbon cutting, along with Councilmembers Gaumond, Metz, Robb and Shepro. It was a great turn out with approximately 60/70 people attending.
- Very impressed with the story and narrative of the Comprehensive Comp Plan and encourages councilmembers to read it.
- The Police Station remodel is finished, and City Hall is almost done.
- Will be attending the Memorial Day Service at Anderson Cemetery on Monday, May 27th, 11:00 am. Come out to support our community and Veterans.
- It's Public Works appreciation week, make sure to thank the PW crews for all their hard work.

b. City Administrator Report

- The Clean Sweep Event was very well attended, filled 14 large dumpsters.
- Happy Public Works week to Kevin Hushagen, Alan Lytton and all of the Public Works Crews.
- Have a great Memorial Day weekend.

c. Councilmember's Report/Questions

- Gaumond – have a nice weekend
- Metz – had his first unhappy citizen tell him how angry he is with Stanwood related items not showing up on his ballot, the citizen does not live in Stanwood.
- Robb – attended the Hamilton Landing ribbon cutting and will be attending the Memorial Day event at Anderson Cemetery. The High School should think about including the mayor in their pie-in-the-face fund raiser, it would be a good money maker.
- Hicks – thanked Councilmembers Gaumond and Bergman for responding to the very negative post on Facebook regarding the Cedarside Development. Nice to have Hushagen back, Lytton did a great job covering for him. Congratulated Tansy Schroeder on her promotion to Senior Planner. Read in the Community Development Committee minutes that there was a consideration to use the extra Storefront Improvement Program funds to help with the beautification of the American Legion Building and wanted to express his support.
- Shepro – had a great day today! Tonight's meeting has been great starting off with the passionate presentation by the high school student representative, Ava Fast and all the citizens that stepped up to give passionate comments regarding the fireworks ban issue. Attended the ribbon cutting for Hamilton Landing Park, he remembered attending the first meeting with the architect 5-years ago, and now how gorgeous the park turned out. He wanted to thank Carly Ruacho, other staff and committee members for the hundreds of hours spent on working on this park which will enhance our community to no end.
- Bergman – said Hamilton Landing looks really good. Wanted to comment on Christi Bell's comment on fireworks going off every night in the downtown historic area. Bergman lives in that area and has not heard the fireworks as described by Bell.
- Schmitt – thankful for council taking on the fireworks issue, even though there are different opinions. Encouraged everyone to be ambassadors of the Comprehensive Plan to let citizens know they can give feedback while it's being worked on.

14. Recess to Executive Session

No executive session.

15. Adjourn

There being no further business before the Council, and hearing no objection to adjournment, Mayor Roberts adjourned the meeting at 8:37 p.m.

CITY OF STANWOOD

ATTEST:

Sid Roberts, Mayor

Lisa Sokolik, City Clerk

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CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 8c

DATE: June 13, 2024

SUBJECT: Complete Streets Code Amendment

CONTACT PERSON: Patricia Love, Community Development Director

ATTACHMENTS: A – Ordinance 1534 Adoption of SMC Chapter 11.12
Complete Streets

PURPOSE

The purpose of this agenda item is for Council review and acceptance of the second and final reading of Ordinance 1534, adopting Chapter 11.12, Complete Streets, of the Stanwood Municipal Code.

SUMMARY

Complete streets is a transportation policy and design approach that aims to create streets that are safe, accessible, and convenient for all users, regardless of their age, ability, or mode of transportation. This approach considers the needs of pedestrians, cyclists, public transportation users, people with disabilities, as well as motorists.

BACKGROUND

The 2023 / 2024 work plan for the Twin City Mile (TCM) project includes evaluating traffic calming improvements between 88th Avenue and 84th Avenue along 271st Street. The purpose of the east end near-term improvements is to add beautification to the corridor, promote pedestrian visibility, and slow traffic as it travels along the corridor. Three projects are being proposed to improve pedestrian access and safety:

- Shorten the pedestrian crosswalk distance and add pedestrian buffer areas at the 88th Avenue intersection;
- Improve the mid-block crossing for pedestrian safety and beautification; and
- Slow traffic at the 84th Avenue intersection.

Concept designs for each of these projects will be forwarded to the Council soon for final review and acceptance.

A representative of the Transportation Improvement Board met with the City Engineer and noted that the east end beautification and traffic calming projects could compete well in the next round of grant funding if the City had an adopted “*Complete Streets*” ordinance. Included in the Title 11, Streets and Public Rights of Way, amendment is a chapter on complete streets. To meet the next round of Transportation Improvement Board (TIB) grant funding, the complete streets ordinance adoption process has been segregated from the Title 11 amendments and accelerated to meet the grant application deadline in August.

ANALYSIS

Adopting a complete streets ordinance not only helps the city obtain grant funding but it formalizes the city’s commitment to multimodal planning and projects that serve all users regardless of age and ability. It provides the policy framework for elected officials and staff to design projects that create, or enhance, a better-connected transportation network.

The attached ordinance contains the following sections:

Purpose:

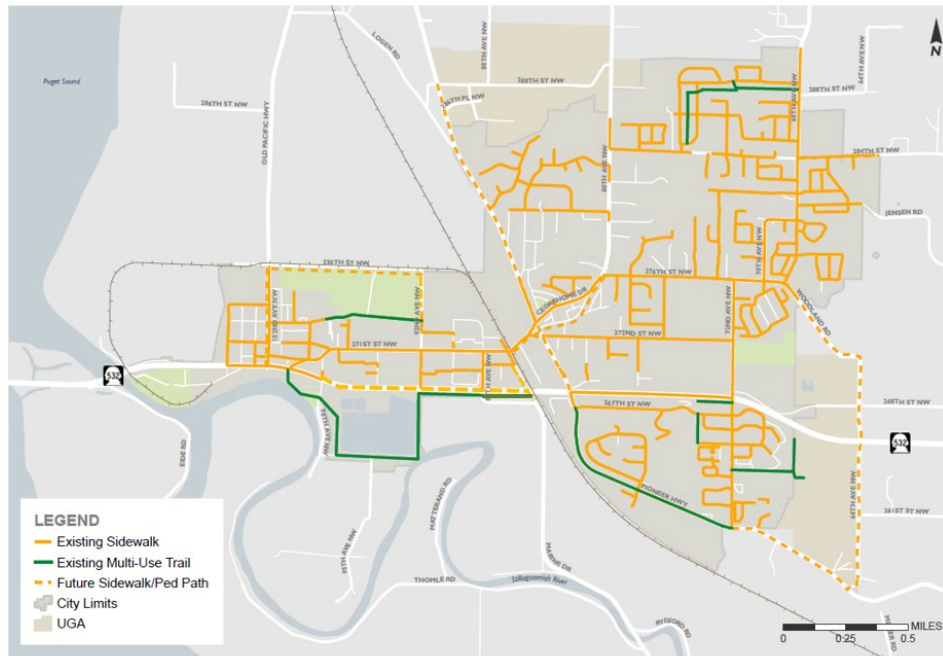
The purpose section provides the policy framework for the ordinance: when designing new roads or reconstructing existing roads, the design should focus on all modes of travel and accessibility including pedestrians, bicyclists, transit and automobiles. However, a “one size all” approach should not be applied to the transportation network. Each design needs to reflect its users, travel types and travel volumes: SR 532 will have a completely different buildout design than a local neighborhood street.

Applicability:

This section details who must comply with the complete streets ordinance:

- All street designs, construction and retrofit projects in the city;
- All companies that work within the city right-of-way such as electric, gas, communications, cable, or power utility companies; and
- State or governmental agencies such as Snohomish County, WSDOT, or the School District.
- Developments adjacent to a mapped non-motorized transportation project must construct the transportation project, according to the Stanwood Street and Utilities Standards.

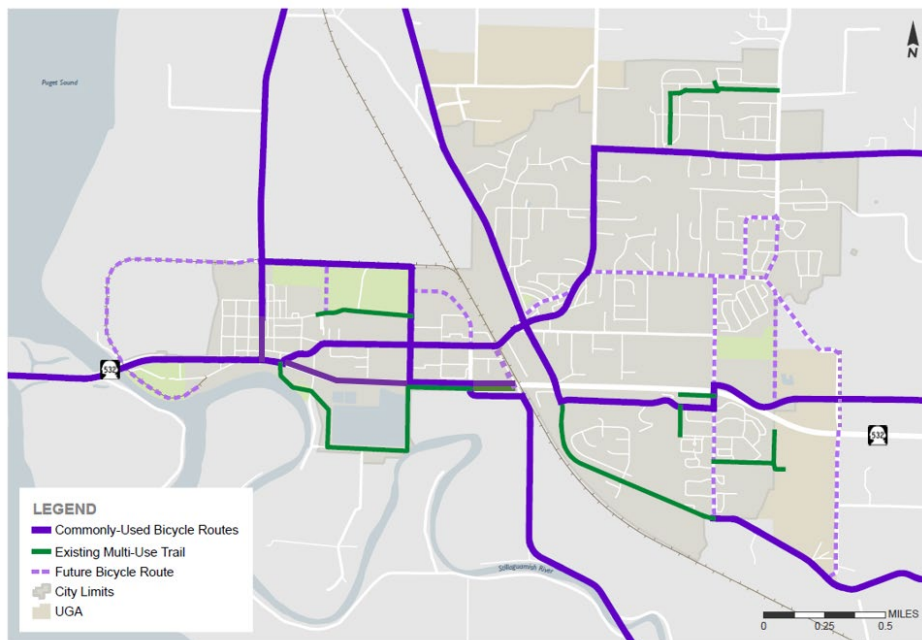
Pedestrian Network Map 2024-2044 Comprehensive Plan – Transportation Element



Future Pedestrian Network
Stanwood Transportation Master Plan

transpogroup

Bike Network Map: 2024-2044 Comprehensive Plan – Transportation Element



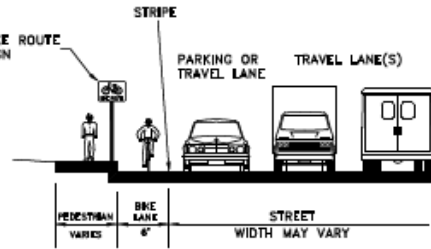
Future Bicycle Network
Stanwood Transportation Master Plan

transpogroup

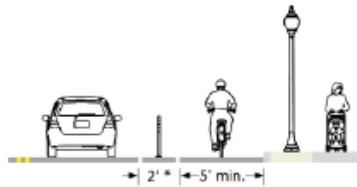
Street Standard Bikeway Options



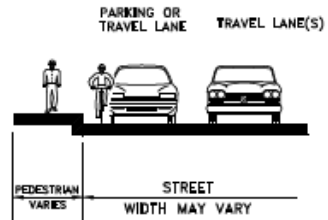
CLASS I MULTI-USE PATH



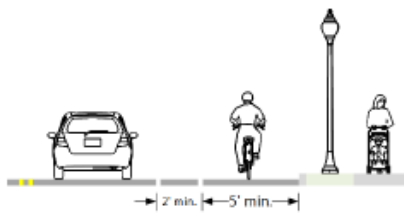
CLASS III BIKE LANE



CLASS I PROTECTED BIKE LANE



CLASS IV BIKE BOULEVARD /
SHARED ROADWAY



CLASS II BUFFERED BIKE LANE

City of Stanwood



TRANSPORTATION STANDARD DETAIL

BIKEWAY CLASSES

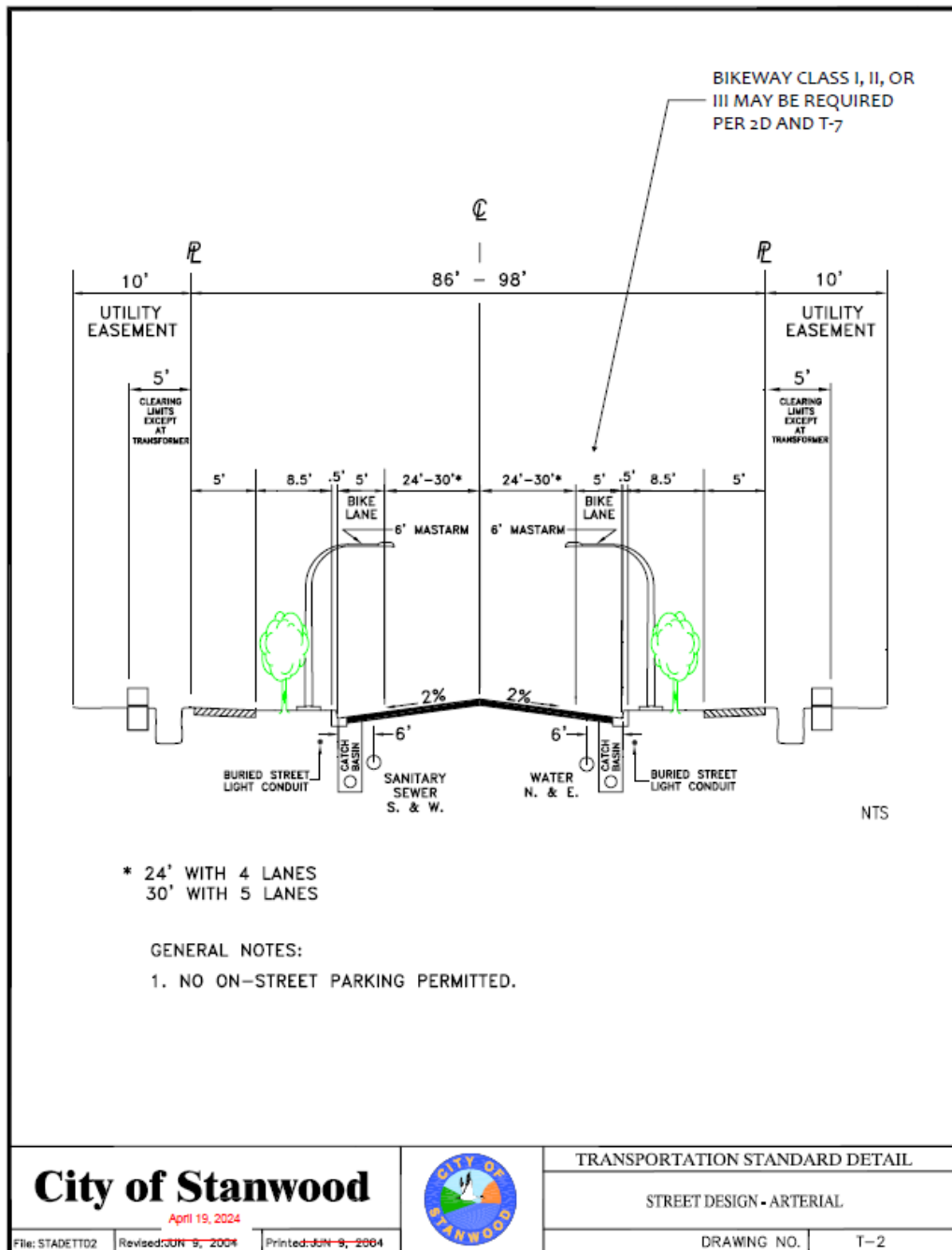
File:STADETT07 Revised: Dec. 12, 2013 Printed: Jan. 10, 2014

DRAWING NO. T-7

April 19, 2024

Street Standard

Street Cross Section with Bikeway Class Note



Implementation:

Design and implementation of city streets should be centered around the following criteria:

- Streets must be designed and constructed to provide accommodations for pedestrians, bicyclists, people of all ages and abilities, transit where appropriate, and vehicles.
- Complete streets require connected travel networks.
- Street designs shall be flexible and innovative rather than purely prescriptive allowing modifications to meet the needs and comfort of all people. An example would be allowing alternative street widths, reducing operating speeds, adding street lighting, and ensuring connectivity to parks, schools, and/or shopping.
- Provide for environmental and aesthetically pleasing designs by including landscaping, street trees, design features or amenities, shade, reduced energy consumption, and improved air and water quality.
- Follow best practices design standards of WSDOT, Americans with Disabilities Act, and various Traffic Control Manuals.

Deviations:

Provides exceptions for situations when the complete streets standards cannot be met. Exceptions should not become common practice, but rather applied minimally under the following circumstances:

- Potential to negatively impact public health, safety, or critical areas;
- Routine maintenance;
- Repairs needed to quickly respond to an emergency;
- Where costs far exceed the current or future needs; and
- City plans clearly document an absence of current or future needs.

Performance Measures:

Requires monitoring and annual reports to assess how the program is being implemented. Monitoring includes:

- Cumulative miles of improved / new Complete Streets.
- Linear feet of new / reconstructed sidewalks.
- Number of new / reconstructed curb ramps.
- Miles of bicycle facilities added.
- Number of ADA accommodations provided or improved.
- Number of intersection improvements.
- Number of new street trees installed.
- Number of exemptions from this policy approved.

Capital Improvements Projects:

Complete streets policies and concepts shall be integrated into all future capital facilities projects. Designs can apply multiple strategies to incorporate complete streets policies including phasing, new or innovative concepts, and multi-use facilities.

Fiscal Impact
No direct financial impact. Code work was already budgeted and approved through the Municipal Code Update Project contract and scope of work.

RECOMMENDATIONS

Staff Recommendation:

To meet the TIB grant due date, staff is recommending that the Council accept the second and final reading of the proposed complete streets ordinance. If ordinance changes are needed that requires additional research, staff recommends that those amendments be discussed as part of the amendments to Title 11 which will come before Council in late June or early July.

Committee/Board Recommendation:

The Complete Streets Ordinance was circulated for review to the committees for review and comments: Advisory Group on February 21, Community Development Committee on March 7, Planning Commission on March 11. The Community Development Committee meeting was cancelled; however, the Committee had the packet and by email response was supportive of the amendments. The overall review comments were supportive of the ordinance.

- They unanimously support adoption of a complete streets program and ordinance.
- Like that the Ordinance prioritizes people over cars.
- Support the use of existing pavement areas without needed to add additional pavement.
- Complete streets strengthen the livability of neighborhoods and the City.
- Separated bike lanes should be a priority.

CITY COUNCIL OPTIONS

1. Accept the second and final reading of Ordinance 1534 adopting the Complete Streets Ordinance.
2. Request changes to Ordinance 1534 and direct staff to address specific Council issues or concerns with the amendments to Title 11, Streets and Public Rights-of-Way.
3. Do not adopt the ordinance at this time.

PROPOSED MOTION

“I MOVE TO APPROVE THE SECOND READING AND ADOPTION OF ORDINANCE 1534 COMPLETE STREETS, AS SET FORTH IN ATTACHMENT “A”.”

**CITY OF STANWOOD
WASHINGTON**

ORDINANCE NO. 1534

**AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, CREATING NEW
STANWOOD MUNICIPAL CODE CHAPTER 11.12, COMPLETE STREETS PROGRAM AND
ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the City of Stanwood is a member of the Puget Sound Regional Council (PSRC), a metropolitan planning organization that develops transportation policies and funds planning and roadway improvement projects in the Puget Sound area; and

WHEREAS, the PSRC encourages cities and counties to adopt local complete streets policies that implement the 2011 Washington State Complete Streets Act per RCW 47.04.320; and

WHEREAS, the City Council intends to improve the safety of city streets, enhance the quality of life of residents, encourage active living, and reduce traffic congestion and use of fossil fuels by providing convenient and comfortable routes for walks, biking and public transportation; and

WHEREAS, the Complete Streets Act encourages cities to adopt street designs that provide safe access for all users, including bicyclists, pedestrians, motorists, freight transporters, railroads, and public transportation uses; and

WHEREAS, the Complete Streets Act goals promote healthier communities by encouraging use of non-motorized transportation, improve safety by designing roads that accommodate pedestrians, protect the environment by reducing congestion, and preserve community character by involving local residents in the planning process; and

WHEREAS, the City of Stanwood's Comprehensive Plan includes a vision, mission and seven core value statements; and

WHEREAS, "mobility", one of the seven Comprehensive Plan core value statements states, "Stanwood should provide for all forms of multi-modal transportation, including trails, sidewalks, bikeways, transit and private vehicles"; and

WHEREAS, the City's 2016 non-motorized transportation plan seeks to develop a transportation system that provides for alternative modes of transportation such as pedestrian and bicycle travel; and

WHEREAS, as part of the 2024-2044 Comprehensive Plan update process, Stanwood staff conducted 26 separate outreach events to gain public feedback on the community desires and needs for the Plan update; and

WHEREAS, significant public feedback was received that the community desires new and improved pedestrian facilities such as sidewalks, bikeways and trails connecting the community throughout the city; and

WHEREAS, one specific Comprehensive Plan survey conducted between November 2022 and January 2023 resulted in 71 electronic comments and 35 of those specifically requested improved pedestrian infrastructure improvements to improve mobility throughout the city; and

WHEREAS, the City of Stanwood proposes to adopt a complete street policy with implementing regulations consistent with state guidelines, regional policies and community desires; and

WHEREAS, the City aims to implement complete street standards that prioritize pedestrian comfort and mobility for people of all ages, abilities, and modes of transportation, including pedestrians, cyclists, public transit users, freight transporters, railroads and motorists; and

WHEREAS, the City recognizes that Complete Streets aim to create a balanced, accessible, and safe environment for all road users, promoting a more sustainable and livable community and that roadway designs will need to be flexible to address the unique characteristics and needs of the community being served; and

WHEREAS, the City's transportation system's design will be consistent and supportive of local neighborhoods, recognizing that transportation needs vary and must be balanced in a safe, flexible, context sensitive and cost-effective manner; and

WHEREAS, the proposed code amendment is not a "development regulation" as defined as RCW 36.70A.030(13) and is therefore exempt from State of Washington Department of Commerce noticing requirements; and

WHEREAS, the City Council Community Development Committee reviewed the option to adopt a Complete Streets ordinance on October 5, 2023 and supported the adoption of such an ordinance; and

WHEREAS, the Planning Commission reviewed edits to the Complete Streets code on October 9, 2023 and recommended that any complete streets ordinance be tailored to work with existing neighborhood conditions; and

WHEREAS, the Comprehensive Plan / Municipal Code Advisory Group reviewed the Complete Streets code on January 17, 2024, and supported rules that allows for different modes of travel;

WHEREAS, a SEPA Threshold Determination of Non-Significance, non-project action, was issued on April 23, 2024, and publishing on April 23, 2024. The SEPA appeal period lapsed on May 7, 2024, and no appeals were filed; and

WHEREAS, the City Council held their first reading of the draft code amendment on May 23, 2024, and their second and final reading on June 27, 2024, and

WHEREAS, the City Council of Stanwood has authority under Title 35A, RCW to adopt plans and regulations related to development and operations within the City of Stanwood; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD,
WASHINGTON, DOES ORDAIN AS FOLLOWS:**

Section 1. The City Council does hereby adopt the above listed recitals as set forth fully herein.

Section 2. Code Revisions. Stanwood Municipal Code Chapter 11.12, Complete Streets Program, is adopted as provided in Exhibit "A" attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 3. Severability. The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 4. Authority to Make Necessary Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbers, section/subsection numbers and any references thereto.

Section 5. Effective Date. This Ordinance shall take effect thirty days after its passage and publication as required by law.

PASSED and APPROVED this ____ day of _____, 2024.

CITY OF STANWOOD:

Sid Roberts, Mayor

Attest:

Lisa Sokolik, City Clerk

Approved as to Form:

Nikki Thompson, City Attorney

Date of Publication: _____

Effective Date: _____

Exhibit A

Chapter 11.12 Complete Streets Program

Chapter	Title
11.12.010	Purpose
11.12.020	Applicability
11.12.030	Implementation
11.12.040	Deviations
11.12.050	Performance Measurements
11.12.060	Capital Improvement Projects

11.12.010 Purpose.

- (1) The Complete Streets Program is intended as a policy framework directing the City to take a holistic approach to transportation planning in its street improvements. The purpose of Stanwood's Complete Streets Program is to:
 - (a) Prioritize the needs and comfort of all people and travelers, considering issues such as street design and width, context-appropriate operating speed, mode balance, lighting, and connectivity.
 - (b) Support different modes of travel while respecting Stanwood's existing neighborhood characteristics by applying Complete Streets concepts in a context-sensitive manner, unique to each neighborhood.
 - (c) Encourage multimodal transportation infrastructure for all users, including pedestrians, bicyclists, automobiles, freight, and emergency services.
 - (d) Improve public safety, health, and efficient travel for all ages, abilities, and economic levels, which benefits not only each user but the vitality of the local economy.
 - (e) Create integrated, aesthetically pleasing and connected transportation systems that provide access, mobility and health for all users including people traveling with different levels of ability or mobility.
 - (f) Improve the public health of Stanwood's community members by encouraging active transportation modes.
 - (g) Reduce traffic and congestion and foster cleaner air quality by enabling alternative transportation modes.
- (2) A Complete Streets approach to right-of-way design does not necessarily require expansion of transportation facilities and pavement. Rather, the purpose of these policies is to require consideration of solutions that make transportation facilities comfortable for all users, from vehicles to pedestrians. The Complete Streets design approach is flexible and innovative rather than purely

prescriptive. However, there are many best practices that represent thoughtful application of engineering, architectural and urban design principles which must be used in implementing this Chapter. For example, the Federal Highway Administration's (FHWA) proven safety countermeasures and the National Association of City Transportation Officials (NACTO) provide some examples of design interventions for Complete Streets. The following photos offer examples of some Complete Street design interventions.

Figure 11.12.010(A) Traffic Calming and Mid-Block Crossing Example (Credit: Richard Drdul)



Figure 11.12.010(B) Bikeway Example (Credit: Richard Drdul)



Figure 11.12.010(C) Bump-out Crossing Example (Credit: Richard Drdul)



11.12.020 Applicability.

- (1) Any agency conducting work within a city right-of-way must comply with the requirements in this chapter and may not take actions that could adversely affect multimodal travel conditions and future opportunities. Such agencies include, but are not limited to electric, gas, communications, cable, or power utilities.
- (2) Stanwood encourages entities not under its jurisdiction to meet the requirements of this chapter, including but not limited to the Stanwood-Camano School District, Snohomish County, and the Washington State Department of Transportation.
- (3) The City has identified transportation projects needed to buildout its non-motorized transportation network. The location of these projects are shown below in Figures 11.12.020 (A) and (B) and in the City of Stanwood Comprehensive Plan. The Transportation Element of the Comprehensive Plan includes pedestrian, bicycle, and “spot” improvements in greater detail.
 - (a) Requirement to construct improvements. A proposed development adjacent to a mapped non-motorized transportation project described in this section must construct the transportation project, according to the Stanwood Street and Utilities Standards. For right-of-way projects, this means constructing at a minimum the frontage improvements and half street improvements on rights-of-way adjacent to the development, including any required sidewalks or bikeway required by Street and Utility Standards 2B.020 Minimum Street Design Standards and Section 2D Bikeways and Non-Motorized Facilities.

Figure 11.12.020(A) City of Stanwood Future Pedestrian Network Project Map

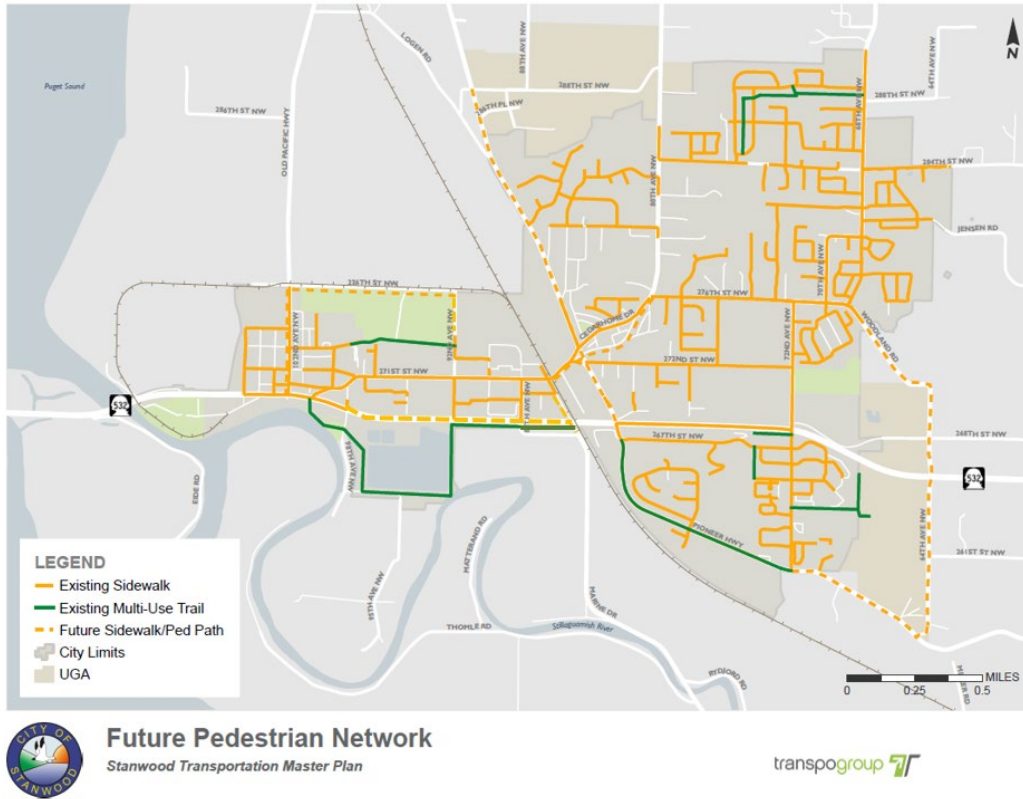
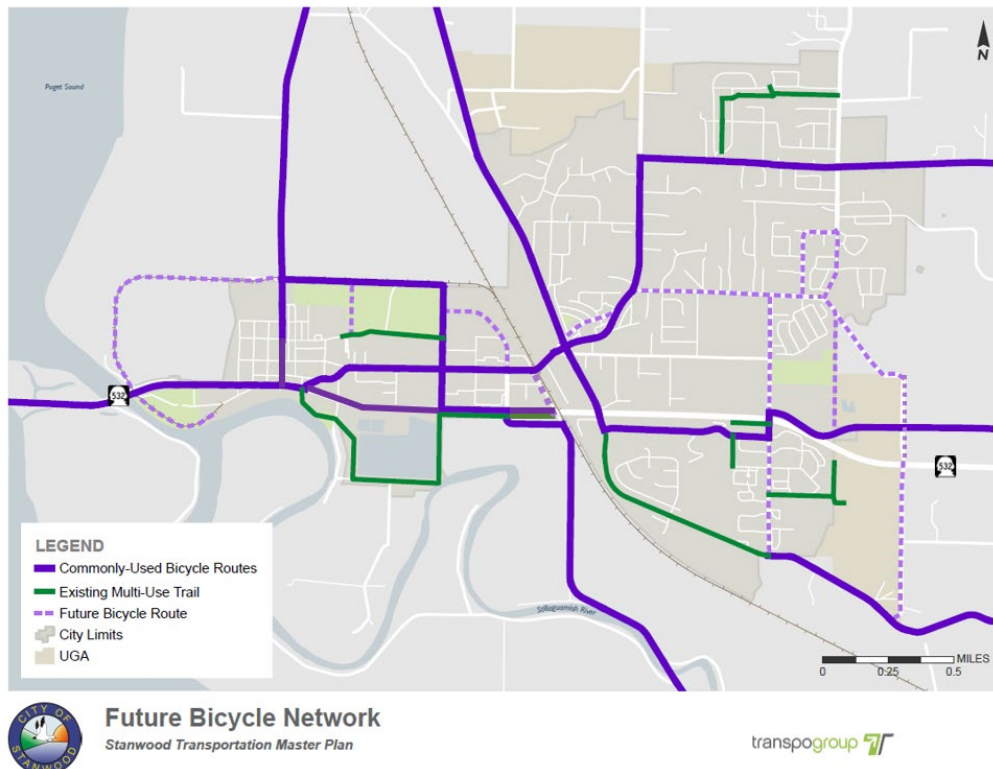


Figure 11.12.020(B) City of Stanwood Future Bicycle Network Project Map



11.12.030 Implementation.

- (1) Projects proposing work in the right-of-way must consider ways to make streets safer and easier to use for pedestrians and non-motorized means of transportation. Project proposals must follow the development standards for land use and buildings adopted in the Stanwood Municipal Code and standards for streets in the Stanwood Street and Utility Standards.
- (2) To implement this Complete Streets program, the City will review each proposal, including its own projects, to ensure the street design and internal circulation system implements the principles of Complete Streets.
 - (a) Improved access to buildings from the right-of-way. Comfortable and accessible points of access with safety-focused improvements should be a starting point for improving the city's transportation network.
 - (b) Design and construct both public and private streets to accommodate pedestrians, bicyclists, people of all ages and abilities, transit and freight where appropriate, and vehicles. This includes:
 - (i) Using context-sensitive designs and best practices that both provide safety to all users while respecting and enhancing the City's small-town scale.
 - (ii) Implementing multi-modal project priorities.
 - (iii) Considering non-infrastructure-based improvements to ensure existing facilities support all modes, for example reducing design speeds where the transportation environment supports lower speeds.
 - (iv) Consider Complete Streets principles in the review of zoning, site plans, subdivisions plans, and other projects that include streets, or internal circulation routes.
 - (c) Provide Interconnected Networks. Complete Streets require connected travel networks. All roadways and routes need not be optimized for all modes. However, people using each mode require a network of safe, convenient travel routes and crossings throughout the city. The City must prioritize opportunities to create a complete and intuitive transportation network with clear wayfinding that provides connected facilities to serve each mode of travel. The network may include off-street hard-surface trails for biking and walking. Special consideration will be given to underserved areas where multiple transportation options are needed.
 - (d) Flexible Design. Street designs must be flexible and innovative rather than purely prescriptive to one type of user or purpose. Allow developers, engineers, planners, and other interested parties to propose innovative and create solutions, recognizing that Complete Street approaches evolve over time. Street design modifications may be approved by the Public Works Director. Designs must provide for the needs and comfort of all people and travelers, considering issues such as street design and width, desired operating speed, mode balance, street lighting, and connectivity.
 - (e) Environmental Design. The City must foster healthy, walkable, bicycle-friendly, green neighborhoods by including landscaping, street trees, and design features. These improvements enhance street design while providing added benefits of shade, summer cooling, reduced energy consumption, and improved air and water quality.

- (i) Where feasible, integrate the natural environment and habitat into street design of improvements for all modes.
- (f) Best Practice Design Standards. The following standards and guidelines must be applied to the design of Complete Streets:
 - (i) Street construction standards are adopted under SMC 14.04, Street and Utility Standards.
 - (ii) The latest and best design guidelines and practices from the following must also be used.
 - (A) American Association of State Highway Officials (AASHTO)
 - (B) Washington State Department of Transportation (WSDOT)
 - (C) Institute of Transportation Engineers (ITE)
 - (D) National Association of Transportation Officials (NACTO)
 - (E) Americans with Disabilities Act (ADA)
 - (F) Manual on Uniform Traffic Control Devices (MUTCD)

11.12.040 Deviations.

Not every street can be complete for each traveler or mode, and consideration of an exception may be requested for projects in extenuating circumstances. Requests for deviation must be evaluated and decided in a joint review by the Public Works Director and the Community Development Director (or their designees). A deviation for a specific project may be requested and granted under the following circumstances:

- (1) Where their establishment would:
 - (a) Hinder public health or safety.
 - (b) Adversely impact critical areas.
- (2) For routine maintenance of the street that does not change the roadway geometry or operations, such as mowing, snowplowing, sweeping, spot repair, joint or crack sealing, or pothole filing.
- (3) Reconstruction of a right-of-way is needed quickly due to an emergency.
- (4) When the cost would be disproportionate to the current need or probable future uses.
- (5) There is a documented absence of current or future needs, as established in City plans and future travel demand forecasts.

11.12.050 Performance Measurements.

- (1) Annual review of success. The Public Works Director must maintain a summary of transportation projects undertaken within the prior year and planned projects within the coming six-year period. Each listed project must demonstrate how it has met the objectives of this policy.
- (2) As part of the annual review, qualitative and quantitative data must be used to assess the performance of Complete Streets projects. Such performance measures to assess projects under the Complete Streets Code may include, but are not limited to the following:
 - (a) Cumulative miles of improved / new Complete Streets.
 - (b) Linear feet of new / reconstructed sidewalks.

- (c) Number of new / reconstructed curb ramps.
- (d) Miles of bicycle facilities added.
- (e) Number of ADA accommodations provided or improved.
- (f) Number of intersection improvements.
- (g) Number of new street trees installed.
- (h) Number of exemptions from this policy approved.

11.12.060 Capital Improvement Projects

- (1) This Complete Streets Policy and its long-range goals must be incorporated into the planning, scoping, budgeting, funding, design, approval and implementation process for all City facilities, roadways, and right-of-way infrastructure. The Comprehensive Plan, Transportation Plan, Capital Improvement Program, and other relevant City plans must be used for guidance.
- (2) Projects may be designed to achieve fully Complete Streets and networks over time, and in future phases of work. Phased projects must ensure that such phased improvements do not adversely affect the pedestrian realm and opportunities for multimodal travel and facilities.
- (3) Where the costs of acquiring right-of-way to provide separate accommodations for each mode of travel are cost-prohibitive, innovative, or multi-use facilities within the existing right-of-way that accommodate both pedestrians and bicyclists may be considered.
- (4) For City parks projects, park land may be used for bicycle/pedestrian trails and other elements of the transportation system that provide connectivity and support people's access to parks and recreational/outdoor activities.
- (5) City utilities projects must ensure that Complete Streets Policy implementation does not create public safety hazards or reductions in levels of utility service unacceptable to utility customers.

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**CITY OF STANWOOD
COUNCIL AGENDA STAFF REPORT**

ITEM NUMBER: 9
DATE: June 13, 2024
SUBJECT: Fireworks Code Amendment
CONTACT PERSON: Patricia Love, Community Development Director
ATTACHMENTS: A – Ordinance 1531 - Fireworks

PURPOSE

The purpose of this agenda item is for Council review and acceptance of the third and final reading of Ordinance 1531, limiting the days and times when fireworks can be legally discharged within City limits.

SUMMARY

The City of Stanwood has initiated an amendment to the Stanwood Municipal Code to limit the days and times when fireworks can be legally discharged within City limits. These amendments are being proposed to address safety concerns, noise pollution, and potential fire hazards associated with fireworks usage.

BACKGROUND

In February of 2023, the Stanwood City Council unanimously adopted Resolution 2023-04 requesting the Snohomish County Auditor to place an advisory measure on the November 2023 ballot regarding whether to prohibit fireworks in the city. The November 7, 2023, advisory vote language read as follows:

“Should the Stanwood City Council prohibit fireworks within the City limits of Stanwood?”

Yes _____
No _____

The advisory vote resulted in 58.26% of the voters, voting in favor of banning fireworks in Stanwood. A copy of the final election results tabulated by Snohomish County is shown below.

City of Stanwood Proposition No. 1 (Vote for 1)

2005 ballots (1 over voted ballots, 1 overvotes, 42 undervotes), 5346 registered voters, turnout 37.50%

Yes	1143	58.26%
No	819	41.74%
Total	1962	100.00%
Overvotes	1	
Undervotes	42	

In early February the City Council considered the results of the ballot measure at a workshop where they had a lengthy discussion on the pros and cons of banning fireworks in the city. Discussion points included:

- Low voter turn-out and if it accurately reflects the desires of the larger community;
- Logistical and enforcement challenges with a total fireworks ban;
- Snohomish County and surrounding Tribes allowing fireworks;
- Adopting a partial ban;
- Bring back the city firework show;
- The impact to our military veterans and animals;
- Property damage and fire risks from fireworks;
- Celebration of our nation's history and traditions; and
- Potential loss of revenue to community groups that sell fireworks for a fund raiser.

After their discussion they directed staff to bring forward an ordinance for further discussion.

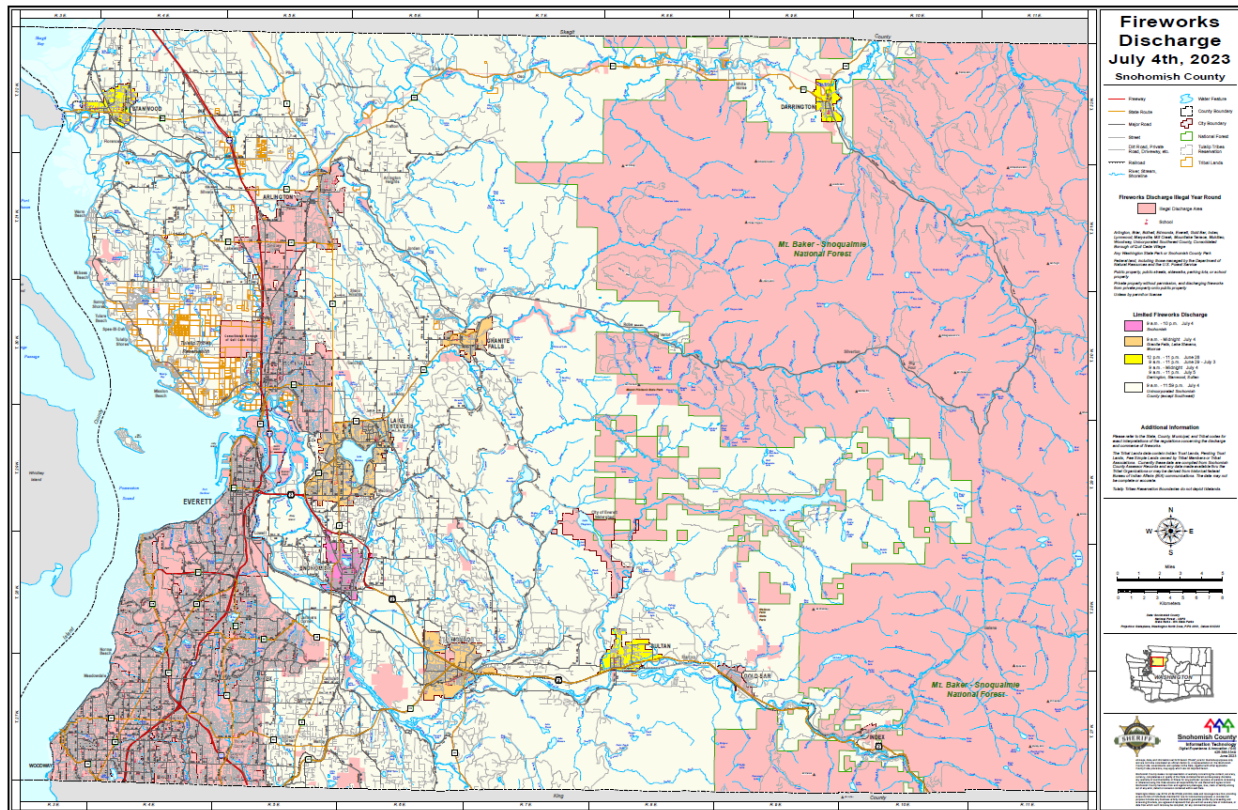
ANALYSIS

There were a mix of Council options on how best to regulate fireworks, but the majority supported some type of partial ban by reducing the number of days that fireworks can be discharged in the City. Attached is a draft ordinance that limits the discharging of fireworks in the city.

Use and Discharge of Fireworks

Existing Code: 9 Days	Proposed Code: 2 Days
12 noon – 11 pm on June 28	9 am – 12 midnight on July 4
9 am – 11 pm from June 29 – July 3	6 pm on Dec. 31 – 1 am on January 1
9 am – 12 midnight on July 4	
9 am – 11 pm on July 5	
6 pm on Dec. 31 – 1 am on January 1	

The map below shows a comparison of how other cities in Snohomish County manage fireworks, as of July 4th, 2023.



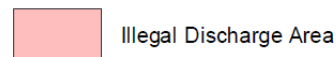
As the map can be hard to read, the color-coded index has been enlarged and provided to the side. This map only shows use of fireworks on the 4th of July, not New Year's Eve.

All cities in the SW County ban fireworks.

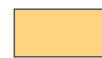
Darrington, Stanwood and Sultan follow the provisions of the State RCW's (Revised Code of Washington).

Snohomish, Granite Falls, Lake Stevens, Monroe and portions of Unincorporated Snohomish County limit the hours fireworks can be discharged on the 4th of July.

Fireworks Discharge Illegal Year Round



Limited Fireworks Discharge

-  9 a.m. - 10 p.m. July 4
Snohomish
-  9 a.m. - Midnight July 4
Granite Falls, Lake Stevens, Monroe
-  12 p.m. - 11 p.m. June 28
9 a.m. - 11 p.m. June 29 - July 3
9 a.m. - Midnight July 4
9 a.m. - 11 p.m. July 5
Darrington, Stanwood, Sultan
-  9 a.m. - 11:59 p.m. July 4
Unincorporated Snohomish County (except Southwest)

In Skagit County, Mount Vernon allows fireworks on 4th of July between 12 pm and Midnight. Sedro Woolley allows fireworks on 4th of July between 9 am and 11 pm.

It should be noted, any changes to the fireworks ordinance will take effect five days after its passage and publication as required by law, but execution of the ordinance restricting the hours that fireworks can be discharged will not take effect until one (1) year after passage.

Responses to Council Questions (Second Reading)

At Council's April 25 meeting there were several questions and directives regarding 1) potentially limiting the number of days fireworks are sold, 2) how to identify legal from illegal fireworks, 3) potentially prohibit fireworks on New Years, 4) enforcement and 5) voter turnout. In summary, the draft ordinance has been amended to include the following changes.

- Added the definition of illegal fireworks;
- Added a Class 1 penalty (\$250.00) for selling illegal fireworks;
- Deleted allowing sales of fireworks on December 27-31;
- Fireworks are only allowed to be discharged on the 4th of July or public displays – no longer allowed on New Years; and
- The penalty for discharge of fireworks has been changed from a Class 2 civil infraction (\$125.00) to a Class 1 civil infraction (\$250.00)

Below are the detailed staff responses regarding the proposed code changes.

1. Potentially Limiting the Number of Days Fireworks are Sold:

Stanwood permits the sale of fireworks starting on June 28th through July 5th for the 4th of July holiday and from December 27th through December 31st for New Years. It was suggested that the number of days that sales are allowed should be limited.

Typical groups that sell fireworks as fund raisers in Stanwood include the Knights of Columbus and the Camano Chapel Youth Club. This year the City also received an application from the Stanwood High School Booster Club. Staff reached out to these groups to get their thoughts on what, if any, impact limiting the number of sales days may have on their activities. As of writing this staff report, we have not heard back from these groups about this amendment may affect their fundraising activities.

2. How to Identify Legal from Illegal Fireworks:

The State of Washington regulates the sale, use and distribution of fireworks on all non-tribal lands. There are strict rules at the state level as to what constitutes legal fireworks. Below are the state regulations regarding fireworks.

RCW 70.77.136 regulates defines consumer fireworks as follows:

"Consumer fireworks" means any small firework device designed to produce visible effects by combustion and which must comply with the construction, chemical composition, and labeling regulations of the United States consumer product safety commission, as set forth in 16 C.F.R. Parts 1500 and 1507 and including some small devices designed to produce audible effects, such as whistling devices, ground devices containing 50 mg or less of explosive materials, and aerial devices containing 130 mg or less of explosive materials and classified as fireworks UN0336 by the United States department of transportation at 49

C.F.R. Sec. 172.101 as of June 13, 2002, and not including fused setpieces containing components which together exceed 50 mg of salute powder.

RCW 70.77.401 – Sale of Certain Fireworks Prohibited

No fireworks may be sold or offered for sale to the public as consumer fireworks which are classified as sky rockets, or missile-type rockets, firecrackers, salutes, or chasers as defined by the United States department of transportation and the federal consumer products safety commission except as provided in

RCW [70.77.311](#).

RCW 70.77.485 – Unlawful Possession of Fireworks – Penalties

It is unlawful to possess any class or kind of fireworks in violation of this chapter.

A violation of this section is:

(1) A misdemeanor if involving less than one pound of fireworks, exclusive of external packaging; or

(2) A gross misdemeanor if involving one pound or more of fireworks, exclusive of external packaging.

For the purposes of this section, "external packaging" means any materials that are not an integral part of the operative unit of fireworks.

RCW 70.77.488 – Unlawful Discharge or Use of Fireworks – Penalty

It is unlawful for any person to discharge or use fireworks in a reckless manner which creates a substantial risk of death or serious physical injury to another person or damage to the property of another. A violation of this section is a gross misdemeanor.

RCW 70.77.547 – Civil Enforcement Not Precluded

The inclusion in this chapter of criminal penalties does not preclude enforcement of this chapter through civil means.

At the State level, the difference between simple misdemeanors and gross misdemeanors is the maximum punishments a judge could impose:

- Misdemeanor: Up to 90 days in jail and up to a \$1,000 fine.
- Gross misdemeanor: Up to 364 days in jail and up to a \$5,000 fine.

The Washington State Patrol is responsible for providing a list of fireworks that can be sold to the public. Below is a copy of the types of legal and illegal fireworks in Washington State.



WASHINGTON STATE LEGAL CONSUMER FIREWORKS FOR SALE IN TENTS AND STANDS PER RCW 70.77.136

Cylindrical Fountain

Upon ignition, a shower of colored sparks, and sometimes a whistling effect, is produced.



Helicopters, Aerial Spinners

A propeller or blade is attached, which, upon ignition, lifts the rapidly spinning device into the air. A visible or audible effect is produced at the height of flight.



Cone Fountain

Upon ignition, a shower of colored sparks, and sometimes a whistling effect, is produced.



Smoke Devices

Tube or sphere containing pyrotechnic composition that, upon ignition, produces a white or colored smoke as a primary effect.



Roman Candles

Heavy paper or cardboard tube containing pyrotechnic composition. Upon ignition, up to ten "stars" are individually expelled at several-second intervals.



Parachutes

Upon ignition, one or more parachutes are propelled into the air with stars, smoke, and other effects being discharged as the parachute floats downward.



Wheels

Pyrotechnic device attached to a post or tree by means of a nail or string. A wheel may contain up to six "driver" units; upon ignition, the wheel revolves, producing a shower of color and sparks and, sometimes, a whistling effect.



Mine/Shells/Cakes

Mine – An aerial device that shoots stars into the sky in an upward spray pattern. Shell – A shell is an aerial item that is fired into the sky. Cake – Dense-packed collection of mine/shell tubes that are fused together.



Ground Spinners

A small device similar to a wheel in design and effect. When placed on the ground and ignited, a shower of sparks and color is produced by the rapidly spinning device.



Reloadable Mortars

A shell consisting of a container, a lift charge, a time fuse, a burst charge, and stars/effects. The lift charge propels the shell out of the tube igniting the burst charge at the right altitude, igniting the effects.



Dipped Stick, Sparkler

Stick or wire coated with pyrotechnic composition that produces a shower of sparks upon ignition. Total pyrotechnic composition not to exceed 100 grams per item.



Novelties

"Trick and Novelty Devices" means any small firework device not classified as a Consumer of Display Firework. Items contain a small amount of pyrotechnic composition that is friction sensitive.



** Pictures shown are for illustrative purposes only and are not an endorsement of any brand or style of consumer firework.

3000-420-039 (R 5/12)



FIRE PROTECTION BUREAU – PREVENTION DIVISION
(360) 596-3946 FAX: (360) 596-3934
E-Mail: Fireworks@wsp.wa.gov



FIREWORK AND EXPLOSIVE DEVICES THAT ARE ILLEGAL IN WASHINGTON STATE

Federally Legal Consumer Fireworks: These items are legal to purchase, possess, and discharge only at an Indian Reservation. Possession and/or use off the reservation is illegal.

Firecrackers

Generally 1/4" x 1 1/2" or less that come in packs to large bricks. A firecracker makes a single "pop" sound. Many firecrackers strung together will make repetitive "popping" sounds.



Sky Rockets and Missiles

Similar to the Bottle Rocket, a Sky Rocket is attached to a stick or has fins and may have a plastic cap. A missile will have fins rather than a stick. Once lit, it ascends rapidly, high into the air where it explodes.



Bottle Rockets

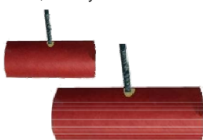
A firecracker type (tube) attached to a 12" long wooden stick. The stick is placed in a bottle and once lit, it rises into the air, travelling laterally before exploding.



Illegal Explosive Devices: The possession, manufacturing, or using of illegal Explosive Devices is a criminal offense.

M-80's, M-100's, etc.

Illegal since the 70's, an M-80 can contain flash powder, black powder, or a composition of materials that are sensitive to shock and can injure or kill people. Can do serious permanent damage to fingers, hands, and eyes.



Improvised Explosive Device (IED)

A pipe bomb is an improvised explosive device, consisting of a tightly sealed section of pipe that is filled with an explosive material. The pipe provides containment, meaning that a low explosive can be used to produce a relatively large explosion.



A tennis ball bomb is an improvised explosive device consisting of a tennis ball filled with combustibles or pyrotechnic material with a fuse producing a loud explosion.



Altered Firework

Sparklers are bound together in electrical or duct tape to contain the ignition of the sparklers, providing for a loud "whoomp" sound with a flash of light.



3000-420-039 (R 5/12)



FIRE PROTECTION BUREAU – PREVENTION DIVISION
(360) 596-3946 FAX: (360) 596-3934
E-Mail: Fireworks@wsp.wa.gov



A new section (SMC 9.42.015, Illegal Fireworks) has been added to the fireworks code describing what types of fireworks are considered illegal. In addition, through the City's social media accounts, an educational campaign can be prepared and broadcast that helps explain what is considered "legal fireworks" and the state and local penalties for noncompliance.

3. Prohibit Fireworks on New Years Eve:

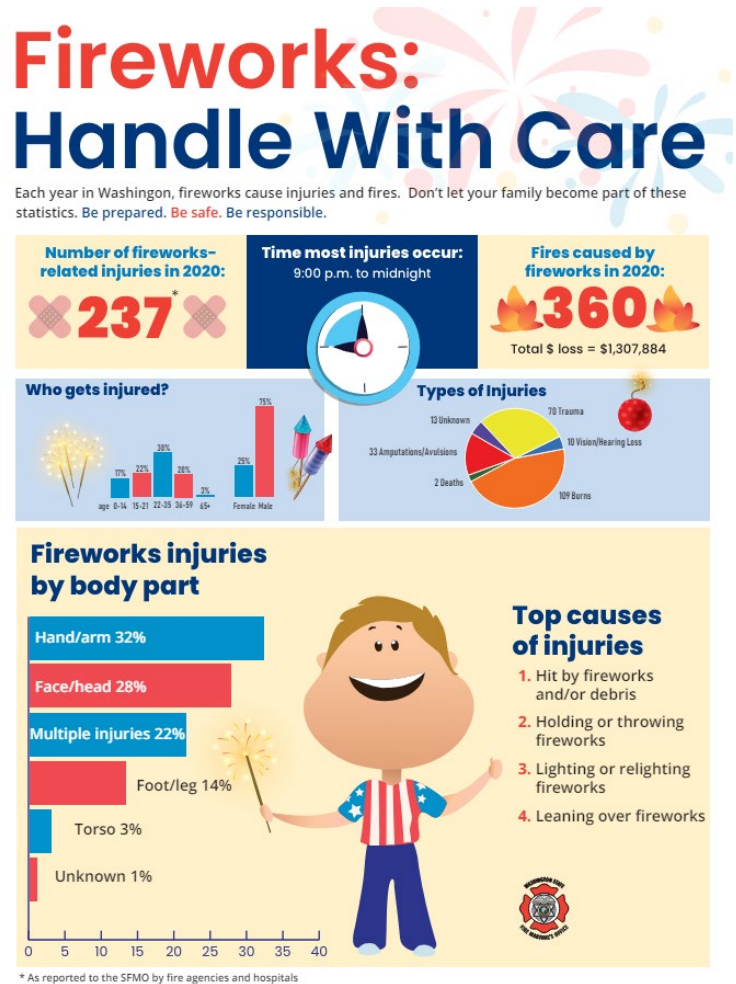
The Council also discussed the option of limiting sales and discharging of fireworks on New Years. While fireworks are discharged on New Years, historically, the City has not received any applications to sell firework on this holiday. The revised draft deletes the sale of fireworks on December 27th through December 31st. It also prohibits the discharge of fireworks on New Years Eve.

4. Enforcement Strategy:

As noted by Chief Tone and Deputy Fire Chief Kraski at the April 25th meeting, enforcement of a fireworks ban or restrictions will begin with an education campaign. It may also take several years to see any noticeable results from the ban.

Since the new rules won't be enforced for a year, the City has time to develop informational materials in partnership with the sheriff's office and North County Regional Fire Authority. Below is an example of an info graphic prepared by the Washington State Patrol to help educate the public on use of fireworks.

In addition, the penalty for discharging of fireworks outside of allowed hours has been upgraded from a class 2 civil infraction of \$125.00 per occurrence to a class 1 civil infraction at \$250.00 per occurrence.



5. *Voter Turnout Comparison to Other Election Cycles:*

There were some concerns brought up that the voter turnout may have been low and did not accurately reflect the majority opinion of Stanwood residents. For your information, below is the voter turnout for Stanwood elections for the past few years. Prior to 2019, the voter turnout was tabulated differently, so those results are not shown. However, if interested, the County's website shows the election results for all election years dating back to the 1900's.

Election Date	Ballots	Registered Voters	Voter Turnout
November 5, 2019	2048	4378	46.78
November 2, 2021	1907	4908	38.85
November 7, 2023	2005	5346	37.50

Responses to Council Questions (Third Reading):

At Council's May 23rd meeting, Council requested the following changes to the fireworks code:

1. Support an increased fine for sales of illegal fireworks. Section 9.42.015(2), Illegal Fireworks has been amended as follows:

(2) A violation of this section ~~is a class 1 civil infraction~~ **will result in a civil penalty of \$500.00.**
2. Reduce the hours that fireworks can be sold from 11 pm to 10 pm and reduce the number of days that they can be sold. Section 9.42.020, Purchase and Sales, has been amended as follows:

(1) It is unlawful to sell or purchase consumer fireworks within the city of Stanwood except ~~during the following times:~~ **from 9 a.m. to 10 p.m. on each day from July 1st through July 4th.**
 - ~~(a) From 12:00 noon to 11:00 p.m. on June 28th;~~
 - ~~(b) From 9:00 a.m. to 11:00 p.m. on each day from June 29th through July 4th;~~
 - ~~(c) From 9:00 a.m. to 9:00 p.m. on July 5th; and~~
 - ~~(d) From 12:00 noon to 11:00 p.m. on each day from December 27th through December 31st.~~
(2) It is unlawful to sell fireworks without a valid license issued per Chapter 5.04 SMC.
(3) A violation of this section is a class 1 civil infraction.

3. Allow limited discharging of fireworks on New Years Eve. Section 9.42.030, Use and discharge has been amended to allow discharging of fireworks from 11 pm to 12:15 am on New Years.

(1) It is unlawful to use or discharge consumer fireworks within the city of Stanwood except during the following times:

~~(a) From 12:00 noon to 11:00 p.m. on June 28th;~~

~~(b) From 9:00 a.m. to 11:00 p.m. on each day from June 29th to July 3rd;~~

(a) From 9:00 a.m. to 12:00 midnight on July 4th;

~~(d) From 9:00 a.m. to 11:00 p.m. on July 5th;~~

(b) From 6:00 ~~11~~ p.m. on December 31st until 4:00 **12:15** a.m. on January 1st of the subsequent year.

(2) This section does not apply to a public display of fireworks licensed per Chapter 5.04 SMC.

(3) A violation of this section is a class 2 1 civil infraction.

4. Council questioned who has the authority to enforce fireworks regulations. RCW 70.77 gives the authority to enforce state fireworks regulations to the Chief of the Washington State Patrol. RCW 70.77.250(5) goes on to state: "This grant of police powers does not prevent any other state agency and city, county, or local government agency having general law enforcement powers from enforcing this chapter within the jurisdiction of the agency and city, county, or local government."

To provide clear authority on who enforces Stanwood's regulations, a new section has been added giving that authority to the Police Chief and Fire Chief.

9.42.040 Enforcement.

(1) The Police Chief, or designee, and the Fire Chief, or designee, are authorized to enforce all provisions of this chapter.

(2) Seizure and Disposal of Fireworks. In addition to the penalties provided in this chapter, the Police Chief, or designee, and the Fire Chief, or designee, may seize and dispose of fireworks that are possessed, sold, purchased, offered for sale, and/or used in violation of this chapter according to the seizure and forfeiture procedures contained in RCW 70.77.435 and 70.77.440.

5. Council requested additional language in the ordinance authorizing the Fire Marshall to inspect stands for illegal fireworks. The following language has been added to the fireworks licensing chapter to authorize the Fire Chief, or designee, to do these types of inspections.

5.04.120 Fireworks Sales—Requirements.

All retail sales of “safe and sane” fireworks are permitted only from within a temporary fireworks stand, and the sale from any other building or structure is prohibited.

Temporary stands are subject to WAC [212-17-185](#) through [212-17-21519](#) and the following provisions:

- (1) **All firework stands must be inspected and approved for business by the City’s Fire Chief, or designee, prior to the stand being open of business. The Fire Chief, or designee, is authorized to inspect the site, at any time during operations, for the sale of illegal fireworks as defined by SMC 9.42.015 and RCW 70.77.**
- (2) No fireworks stand may be located within 25 feet of any other building, nor within 100 feet of any gasoline station;
- (3) A fireworks stand need not comply with the provisions of the building code of the city but must be erected under the supervision of the fire chief, who may require that those stands be constructed in a manner and place to ensure the safety of attendants and patrons.
- (4) A fireworks stand must maintain approved fire extinguishers at all times;
- (5) A fireworks stand must have at least two exits;
- (6) A fireworks stand must not be located closer than 600 feet to another fireworks stand;
- (7) All weeds and combustible material must be cleared from the location of a fireworks stand, including a distance of at least 20 feet surrounding the stand;
- (8) Signs reading “No Fireworks Discharge Within 100 Feet” in letters at least two inches high, with a principal stroke of not less than one-half inch, on contrasting background, must be conspicuously posted on all four sides of the stand;
- (9) Signs reading “No smoking within 20 feet” in letters at least two inches high, with principal stroke of not less than one-half inch, on a contrasting background, must be conspicuously posted on all four sides of the stand;
- (10) A fireworks stand may be operated by adults only.
- (11) No fireworks may be left unattended in a stand.
- (12) All unsold stock, accompanying litter, and the fireworks stand itself must be removed from the location and the city by 12:00 noon on July 6th of each year for the July 4th selling season and by 12:00 noon on January 3rd for the New Year’s selling season.

In addition, under existing City code, SMC 5.04.130 Violations – Penalties and Revocation, the City has the authority to revoke any fireworks stand permit if they operate in violation of state and city laws.

5.04.130 Violations—Penalties and Revocation

- (1) Violation of any provision of this chapter is subject to the penalties of Chapter 70.77 RCW.
- (2) The clerk may revoke a license of a fireworks stand for non-compliance with the rules in this chapter or the rules in SMC 9.42.020 regarding purchase and sales of fireworks or for sales of fireworks other than consumer fireworks.

Fiscal Impact

No direct financial impact. Code work was already budgeted and approved through the Municipal Code Update Project contract and scope of work.

RECOMMENDATIONS

Staff Recommendation:

Staff recommends that the Council accept the third and final reading of the proposed amendments and adopt Ordinance 1531. It should also be noted that these amendments do not preclude the Council from making additional changes in the future if the Council decides to move forward with a full fireworks ban in the future.

Committee/Board Recommendation:

None; this is a full Council discussion item.

CITY COUNCIL OPTIONS

1. Accept the third and final reading of Ordinance 1531 adopting a partial ban on the use of fireworks in the City of Stanwood.
2. Request changes to Ordinance 1531 and direct staff to address specific Council issues or concerns prior to Council reconsideration the ordinance.

PROPOSED MOTION

"I MOVE TO ACCEPT THE THIRD AND FINAL READING AND ADOPTION OF ORDINANCE 1531 AS SET FORTH IN ATTACHMENT "A"."

**CITY OF STANWOOD
WASHINGTON**

ORDINANCE NO. 1531

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING STANWOOD MUNICIPAL CODE CHAPTER 9.42 FIREWORKS, TO LIMIT THE NUMBER OF DAYS THAT FIREWORKS ARE ALLOWED TO BE DISCHARGED AND ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Stanwood currently allows the use and discharge of fireworks to celebrate Independence Day for 9 days from June 28 - July 5; and

WHEREAS, Stanwood currently allows the use and discharge of fireworks to celebrate New Year's Eve on December 31 through 1 am on January 1; and

WHEREAS, allowing the use and discharge of fireworks for 10 days a year is disruptive to pets and many members of the community; and

WHEREAS, allowing the use and discharge of fireworks for 10 days a year poses an increased fire risk to the community; and

WHEREAS, the City Council recognizes that fireworks are a traditional way to celebrate Independence Day and New Year's Eve;

WHEREAS, the Council also recognizes risk and consequences of the discharge of consumer fireworks may be detrimental to the public health, safety and welfare of its residents; and

WHEREAS, the Stanwood City Council desires to limit the number of days allowing the discharge of firework; and

WHEREAS, the Responsible Official has determined that the ordinance limiting the number of days that fireworks are allowed to be discharged in the City is exempt from the State Environmental Policy Act (SEPA) under administrative actions containing no substantive standards respecting use or modification of the environment per WAC 197-11-800(19), Procedural Actions;

WHEREAS, the proposed code amendment is not a "development regulation" as defined as RCW 36.70A.030(7) and is therefore exempt from State of Washington Department of Commerce noticing requirements;

WHEREAS, the City Council of Stanwood has authority under Title 35A, RCW to adopt plans and regulations related to development and operations within the City of Stanwood; and

WHEREAS, the City Council also has the authority under RCW Chapter 70.77 to restrict when fireworks are sold or used within the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Code Revisions. Stanwood Municipal Code Chapter 9. 42, Fireworks, is amended as provided in Exhibit “A” attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 2. Code Revisions. Stanwood Municipal Code Chapter 5.04.120, Fireworks Sales - Requirements, is amended as provided in Exhibit “B” attached to this ordinance and incorporated herein by reference as if set forth in full.

Section 3. Severability. The various parts, sections and clauses of this ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

Section 4. Authority to Make Necessary Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener’s clerical errors, references, ordinance numbers, section/subsection numbers and any references thereto.

Section 5. Effective Date. This Ordinance shall take effect thirty days after its passage and publication as required by law and execution of the ordinance restricting the hours that fireworks can be discharged will not take effect until one (1) year after passage.

PASSED and APPROVED this ____ day of _____, 2024.

CITY OF STANWOOD:

Sid Roberts, Mayor

Attest:

Lisa Sokolik, City Clerk

Approved as to Form:

Nikki Thompson, City Attorney

Date of Publication: _____

Effective Date: _____

Exhibit A

Stanwood Municipal Code Chapter 9.42 - Fireworks

9.42.010 Adoption by Reference

The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW 70.77.485, Unlawful possession of fireworks – Penalties.

RCW 70.77.488, Unlawful [reckless] discharge or use of fireworks – Penalty.

RCW 70.77.510, Unlawful sales or transfers of display fireworks – Penalty.

RCW 70.77.515, Unlawful sales or transfers of consumer fireworks – Penalty.

RCW 70.77.520, Unlawful to permit fire nuisance where fireworks kept – Penalty.

RCW 70.77.540, Penalty.

RCW 70.77.545, Violation a separate, continuing offense.

9.42.015 Illegal Fireworks

- (1) Per RCW 70.77.401, no fireworks may be sold or offered for sale to the public as consumer fireworks which are classified as sky rockets, or missile-type rockets, firecrackers, salutes, or chasers as defined by the United States department of transportation and the federal consumer products safety commission except as provided in RCW 70.77.311.
- (2) A violation of this section will result in a civil penalty of \$500.00.

9.42.020 Purchase and sales.

(1) It is unlawful to sell or purchase consumer fireworks within the city of Stanwood except during the following times: from 9 a.m. to 10 p.m. on each day from July 1st through July 4th.

~~(a) From 12:00 noon to 11:00 p.m. on June 28th;~~

~~(b) From 9:00 a.m. to 11:00 p.m. on each day from June 29th through July 4th;~~

~~(c) From 9:00 a.m. to 9:00 p.m. on July 5th; and~~

~~(d) From 12:00 noon to 11:00 p.m. on each day from December 27th through December 31st.~~

(2) It is unlawful to sell fireworks without a valid license issued per Chapter 5.04 SMC.

(3) A violation of this section is a class 1 civil infraction.

9.42.030 Use and discharge.

(1) It is unlawful to use or discharge consumer fireworks within the city of Stanwood except during the following times:

- ~~(a) From 12:00 noon to 11:00 p.m. on June 28th;~~
 - ~~(b) From 9:00 a.m. to 11:00 p.m. on each day from June 29th to July 3rd;~~
 - (a)** From 9:00 a.m. to 12:00 midnight on July 4th;
 - ~~(d) From 9:00 a.m. to 11:00 p.m. on July 5th;~~
 - (b)** From ~~6:00~~ **11** p.m. on December 31st until ~~1:00~~ **12:15** a.m. on January 1st of the subsequent year.
- (2) This section does not apply to a public display of fireworks licensed per Chapter 5.04 SMC.
- (3) A violation of this section is a class ~~2~~ 1 civil infraction.

i Added a new section based on the City of Bremerton's enforcement of their Fireworks Code.

9.42.040 Enforcement.

- (1) **The Police Chief, or designee, and the Fire Chief, or designee, are authorized to enforce all provisions of this chapter.**
- (2) **Seizure and Disposal of Fireworks. In addition to the penalties provided in this chapter, the Police Chief, or designee, and the Fire Chief, or designee, may seize and dispose of fireworks that are possessed, sold, purchased, offered for sale, and/or used in violation of this chapter according to the seizure and forfeiture procedures contained in RCW 70.77.435 and 70.77.440.**

Exhibit B

Stanwood Municipal Code Chapter 5.04.120 Fireworks Sales – Requirements

5.04.120 Fireworks Sales—Requirements.

All retail sales of “safe and sane” fireworks are permitted only from within a temporary fireworks stand, and the sale from any other building or structure is prohibited. Temporary stands are subject to WAC [212-17-185](#) through [212-17-21519](#) and the following provisions:

- (1) **All firework stands must be inspected and approved for business by the City’s Fire Chief, or designee, prior to the stand being open of business. The Fire Chief, or designee, is authorized to inspect the site, at any time during operations, for the sale of illegal fireworks as defined by SMC 9.42.015 and RCW 70.77.**
- (2) No fireworks stand may be located within 25 feet of any other building, nor within 100 feet of any gasoline station;
- (3) A fireworks stand need not comply with the provisions of the building code of the city but must be erected under the supervision of the fire chief, who may require that those stands be constructed in a manner and place to ensure the safety of attendants and patrons.
- (4) A fireworks stand must maintain approved fire extinguishers at all times;
- (5) A fireworks stand must have at least two exits;
- (6) A fireworks stand must not be located closer than 600 feet to another fireworks stand;
- (7) All weeds and combustible material must be cleared from the location of a fireworks stand, including a distance of at least 20 feet surrounding the stand;
- (8) Signs reading “No Fireworks Discharge Within 100 Feet” in letters at least two inches high, with a principal stroke of not less than one-half inch, on contrasting background, must be conspicuously posted on all four sides of the stand;
- (9) Signs reading “No smoking within 20 feet” in letters at least two inches high, with principal stroke of not less than one-half inch, on a contrasting background, must be conspicuously posted on all four sides of the stand;
- (10) A fireworks stand may be operated by adults only.
- (11) No fireworks may be left unattended in a stand.
- (12) All unsold stock, accompanying litter, and the fireworks stand itself must be removed from the location and the city by 12:00 noon on July 6th of each year for the July 4th selling season and by 12:00 noon on January 3rd for the New Year’s selling season.



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 11a

DATE: June 13, 2024

SUBJECT: Adoption of Ordinance 1533 Regarding Compost Procurement

CONTACT PERSON: Kevin Hushagen, Public Works Director

Attachment A – Ordinance 1533
 B – Session Law
 C – Session Law Bill Report
 D – Revised RCW 43.19A.150

PURPOSE

The purpose of this agenda item is for Council review and acceptance of the first reading of Ordinance 1533, adopting amendments to the City's compost procurement requirements.

BACKGROUND

In January of 2024 the Council approved Ordinance 1510 regarding compost procurement. This ordinance enacted ESSHB 1799, which aims to reduce the amount of organic materials going to landfills by encouraging cities and counties to procure more finished compost products to reduce emissions. Included in ESSHB 1799 were several local government reporting requirements.

During the 2024 Legislative Session, the reporting requirements under ESSHB 1799 were modified. City Ordinance 1533 amends Section 4.16.060, Reporting, of the City's Compost Procurement regulations to be in compliance with the new state law.

ANALYSIS

The reporting requirements under ESSHB 1799 required the Public Works Director to report to the State by December 31 every two -years on even numbered years how many tons of organic materials were being diverted from landfills each year. The new state law changed three components of the reporting requirements:

1. Changed the reporting requirement from December 31, 2024 to march 31, 2025;
2. Requires yearly reporting instead for every two years; and
3. Requires cities to identify the facility or facilities used for processing of organic materials.

Ordinance 1533 has been drafted by the City Attorney to be compliant with these new state regulations.

Fiscal Impact
No direct financial impact besides staff time to prepare reports.

RECOMMENDATIONS

Staff Recommendation:

Staff recommends that the Council accept the accept the first reading of Ordinance 1533 as presented.

Committee/Board Recommendation:

None; this is a full Council discussion item.

CITY COUNCIL OPTIONS

1. Accept the first reading of Ordinance 1533 adopting the new compost procurement reporting requirements.
2. Request changes to Ordinance 1533 and direct staff to address specific Council issues or concerns prior to Council reconsideration the ordinance.

PROPOSED MOTION

“I MOVE TO ACCEPT THE FIRST READING OF ORDINANCE 1533, AMENDING THE COMPOST PROCUREMENT REPORTING REQUIREMENTS AS PROVIDED IN ATTACHMENT “A” AND TO PROCEED WITH THE SECOND READING.”

**CITY OF STANWOOD
WASHINGTON**

ORDINANCE 1533

**AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING
STANWOOD MUNICIPAL CODE (SMC) SECTION 4.16.060 'REPORTING' AND
ESTABLISHING SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, the State of Washington found that landfills are a significant source of emissions of methane, and to reduce methane emissions associated with organic materials, there is a benefit to diverting organic materials from landfills to productive uses of organic material wastes; and,

WHEREAS, as more organic materials are diverted and recycled, it is critical that compost be procured by local jurisdictions and other local entities to support the economic viability of these processes and programs; and,

WHEREAS, it is well established that the use of compost in landscaping and soil amendment has many benefits such as moisture retention, weed suppression, natural forms of nutrients, stopping soil erosion, and,

WHEREAS, as a result of these findings, the Washington State Legislature enacted Engrossed Second Substitute House Bill (ESSHB) 1799 in March of 2022; and,

WHEREAS, the goal of ESSHB 1799 is to increase the diversion of organic materials going to landfills by "encouraging cities and counties to procure more of the compost and finished compost products created from their organic material" in order to reduce emissions, and,

WHEREAS, ESSHB 1799 added a new section to Chapter 43.19A of the Revised Code of Washington (RCW), now codified as RCW 41.19A.150, which requires all cities, towns and counties with populations of 25,000 or more or smaller jurisdictions where organic materials collection services are provided at least 26 weeks of the year to adopt a compost procurement ordinance to implement provisions of RCW 43.19A.120; and,

WHEREAS, HB 2301 modified the ESSHB 1799 reporting requirements; and,

WHEREAS, SMC Chapter 4.16 'COMPOST PROCUREMENT', Section 4.16.060 'Reporting' requires revision to be in compliance with the modified requirements of HB 2301,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF STANWOOD,
WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. Section 4.16.060 'Reporting' of the Stanwood Municipal Code, last modified

by Ord. 1510 § 1 (Exh. A) in 2023, is hereby amended to read as follows:

Pursuant to RCW [43.19A.150](#), by ~~December 31, 2024~~[March 31, 2025](#), and each ~~December~~[March](#) 31st ~~of even-numbered years~~ thereafter, the public works director must report the following information to the Department of Ecology:

- (1) Total tons of organic material diverted from landfilling within the city each year ~~and the facility or facilities used for processing~~;
- (2) The volume and cost of composted material purchased by the city each year; and
- (3) The sources of the finished compost product purchased.

Section 2. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 3. Implementation. The City Administrator or his designee is hereby authorized to implement such administrative procedures as may be necessary to carry out the directives of this ordinance.

Section 4. Authority to Make Necessary Corrections. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's clerical errors, references, ordinance numbers, section/subsection numbers and any references thereto.

Section 5. Effective Date. This Ordinance shall take effect five days after its passage and publication as required by law.

PASSED by the City Council and **APPROVED** by the Mayor this 13th day of June, 2024.

CITY OF STANWOOD

By _____
Sid Roberts, Mayor

Attest:

By _____
Lisa M. Sokolik, City Clerk

Approved as to form:

By _____
Nikki Thompson, City Attorney

Date of Publication: _____

Effective Date: _____

CERTIFICATION OF ENROLLMENT

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2301

Chapter 341, Laws of 2024

68th Legislature
2024 Regular Session

WASTE MATERIAL MANAGEMENT—VARIOUS PROVISIONS

EFFECTIVE DATE: June 6, 2024

Passed by the House March 5, 2024
Yeas 57 Nays 36

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate March 1, 2024
Yeas 30 Nays 19

DENNY HECK

President of the Senate

Approved March 28, 2024 2:26 PM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2301** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

March 29, 2024

**Secretary of State
State of Washington**

ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2301

AS AMENDED BY THE SENATE

Passed Legislature - 2024 Regular Session

State of Washington

68th Legislature

2024 Regular Session

By House Appropriations (originally sponsored by Representatives Doglio, Fitzgibbon, Duerr, Berry, Ramel, Ormsby, Peterson, Pollet, Macri, Cortes, Shavers, Leavitt, and Kloba)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to improving the outcomes associated with waste
2 material management systems, including products affecting organic
3 material management systems; amending RCW 70A.207.020, 70A.214.100,
4 70A.205.540, 70A.205.545, 70A.455.040, 70A.455.070, 70A.455.090,
5 15.04.420, and 43.19A.150; adding new sections to chapter 70A.207
6 RCW; adding a new section to chapter 43.23 RCW; adding a new section
7 to chapter 70A.455 RCW; and creating new sections.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

PART 1

INTENT

11 NEW SECTION. **Sec. 101.** INTENT. (1) The legislature finds:

12 (a) Washington is now experiencing the effects of a climate
13 crisis: Hotter summers with record-breaking temperatures, devastating
14 fires, drought conditions, and rising sea levels that erode our
15 coastlines and are causing some communities to move upland;

(b) Methane is a potent greenhouse gas and landfills are documented by the United States environmental protection agency to be the 3rd largest human-made source, with food, yard waste, and other plant-based organic material degrading in landfills to methane;

1 (c) Food waste is a major issue in the United States and
2 globally, that, according to the food and agriculture organization of
3 the United Nations, unwanted and discarded food squanders resources,
4 including water, land, energy, labor, and capital, estimated that
5 one-third of the food produced in the world for human consumption,
6 about 1,300,000,000 tons, is lost or wasted every year, and the food
7 loss and waste in industrialized countries equates to a value of
8 approximately \$680,000,000,000;

9 (d) The Harvard University food law and policy clinic has
10 estimated that 40 percent of the food supply in the United States is
11 not eaten and that according to the United States environmental
12 protection agency and the United States department of agriculture,
13 food loss and waste is the single largest component of disposed
14 municipal solid waste in the United States;

15 (e) In 2015, that the administrator of the United States
16 environmental protection agency and the secretary of the United
17 States department of agriculture announced a national goal of
18 reducing food waste by 50 percent by the year 2030. In 2019,
19 Washington established the same goal in RCW 70A.205.715;

20 (f) Compost and other products of organic material management
21 facilities have beneficial applications and can improve soil health,
22 water quality, and other environmental outcomes. However, in order
23 for the products of organic material management facilities to lead to
24 improved environmental outcomes and for the economics of the
25 operations of these facilities to pencil out, it is important that
26 inbound sources of organic material waste are free of plastic
27 contamination, pesticides, and other materials that will reduce
28 compost quality; and

29 (g) Farmers, processors, retailers, and food banks in Washington
30 are leaders in addressing this issue, and in 2022, with the enactment
31 of chapter 180, Laws of 2022 (Engrossed Second Substitute House Bill
32 No. 1799), Washington took significant steps towards the improvement
33 of organic material management systems.

34 (2) It is the legislature's intent to provide additional tools
35 and financial resources to build on this progress in coming years by:

36 (a) Creating a variety of grant programs to support food waste
37 reduction, food rescue, and other organic material management system
38 improvements, including grants to support the implementation of new
39 policy requirements related to organic material management;

(b) Amending solid waste management requirements in support of improved organic material management outcomes, including through the statewide standardization of colors and labels for organic, recycling, and garbage bins, and amending the organic material management service requirements in local jurisdictions and that apply to businesses;

(c) Making changes to product degradability labeling requirements; and

(d) Continuing to discuss how to maximize donations of food from generators of unwanted edible food.

(3) It is the legislature's intent for the following management option preferences to apply to the management of food under this act, including the provisions of law being amended by this act, in order of most preferred to least preferred:

(a) Prevents wasted food;

(b) Donates or upcycles food;

(c) Feeds animals or leaves food unharvested;

(d) Composts or anaerobically digests materials with beneficial use of the compost, digestate, or biosolids;

(e) Anaerobically digests materials with the disposal of digestate or biosolids, or applies material to the land; and

(f) Sends materials down the drain, to landfills, or incinerates material, with or without accompanying energy recovery.

PART 2

FUNDING FOR SUSTAINABLE FOOD MANAGEMENT PRIORITIES

NEW SECTION. **Sec. 201.** A new section is added to chapter 70A.207 RCW to read as follows:

CENTER FOR SUSTAINABLE FOOD MANAGEMENT GRANTS. (1) The department, through the center, must develop and administer grant programs to support activities that reduce emissions from landfills and waste-to-energy facilities through the diversion of organic materials and food waste prevention, rescue, and recovery. The department must seek stakeholder input in the design, criteria, and logistics associated with each grant program. The department must allocate grant funding across the eligible categories specified in subsection (2) of this section in a manner consistent with legislative appropriations, and that achieves the following priorities:

(a) Maximizing greenhouse gas emission reductions;

(b) Eliminating barriers to the rescue and consumption of edible food that would otherwise be wasted;

(c) Developing stable funding programs for the department to administer and stable funding opportunities for potential fund recipients to be aware of; and

(d) Preferences the following management options, in order of most preferred to least preferred:

(i) Prevents wasted food;

(ii) Donates or upcycles food;

(iii) Feeds animals or leaves food unharvested;

(iv) Composts or anaerobically digests materials with beneficial use of the compost, digestate, or biosolids;

(v) Anaerobically digests materials with the disposal of digestate or biosolids, or applies material to the land;

(vi) Sends materials down the drain, to landfills, or incinerates material, with or without accompanying energy recovery.

(2) Subject to the availability of amounts appropriated for this specific purpose, grants under this section may be awarded to the following categories of activities:

(a) Projects to prevent the surplus of unsold, uneaten food from food businesses or to standardize and improve the operating procedures associated with food donations, including efforts to standardize collection bins, provide staff training for food donors or food rescue organizations, or make other changes to increase the efficiency or efficacy of food donation procedures. Local governments, federally recognized Indian tribes and federally recognized Indian tribal government entities, nonprofit organizations, and generators of unwanted edible food are eligible applicants for grants under this subsection. Equipment and infrastructure purchases, training costs, costs associated with the development and deployment of operating protocols, and employee staff time reimbursement are eligible uses of grant funding under this subsection;

(b) (i) Projects to improve and reduce the transportation of donated foods and management of cold chains across the donated food supply chain, including through food rescue organizations. Local governments, federally recognized Indian tribes and federally recognized Indian tribal government entities, nonprofit organizations, transporters of unwanted edible food, and generators

1 of unwanted edible food are eligible applicants for grants under this
2 subsection. Eligible uses of grant funding under this subsection
3 include the acquisition of vehicles, cold-storage equipment, real
4 estate, and technology to support donated food storage and
5 transportation system improvements.

6 (ii) Grants under this subsection (2)(b) may not be used for the
7 purchase or lease of equipment that relies on a fuel source other
8 than electricity or the purchase or lease of vehicles other than
9 zero-emission vehicles;

10 (c)(i) Grant programs to support the establishment and expansion
11 of wasted food reduction programs to benefit vulnerable communities.
12 This grant program must be developed in consultation with the
13 department of health and food policy stakeholders.

14 (ii) Nonprofit organizations, businesses, associations, federally
15 recognized Indian tribes and federally recognized Indian tribal
16 government entities, and local governments are eligible to receive
17 grants under this subsection. Eligible uses of the funds may include
18 community food hub development projects, cold food storage capacity,
19 refrigerated transport capacity, convenings to inform innovation in
20 wasted food reduction in retail and food service establishments, and
21 pilot projects to reduce wasted food. No more than 20 percent of
22 funds allocated under this subsection (2)(c) may be awarded to a
23 single grant recipient; and

24 (d) Food waste tracking and analytics pilot project grants. Local
25 governments, federally recognized Indian tribes and federally
26 recognized Indian tribal government entities, nonprofit
27 organizations, transporters of unwanted edible food, and generators
28 of unwanted edible food are eligible applicants for grants under this
29 subsection. Eligible uses of grant funding under this subsection
30 include staff time and technology to improve food waste prevention or
31 improve tracking of food donations through the food supply chain and
32 to provide data useful to enabling more efficient and effective
33 outcomes for the provision of food available for rescue.

34 (3) The department may establish additional eligibility criteria
35 or application process requirements beyond those described in
36 subsection (2) of this section for a category or categories of
37 activity. The department may, as a condition of the award of a grant
38 under this section, require the reporting of information to the
39 department regarding the outcomes of the funded activities.

(4) The department may award grants to eligible applicants meeting the minimum qualifying criteria on a competitive basis, or to applicants on a noncompetitive basis, or both. Within each category of activity described in subsection (2) of this section, the department must prioritize grant applications that benefit overburdened communities as defined in RCW 70A.02.010 as identified by the department in accordance with RCW 70A.02.050.

NEW SECTION. **Sec. 202.** A new section is added to chapter 70A.207 RCW to read as follows:

SUSTAINABLE FOOD MANAGEMENT POLICY IMPLEMENTATION GRANTS. (1) The department, through the center, must develop and administer grant programs to support the implementation of the requirements of this act and chapter 180, Laws of 2022, with priority given to grants that support the implementation of RCW 70A.205.540 and 70A.205.545. Eligible recipients of grants under this section may include businesses that are subject to organic material management requirements, local governments, federally recognized Indian tribes and federally recognized Indian tribal government entities, nonprofit organizations, or organic material management facilities. Eligible expenses by grant recipients include education, outreach, technical assistance, indoor and outdoor infrastructure, transportation and processing infrastructure, and enforcement costs.

(2) The department may not require, as a condition of financial assistance under this section, that matching funds be made available by a local government recipient. The department must provide assistance to each local government that demonstrates eligibility for grant assistance under this section.

Sec. 203. RCW 70A.207.020 and 2022 c 180 s 402 are each amended to read as follows:

CENTER FOR SUSTAINABLE FOOD MANAGEMENT DUTIES. (1) The Washington center for sustainable food management is established within the department (~~(, to begin operations by January 1, 2024)~~).

(2) The purpose of the center is to help coordinate statewide food waste reduction.

(3) The center may perform the following activities:

(a) Coordinate the implementation of the plan;

1 (b) Draft plan updates and measure progress towards actions,
2 strategies, and the statewide goals established in RCW 70A.205.007
3 and 70A.205.715(1);

4 (c) Maintain a website with current food waste reduction
5 information and guidance for food service establishments, consumers,
6 food processors, hunger relief organizations, and other sources of
7 food waste;

8 (d) Provide staff support to multistate food waste reduction
9 initiatives in which the state is participating;

10 (e) Maintain the consistency of the plan and other food waste
11 reduction activities with the work of the Washington state
12 conservation commission's food policy forum;

13 (f) Facilitate and coordinate public-private and nonprofit
14 partnerships focused on food waste reduction, including through
15 voluntary working groups;

16 (g) Collaborate with federal, state, and local government
17 partners on food waste reduction initiatives;

18 (h) Develop and maintain maps or lists of locations of the food
19 systems of Washington that identify food flows, where waste occurs,
20 and opportunities to prevent food waste;

21 (i)(i) Collect and maintain data on food waste and wasted food in
22 a manner that is generally consistent with the methods of collecting
23 and maintaining such data used by federal agencies or in other
24 jurisdictions, or both, to the greatest extent practicable;

25 (ii) Develop measurement methodologies and tools to uniformly
26 track food donation data, food waste prevention data, and associated
27 climate impacts resultant from food waste reduction efforts;

28 (j) Research and develop emerging organic materials and food
29 waste reduction markets;

30 (k)(i) Develop and maintain statewide food waste reduction and
31 food waste contamination reduction campaigns, in consultation with
32 other state agencies and other stakeholders, including the
33 development of waste prevention and food waste recovery promotional
34 materials for distribution. These promotional materials may include
35 online information, newsletters, bulletins, or handouts that inform
36 food service establishment operators about the protections from civil
37 and criminal liability under federal law and under RCW 69.80.031 when
38 donating food; and

39 (ii) Develop guidance to support the distribution of promotional
40 materials, including distribution by:

1 (A) Local health officers, at no cost to regulated food service
2 establishments, including as part of normal, routine inspections of
3 food service establishments; and

4 (B) State agencies, including the department of health and the
5 department of agriculture, in conjunction with their statutory roles
6 and responsibilities in regulating, monitoring, and supporting safe
7 food supply chains and systems;

8 (l) Distribute and monitor grants dedicated to food waste
9 prevention, rescue, and recovery, which must include the programs
10 described in sections 201 and 202 of this act; ((and))

11 (m) Provide staff support to the work group created in section
12 701 of this act; and

13 (n) Research and provide education, outreach, and technical
14 assistance to local governments in support of the adoption of solid
15 waste ordinances or policies that establish a financial disincentive
16 for the generation of organic waste and for the ultimate disposal of
17 organic materials in landfills.

18 (4) The department may enter into an interagency agreement with
19 the department of health, the department of agriculture, or other
20 state agencies as necessary to fulfill the responsibilities of the
21 center.

22 (5) The department may adopt any rules necessary to implement
23 this chapter including, but not limited to, measures for the center's
24 performance.

25 NEW SECTION. Sec. 204. A new section is added to chapter 43.23
26 RCW to read as follows:

27 WASHINGTON COMMODITIES DONATION GRANT PROGRAM. (1) The department
28 must implement the Washington commodities donation grant program
29 established in this section. The purpose of the program is to procure
30 Washington grown produce, grains, and protein otherwise at risk of
31 ending up as food waste for distribution to hunger relief
32 organizations for use in Washington state.

33 (2) The program established in this section must, to the extent
34 practicable:

35 (a) Rely upon existing infrastructure and similar grant programs
36 currently being implemented in Washington, in order to maximize the
37 beneficial impacts of the program in the short-term, and to
38 expeditiously enable the distribution of grants under this section;

1 (b) Be designed to achieve efficiencies of scale by the grant
2 recipients carrying out food acquisitions and distributions and to
3 target large volume food acquisition opportunities;

4 (c) Give priority to recipient organizations that have at least
5 five years of experience coordinating the collection and
6 transportation of donated agricultural products to food bank
7 distributors, food bank distribution centers, or both, for
8 redistribution to local hunger relief agencies; and

9 (d) Provide for equitable benefits experienced from the program
10 by food producers of varying sizes and types, including minority and
11 vulnerable farmers, including veterans, women, and federally
12 recognized Indian tribes.

13 (3) The department must issue grants under this section to one or
14 more nonprofit organizations to acquire food directly from food
15 producers located in Washington. A recipient nonprofit organization
16 may use funds under this section to compensate food producers
17 donating commodities for pick and pack out costs incurred associated
18 with the production of a food product, including costs of food
19 product inputs and harvest, and for their marginal postharvest
20 logistical and administrative costs that facilitate the acquisition
21 and distribution of the food product by grant recipients.

22 (4) An organization that receives funds under this section must
23 report the results of the project to the department in a manner
24 prescribed by the department.

25 **Sec. 205.** RCW 70A.214.100 and 2008 c 178 s 1 are each amended to
26 read as follows:

27 WASTE NOT WASHINGTON AWARDS. (1) The office of waste reduction
28 shall develop, in consultation with the superintendent of public
29 instruction, an awards program to achieve waste reduction and
30 recycling in public schools, and to encourage waste reduction and
31 recycling in private schools, grades kindergarten through high
32 school. The office shall develop guidelines for program development
33 and implementation. Each public school shall, and each private school
34 may, implement a waste reduction and recycling program conforming to
35 guidelines developed by the office.

36 (2) For the purpose of granting awards, the office may group all
37 participating schools into not more than three classes, based upon
38 student population, distance to markets for recyclable materials, and
39 other criteria, as deemed appropriate by the office. Except as

otherwise provided, five or more awards may be granted to each of the three classes. Each award shall be no more than ~~((five thousand dollars))~~ \$5,000 until 2026, and no more than \$10,000 beginning January 1, 2026. Awards shall be granted each year to the schools that achieve the greatest levels of waste reduction and recycling. A single award of not less than ~~((five thousand dollars))~~ \$5,000 until 2026 or \$10,000 beginning in 2026 may be presented to the school having the best recycling program as measured by the total amount of materials recycled, including materials generated outside of the school. A single award of not less than ~~((five thousand dollars))~~ \$5,000 until 2026 or \$10,000 beginning in 2026 may be presented to the school having the best waste reduction program as determined by the office.

(3) The superintendent of public instruction shall distribute guidelines and other materials developed by the office to implement programs to reduce and recycle waste generated in administrative offices, classrooms, laboratories, cafeterias, and maintenance operations.

PART 3

AMENDMENTS TO SOLID WASTE LAWS

Sec. 301. RCW 70A.205.540 and 2022 c 180 s 102 are each amended to read as follows:

MANDATED ORGANICS MANAGEMENT. (1) ~~((Beginning January 1, 2027, in))~~ Except as provided in subsection (3) of this section, in each jurisdiction that implements a local solid waste plan under RCW 70A.205.040:

(a) ~~((Source-separated))~~ Beginning April 1, 2027, source-separated organic solid waste collection services ~~((must))~~ are required to be provided ~~((at least every other week or at least 26 weeks annually))~~ year-round to:

(i) All single-family residents; and

(ii) Nonresidential customers that generate more than .25 cubic yards per week of organic materials for management; ~~((and))~~

(b)(i) The department may, by waiver, reduce the collection frequency requirements in (a) of this subsection for the collection of dehydrated food waste or to address food waste managed through other circumstances or technologies that will reduce the volume or odor, or both, of collected food waste.

1 (ii) All organic solid waste collected from single-family
2 residents and businesses under ~~((a) or (b))~~ this subsection must be
3 managed through organic materials management;

4 (c) Beginning April 1, 2030, the source-separated organic solid
5 waste collection services specified in (a) of this subsection must be
6 provided to customers on a nonelective basis, except that a
7 jurisdiction may grant an exemption to a customer that certifies to
8 the jurisdiction that the customer is managing organic material waste
9 on-site or self-hauling its own organic material waste for organic
10 materials management;

11 (d) Beginning April 1, 2030, each jurisdiction's source-separated
12 organic solid waste collection service must include the acceptance of
13 food waste year-round. The jurisdiction may choose to collect food
14 waste source-separated from other organic materials or may collect
15 food waste commingled with other organic materials; and

16 (e) Beginning April 1, 2030, all persons, when using curbside
17 collection for disposal, may use only source-separated organic solid
18 waste collection services to discard unwanted organic materials. By
19 January 1, 2027, the department must develop guidance under which
20 local jurisdictions may exempt persons from this requirement if
21 organic materials will be managed through an alternative mechanism
22 that provides equal or better environmental outcomes. Nothing in this
23 section precludes the ability of a person to use on-site composting,
24 the diversion of organic materials to animal feed, self-haul organic
25 materials to a facility, or other means of beneficially managing
26 unwanted organic materials. For the purposes of this subsection
27 (1)(e), "person" or "persons" does not include multifamily
28 residences.

29 (2) A jurisdiction may charge and collect fees or rates for the
30 services provided under subsection (1) of this section, consistent
31 with the jurisdiction's authority to impose fees and rates under
32 chapters 35.21, 35A.21, 36.58, and 36.58A RCW.

33 (3) (a) Except as provided in ~~((d))~~ (e) of this subsection, the
34 requirements of this section do not apply in a jurisdiction if the
35 department determines that the following apply:

36 (i) The jurisdiction disposed of less than 5,000 tons of solid
37 waste in the most recent year for which data is available; or

38 (ii) The jurisdiction has a total population of less than 25,000
39 people ~~((or~~

1 ~~(iii) The jurisdiction has a total population between 25,000 and~~
2 ~~50,000 people and curbside organic solid waste collection services~~
3 ~~are not offered in any area within the jurisdiction, as of July 1,~~
4 ~~2022)) .~~

5 (b) The requirements of this section do not apply:

6 (i) In census tracts that have a population density of less than
7 75 people per square mile that are serviced by the jurisdiction and
8 located in unincorporated portions of a county, as determined by the
9 department, in counties not planning under chapter 36.70A RCW;
10 ~~((and))~~

11 (ii) In census tracts that have a population density of greater
12 than 75 people per square mile, where the census tract includes
13 jurisdictions that meet any of the conditions in (a)(i) and (ii) of
14 this subsection, that are serviced by the jurisdiction and located in
15 unincorporated portions of a county, as determined by the department,
16 in counties not planning under chapter 36.70A RCW;

17 (iii) Outside of urban growth areas designated pursuant to RCW
18 36.70A.110 in unincorporated portions of a county planning under
19 chapter 36.70A RCW;

20 (iv) Inside of unincorporated urban growth areas for
21 jurisdictions planning under chapter 36.70A RCW that meet any of the
22 conditions in (a)(i) and (ii) of this subsection; and

23 (v) In unincorporated urban growth areas in counties with an
24 unincorporated population of less than 25,000 people.

25 (c) ~~((In addition to the exemptions in (a) and (b)))~~ A
26 jurisdiction that collects organic materials, but that does not
27 collect organic materials on a year-round basis as of January 1,
28 2024, is not required to provide year-round organic solid waste
29 collection services if it provides those services at least 26 weeks
30 annually.

31 (d) In addition to the exemptions in (a) through (c) of this
32 subsection, the department may issue a renewable waiver to
33 jurisdictions or portions of a jurisdiction under this subsection for
34 up to five years, based on consideration of factors including the
35 distance to organic materials management facilities, the sufficiency
36 of the capacity to manage organic materials at facilities to which
37 organic materials could feasibly and economically be delivered from
38 the jurisdiction, and restrictions in the transport of organic
39 materials under chapter 17.24 RCW. The department may adopt rules to
40 specify the type of information that a waiver applicant must submit

1 to the department and to specify the department's process for
2 reviewing and approving waiver applications.

3 ~~((d))~~ (e) Beginning January 1, 2030, the department may adopt a
4 rule to require that the provisions of this section apply in the
5 jurisdictions identified in (b) ~~((and—(e)))~~ through (d) of this
6 subsection, but only if the department determines that the goals
7 established in RCW 70A.205.007(1) have not or will not be achieved.

8 (4) Any city that newly begins implementing an independent solid
9 waste plan under RCW 70A.205.040 after July 1, 2022, must meet the
10 requirements of subsection (1) of this section.

11 (5) Nothing in this section affects the authority or duties of
12 the department of agriculture related to pest and noxious weed
13 control and quarantine measures under chapter 17.24 RCW.

14 (6) No penalty may be assessed on an individual or resident for
15 the improper disposal of organic materials under subsection (1) of
16 this section in a noncommercial or residential setting.

17 (7) The department must adopt new rules or amend existing rules
18 adopted under this chapter establishing permit requirements for
19 organic materials management facilities requiring a solid waste
20 handling permit addressing contamination associated with incoming
21 food waste feedstocks and finished products, for environmental
22 benefit.

23 **Sec. 302.** RCW 70A.205.545 and 2022 c 180 s 201 are each amended
24 to read as follows:

25 BUSINESS DIVERSION. (1)(a) Beginning July 1, 2023, and each July
26 1st thereafter, the department must determine which counties and any
27 cities preparing independent solid waste management plans:

28 (i) Provide for businesses to be serviced by providers that
29 collect food waste and organic material waste for delivery to solid
30 waste facilities that provide for the organic materials management of
31 organic material waste and food waste; and

32 (ii) Are serviced by solid waste facilities that provide for the
33 organic materials management of organic material waste and food waste
34 and have year-round capacity to process and are willing to accept
35 increased volumes of organic materials deliveries.

36 (b)(i) The department must determine and designate that the
37 restrictions of this section apply to businesses in a jurisdiction
38 unless the department determines that the businesses in some or all
39 portions of the city or county have:

1 (A) No available businesses that collect and deliver organic
2 materials to solid waste facilities that provide for the organic
3 materials management of organic material waste and food waste; or

4 (B) No available capacity at the solid waste facilities to which
5 businesses that collect and deliver organic materials could feasibly
6 and economically deliver organic materials from the jurisdiction.

7 (ii)(A) In the event that a county or city provides a written
8 ~~((notification))~~ request and supporting evidence to the department
9 ~~((indicating))~~ determining that the criteria of (b)(i)(A) of this
10 subsection are met, and the department confirms this determination,
11 then the restrictions of this section apply only in those portions of
12 the jurisdiction that have available service-providing businesses.

13 (B) In the event that a county or city provides a written
14 ~~((notification))~~ request and supporting evidence to the department
15 ~~((indicating))~~ determining that the criteria of (b)(i)(B) of this
16 subsection are met, and the department confirms this determination,
17 then the restrictions of this section do not apply to the
18 jurisdiction.

19 (c) The department must make the result of the annual
20 determinations required under this section available on its website.

21 (d) The requirements of this section may be enforced by
22 jurisdictional health departments consistent with this chapter,
23 except that:

24 (i) A jurisdictional health department may not charge a fee to
25 permit holders to cover the costs of the jurisdictional health
26 department's administration or enforcement of the requirements of
27 this section; and

28 (ii) Prior to issuing a penalty under this section, a
29 jurisdictional health department must provide at least two written
30 notices of noncompliance with the requirements of this section to the
31 owner or operator of a business subject to the requirements of this
32 section.

33 (2)(a)(i) Beginning January 1, 2024, a business that generates at
34 least eight cubic yards of organic material waste per week must
35 arrange for organic materials management services specifically for
36 organic material waste;

37 (ii) Beginning January 1, 2025, a business that generates at
38 least four cubic yards of organic material waste per week must
39 arrange for organic materials management services specifically for
40 organic material waste; and

1 (iii) Beginning January 1, 2026, a business that generates at
2 least ~~((four cubic yards of solid))~~ 96 gallons of organic material
3 waste per week shall arrange for organic materials management
4 services specifically for organic material waste, unless the
5 department determines, by rule, that additional reductions in the
6 landfilling of organic materials would be more appropriately and
7 effectively achieved, at reasonable cost to regulated businesses,
8 through the establishment of a different volumetric threshold of
9 ~~((solid waste or))~~ organic waste material ~~((waste))~~ than the
10 threshold of ~~((four cubic yards of solid))~~ 96 gallons of organic
11 material waste per week.

12 (b) The following wastes do not count for purposes of determining
13 waste volumes in (a) of this subsection:

14 (i) Wastes that are managed on-site by the generating business;

15 (ii) Wastes generated from the growth and harvest of food or
16 fiber that are managed off-site by another business engaged in the
17 growth and harvest of food or fiber;

18 (iii) Wastes that are managed by a business that enters into a
19 voluntary agreement to sell or donate organic materials to another
20 business for off-site use; ~~((and))~~

21 (iv) Wastes generated in exceptional volumes as a result of a
22 natural disaster or other infrequent and unpreventable event; and

23 (v) Wastes generated as a result of a food safety event, such as
24 a product recall, that is due to foreign material or adverse
25 biological activity that requires landfill destruction rather than
26 organic material management.

27 (3) A business may fulfill the requirements of this section by:

28 (a) Source separating organic material waste from other waste,
29 subscribing to a service that includes organic material waste
30 collection and organic materials management, and using such a service
31 for organic material waste generated by the business;

32 (b) Managing its organic material waste on-site or self-hauling
33 its own organic material waste for organic materials management;

34 (c) Qualifying for exclusion from the requirements of this
35 section consistent with subsection (1)(b) of this section; or

36 (d) For a business engaged in the growth, harvest, or processing
37 of food or fiber, entering into a voluntary agreement to sell or
38 donate organic materials to another business for off-site use.

39 (4)(a) A business generating organic material waste shall arrange
40 for any services required by this section in a manner that is

1 consistent with state and local laws and requirements applicable to
2 the collection, handling, or recycling of solid and organic material
3 waste.

4 (b) Nothing in this section requires a business to dispose of
5 materials in a manner that conflicts with federal or state public
6 health or safety requirements. Nothing in this section requires
7 businesses to dispose of wastes generated in exceptional volumes as a
8 result of a natural disaster or other infrequent and unpreventable
9 event through the options established in subsection (3) of this
10 section. Nothing in this section prohibits a business from disposing
11 of nonfood organic materials that are not commingled with food waste
12 by using the services of an organic materials management facility
13 that does not accept food waste.

14 (5) When arranging for gardening or landscaping services, the
15 contract or work agreement between a business subject to this section
16 and a gardening or landscaping service must require that the organic
17 material waste generated by those services be managed in compliance
18 with this chapter.

19 (6)(a) This section does not limit the authority of a local
20 governmental agency to adopt, implement, or enforce a local organic
21 material waste recycling requirement, or a condition imposed upon a
22 self-hauler, that is more stringent or comprehensive than the
23 requirements of this chapter.

24 (b) This section does not modify, limit, or abrogate in any
25 manner any of the following:

26 (i) A franchise granted or extended by a city, county, city and
27 county, or other local governmental agency;

28 (ii) A contract, license, certificate, or permit to collect solid
29 waste previously granted or extended by a city, county, city and
30 county, or other local governmental agency;

31 (iii) The right of a business to sell or donate its organic
32 materials; and

33 (iv) A certificate of convenience and necessity issued to a solid
34 waste collection company under chapter 81.77 RCW.

35 (c) Nothing in this section modifies, limits, or abrogates the
36 authority of a local jurisdiction with respect to land use, zoning,
37 or facility siting decisions by or within that local jurisdiction.

38 (d) Nothing in this section changes or limits the authority of
39 the Washington utilities and transportation commission to regulate
40 collection of solid waste, including curbside collection of

1 residential recyclable materials, nor does this section change or
2 limit the authority of a city or town to provide the service itself
3 or by contract under RCW 81.77.020.

4 (7) The definitions in this subsection apply throughout this
5 section unless the context clearly indicates otherwise.

6 (a)(i) "Business" means a commercial or public entity including,
7 but not limited to, a firm, partnership, proprietorship, joint stock
8 company, corporation, or association that is organized as a for-
9 profit or nonprofit entity.

10 (ii) "Business" does not include a multifamily residential
11 entity.

12 (b) "Food waste" has the same meaning as defined in RCW
13 70A.205.715.

14 **PART 4**

15 **STATUS ASSESSMENT OF PRODUCE STICKER TECHNOLOGIES**

16 NEW SECTION. **Sec. 401.** STATUS ASSESSMENT OF PRODUCE STICKER
17 TECHNOLOGIES. (1) The department of ecology, in consultation with
18 the department of agriculture, must carry out a study and submit a
19 brief summary report to the legislature by September 1, 2025,
20 addressing the status of produce sticker technologies, including
21 produce sticker options that do not contain plastic stickers or
22 adhesives or that otherwise meet compostability standards.

23 (2) The study required under this section must, at minimum,
24 compare and consider the following features of produce stickers and
25 adhesives:

26 (a) Compostability, including toxic or hazardous substance
27 content;

28 (b) Performance;

29 (c) Printability; and

30 (d) Cost.

31 (3) In carrying out the study, input and information must be
32 solicited and evaluated from:

33 (a) Produce producers and packers;

34 (b) Sticker and adhesive producers;

35 (c) Other states, countries, or subnational jurisdictions that
36 have adopted standards restricting plastic produce stickers; and

37 (d) Other technical experts.

PART 5

PRODUCT DEGRADABILITY RESTRICTIONS

Sec. 501. RCW 70A.455.040 and 2022 c 180 s 803 are each amended to read as follows:

FIBER-BASED SUBSTRATES. (1) A product labeled as "compostable" that is sold, offered for sale, or distributed for use in Washington by a producer must meet at least one of the following equivalent standard specifications:

- (a) ~~((Meet))~~ ASTM standard specification D6400;
- (b) ~~((Meet))~~ ASTM standard specification D6868; ~~((or))~~
- (c) ASTM standard specification D8410;
- (d) ISO standard specification 17088;
- (e) EN standard specification 13432;
- (f) A standard specification that is substantially similar to those provided in (a) through (e) of this subsection, as determined by the department; or

(g) Be comprised only of wood, which includes renewable wood, or a fiber-based substrate ~~((only))~~ that contains:

- (i) Greater than 98 percent fiber by dry weight; and
- (ii) No plastic, plastic polymer or wax additives, or plastic or wax coatings.

(2) A product described in subsection (1)(a) ~~((or (b)))~~ through (f) of this section must:

(a) Meet labeling requirements established under the United States federal trade commission's guides; and

(b) Feature labeling that:

(i) Meets industry standards for being distinguishable upon quick inspection in both public sorting areas and in processing facilities;

(ii) Uses a logo indicating the product has been certified by a recognized third-party independent verification body as meeting the ~~((ASTM))~~ applicable standard specification;

(iii) Displays the word "compostable," where possible, indicating the product has been tested by a recognized third-party independent body and meets the ~~((ASTM))~~ applicable standard specification; and

(iv) Uses green, beige, or brown labeling, color striping, or other green, beige, or brown symbols, colors, tinting, marks, or design patterns that help differentiate compostable items from noncompostable items.

1 **Sec. 502.** RCW 70A.455.070 and 2022 c 180 s 806 are each amended
2 to read as follows:

3 FILM TINTING. (1) A producer of plastic film bags sold, offered
4 for sale, or distributed for use in Washington that does not meet the
5 applicable ASTM standard specifications provided in RCW 70A.455.050
6 is:

7 (a) Prohibited from using tinting, color schemes, labeling, or
8 terms that are required of products that meet the applicable ASTM
9 standard specifications under RCW 70A.455.050;

10 (b) Discouraged from using labeling, images, and terms that may
11 reasonably be anticipated to confuse consumers into believing that
12 noncompostable products are compostable; and

13 (c) Encouraged to use labeling, images, and terms to help
14 consumers identify noncompostable bags as either: (i) Suitable for
15 recycling; or (ii) necessary to dispose as waste.

16 (2) A producer of food service products, or plastic film products
17 other than plastic film bags subject to subsection (1) of this
18 section, sold, offered for sale, or distributed for use in Washington
19 that does not meet the applicable ASTM standard specifications
20 provided in RCW 70A.455.060 is:

21 (a) Prohibited from using labeling, or terms that are required of
22 products that meet the applicable ASTM standard specifications under
23 RCW 70A.455.060;

24 (b) Discouraged from using labeling, images, and terms that may
25 reasonably be anticipated to confuse consumers into believing that
26 noncompostable products are compostable; and

27 (c) Encouraged to use tinting, coloration, labeling, images, and
28 terms to help consumers identify film products and food service
29 packaging as either: (i) Suitable for recycling; or (ii) necessary to
30 dispose as waste.

31 (3) For the purposes of this section only:

32 (a) "Tinting" means the addition of color to a film, usually by
33 means of dye or stain, that filters light and makes the film appear a
34 certain color; and

35 (b)(i) The prohibition in subsection (1)(a) of this section on
36 "color schemes" on plastic film bags does not preclude the use of:

37 (A) Green, brown, or beige stripes that are smaller than .25 inch
38 wide and used as visual aids; and

39 (B) Green, brown, or beige lettering or logos that are used
40 solely for brand identity purposes.

1 (ii) The prohibition in subsection (1)(a) of this section on
2 color schemes on plastic film bags does prohibit the use of botanical
3 motifs, such as leaves or vines that are colored green, brown, or
4 beige, or any combination of these colors or shapes.

5 NEW SECTION. **Sec. 503.** A new section is added to chapter
6 70A.455 RCW to read as follows:

7 HOME COMPOSTABLE LABELING. A producer may only label a product as
8 being "home compostable" if:

9 (1) The product has been tested and meets ASTM standards D6400 or
10 D6868 for industrial composting settings;

11 (2) A third-party certifier has verified that the product meets
12 ASTM standards for industrial composting;

13 (3) The product is otherwise labeled in a manner consistent with
14 the requirements of this chapter, including RCW 70A.455.030,
15 70A.455.040, or 70A.455.050, as appropriate;

16 (4) The product is not labeled "home compostable only" or in a
17 manner that otherwise implies that the product is not capable of
18 being composted in industrial compost settings; and

19 (5) The producer has valid and reproducible scientific evidence
20 to support their claim that a product is home compostable, consistent
21 with federal trade commission guidelines.

22 **Sec. 504.** RCW 70A.455.090 and 2022 c 180 s 808 are each amended
23 to read as follows:

24 CONCURRENT ENFORCEMENT OF DEGRADABILITY LABELING REQUIREMENTS BY
25 CITIES AND COUNTIES. (1)(a) The department and cities and counties
26 have concurrent authority to enforce this chapter and to issue and
27 collect civil penalties for a violation of this chapter, subject to
28 the conditions in this section and RCW 70A.455.100. An enforcing
29 government entity may impose a civil penalty in the amount of up to
30 \$2,000 for the first violation of this chapter, up to \$5,000 for the
31 second violation of this chapter, and up to \$10,000 for the third and
32 any subsequent violation of this chapter. If a producer has paid a
33 prior penalty for the same violation to a different government entity
34 with enforcement authority under this subsection, the penalty imposed
35 by a government entity is reduced by the amount of the payment.

36 (b) The enforcement of this chapter must be based primarily on
37 complaints filed with the department and cities and counties. The
38 department must establish a forum for the filing of complaints.

1 Cities, counties, or any person may file complaints with the
2 department using the forum, and cities and counties may review
3 complaints filed with the department via the forum. The forum
4 established by the department may include a complaint form on the
5 department's website, a telephone hotline, or a public outreach
6 strategy relying upon electronic social media to receive complaints
7 that allege violations. The department, in collaboration with the
8 cities and counties, must provide education and outreach activities
9 to inform retail establishments, consumers, and producers about the
10 requirements of this chapter.

11 (c) A city or county that chooses to enforce the requirements of
12 this chapter within their jurisdiction must notify the department
13 with a letter of intent that includes:

14 (i) The start and any end date of the local jurisdiction's
15 enforcement activities;

16 (ii) The geographic boundaries within which the enforcement
17 activities are planned; and

18 (iii) Any technical assistance, education, or enforcement tools
19 that the city or county would like to request from the department in
20 support of local enforcement activities.

21 (2) Penalties issued by the department are appealable to the
22 pollution control hearings board established in chapter 43.21B RCW.

23 (3) The remedies provided by this section are not exclusive and
24 are in addition to the remedies that may be available pursuant to
25 chapter 19.86 RCW or other consumer protection laws, if applicable.

26 (4) In addition to penalties recovered under this section, the
27 enforcing city or county may recover reasonable enforcement costs and
28 attorneys' fees from the liable producer.

29 **PART 6**
30 **COMPOST PURCHASES**

31 **Sec. 601.** RCW 15.04.420 and 2022 c 180 s 502 are each amended to
32 read as follows:

33 COMPOST REIMBURSEMENT PROGRAM ELIGIBILITY AMENDMENT. (1)(a)
34 Subject to the availability of amounts appropriated for this specific
35 purpose, the department must establish and implement a compost
36 reimbursement program to reimburse farming operations in the state
37 for purchasing and using compost products that were not generated by
38 the farming operation, including transportation, spreading equipment,

1 labor, fuel, and maintenance costs associated with spreading
2 equipment. The grant reimbursements under the program begin July 1,
3 2023.

4 (b) For the purposes of this program, "farming operation" means:
5 A commercial agricultural, silvicultural, or aquacultural facility or
6 pursuit, including the care and production of livestock and livestock
7 products, poultry and poultry products, apiary products, and plant
8 and animal production for nonfood uses; the planting, cultivating,
9 harvesting, and processing of crops; and the farming or ranching of
10 any plant or animal species in a controlled salt, brackish, or
11 freshwater environment.

12 (2) To be eligible to participate in the reimbursement program, a
13 farming operation must complete an eligibility review with the
14 department prior to transporting or applying any compost products for
15 which reimbursement is sought under this section. The purpose of the
16 review is for the department to ensure that the proposed transport
17 and application of compost products is consistent with the
18 department's agricultural pest control rules established under
19 chapter 17.24 RCW. A farming operation must also verify that it will
20 allow soil sampling to be conducted by the department upon request
21 before compost application and until at least 10 years after the last
22 grant funding is used by the farming operation, as necessary to
23 establish a baseline of soil quality and carbon storage and for
24 subsequent department evaluations to assist the department's
25 reporting requirements under subsection (8) of this section.

26 (3) The department must create a form for eligible farming
27 operations to apply for cost reimbursement for costs from purchasing
28 and using compost from facilities with solid waste handling permits
29 or that are permit exempt, including transportation, equipment,
30 spreading, and labor costs. Compost must meet the applicable
31 requirements for compost established by the department of ecology
32 under chapter 70A.205 RCW. The department must prioritize applicants
33 who purchase and use compost containing food waste feedstocks, where
34 it is practicable for the applicant to purchase and use compost
35 containing food waste feedstocks. All applications for cost
36 reimbursement must be submitted on the form along with invoices,
37 receipts, or other documentation acceptable to the department of the
38 costs of purchasing and using compost products for which the
39 applicant is requesting reimbursement, as well as a brief description
40 of what each purchased item will be used for. The department may

1 request that an applicant provide information to verify the source,
2 size, sale weight, or amount of compost products purchased and the
3 cost of transportation, equipment, spreading, and labor. The
4 applicant must also declare that it is not seeking reimbursement for
5 purchase or labor costs for:

6 (a) Its own compost products; or

7 (b) Compost products that it has transferred, or intends to
8 transfer, to another individual or entity, whether or not for
9 compensation.

10 (4) A farming operation may submit only one application per
11 fiscal year in which the program is in effect for purchases made and
12 usage costs incurred during the fiscal year that begins on July 1st
13 and ends on June 30th. Applications for reimbursement must be filed
14 before the end of the fiscal year in which purchases were made and
15 usage costs incurred.

16 (5) The department must distribute reimbursement funds, subject
17 to the following limitations:

18 (a) A farming operation is not eligible to receive reimbursement
19 if the farming operation's application was not found eligible for
20 reimbursement by the department under subsection (2) of this section
21 prior to the transport or use of compost;

22 (b) A farming operation is not eligible to receive reimbursement
23 for more than 50 percent of the costs it incurs each fiscal year for
24 the purchase and use of compost products, including transportation,
25 equipment, spreading, and labor costs;

26 (c) ~~((A farming operation is not eligible to receive more than~~
27 ~~\$10,000 per fiscal year))~~ The department must attempt to achieve fair
28 distribution of reimbursement funding across different farm size
29 categories, based on acreage categories determined by the department,
30 and which is not to exceed a maximum of \$20,000 per fiscal year for
31 the largest farming operation category determined by the department;

32 (d) A farming operation is not eligible to receive reimbursement
33 for its own compost products or compost products that it has
34 transferred, or intends to transfer, to another individual or entity,
35 whether or not for compensation; and

36 (e) A farming operation is not eligible to receive reimbursement
37 for compost products that were not purchased from a facility with a
38 solid waste handling permit or a permit-exempt facility.

39 (6) The applicant shall indemnify and hold harmless the state and
40 its officers, agents, and employees from all claims arising out of or

1 resulting from the compost products purchased that are subject to the
2 compost reimbursement program under this section.

3 (7) There is established within the department a compost
4 reimbursement program manager position. The compost reimbursement
5 program manager must possess knowledge and expertise in the area of
6 program management necessary to carry out the duties of the position,
7 which are to:

8 (a) Facilitate the division and distribution of available costs
9 for reimbursement; and

10 (b) Manage the day-to-day coordination of the compost
11 reimbursement program.

12 (8) In compliance with RCW 43.01.036, the department must submit
13 an annual report to the appropriate committees of the legislature by
14 January 15th of each year of the program in which grants have been
15 issued or completed. The report must include:

16 (a) The amount of compost for which reimbursement was sought
17 under the program;

18 (b) The qualitative or quantitative effects of the program on
19 soil quality and carbon storage; and

20 (c) A periodically updated evaluation of the benefits and costs
21 to the state of expanding or furthering the strategies promoted in
22 the program.

23 **Sec. 602.** RCW 43.19A.150 and 2022 c 180 s 701 are each amended
24 to read as follows:

25 COMPOST PROCUREMENT REPORTING AMENDMENT. (1) By January 1, 2023,
26 the following cities or counties shall adopt a compost procurement
27 ordinance to implement RCW 43.19A.120:

28 (a) Each city or county with a population greater than 25,000
29 residents as measured by the office of financial management using the
30 most recent population data available; and

31 (b) Each city or county in which organic material collection
32 services are provided under chapter 70A.205 RCW.

33 (2) A city or county that newly exceeds a population of 25,000
34 residents after January 1, 2023, as measured by the office of
35 financial management, must adopt an ordinance under this subsection
36 no later than 12 months after the office of financial management's
37 determination that the local government's population has exceeded
38 25,000.

(3) In developing a compost procurement ordinance, each city and county shall plan for the use of compost in the following categories:

(a) Landscaping projects;

(b) Construction and postconstruction soil amendments;

(c) Applications to prevent erosion, filter stormwater runoff, promote vegetation growth, or improve the stability and longevity of roadways; and

(d) Low-impact development and green infrastructure to filter pollutants or keep water on-site, or both.

(4) Each city or county that adopts an ordinance under subsection (1) or (2) of this section must develop strategies to inform residents about the value of compost and how the jurisdiction uses compost in its operations in the jurisdiction's comprehensive solid waste management plan pursuant to RCW 70A.205.045.

(5) By ~~((December))~~ March 31, ~~((2024))~~ 2025, and each ~~((December))~~ March 31st ~~((of even-numbered years))~~ thereafter, each city or county that adopts an ordinance under subsection (1) or (2) of this section must submit a report covering the previous year's compost procurement activities to the department of ecology that contains the following information:

(a) The total tons of organic material diverted throughout the year and the facility or facilities used for processing;

(b) The volume and cost of compost purchased throughout the year; and

(c) The source or sources of the compost.

(6) Cities and counties that are required to adopt an ordinance under subsection (1) or (2) of this section shall give priority to purchasing compost products from companies that produce compost products locally, are certified by a nationally recognized organization, and produce compost products that are derived from municipal solid waste compost programs and meet quality standards comparable to standards adopted by the department of transportation or adopted by rule by the department of ecology.

(7) Cities and counties may enter into collective purchasing agreements if doing so is more cost-effective or efficient.

(8) Nothing in this section requires a compost processor to:

(a) Enter into a purchasing agreement with a city or county;

(b) Sell finished compost to meet this requirement; or

(c) Accept or process food waste or compostable products.

PART 7
MISCELLANEOUS

NEW SECTION. **Sec. 701.** WORK GROUP TO STUDY FOOD DONATION BY BUSINESSES. (1) The department of ecology's center for sustainable food management created in chapter 70A.207 RCW must convene a work group to address mechanisms to improve the rescue of edible food waste from commercial generators, including food service, retail establishments, and processors that generate excess supply of edible food. The work group must consider:

 (a) Logistics to phase in edible food donation programs, including incentives;

 (b) The food recovery network systems necessary to support increased donation of edible food by commercial generators;

 (c) Assess asset gaps and food infrastructure development needs. The work group must also facilitate the creation of networks and partnerships to address gaps and needs and develop innovative partnerships and models where appropriate; and

 (d) Actions taken, costs, and lessons learned by other jurisdictions in the United States that have enacted policies focused on reducing edible commercially generated food waste and from voluntary pilot projects carried out by commercial generators of food waste.

(2) The department of ecology must submit a report to the legislature by September 1, 2025, containing the recommendations of the work group. The work group shall make recommendations using consensus-based decision making. All meetings of the work group must be carried out in a virtual-only format. The report must include recommendations where general stakeholder consensus has been achieved and note varied opinions where stakeholder consensus has not been achieved.

(3) The department of ecology must select at least one member to the work group from each of the following:

 (a) Cities, including both small and large cities and cities located in urban and rural counties, which may be represented by an association that represents cities in Washington;

 (b) Counties, including both small and large counties and urban and rural counties, which may be represented by an association that represents county solid waste managers in Washington;

1 (c) An environmental nonprofit organization that specializes in
2 waste and recycling issues;
3 (d) A statewide organization representing hospitality businesses;
4 (e) A retail grocery association;
5 (f) The department of ecology;
6 (g) Two different nonprofit organizations that specialize in food
7 recovery and hunger issues;
8 (h) Three different hunger relief organizations that represent
9 diverse needs from throughout the state;
10 (i) The department of agriculture;
11 (j) The office of the superintendent of public instruction;
12 (k) The department of health;
13 (l) One large and one small food distribution company;
14 (m) An organization representing food processors;
15 (n) An organization representing food producers;
16 (o) A technology company currently focused on food rescue in
17 Washington; and
18 (p) Two open seats for appointed members of the work group to
19 nominate for department of ecology appointment if gaps in membership
20 are identified.

21 NEW SECTION. **Sec. 702.** SEVERABILITY CLAUSE. If any provision of
22 this act or its application to any person or circumstance is held
23 invalid, the remainder of the act or the application of the provision
24 to other persons or circumstances is not affected.

25 NEW SECTION. **Sec. 703.** If specific funding for the purposes of
26 this act, referencing this act by bill or chapter number, is not
27 provided by June 30, 2024, in the omnibus appropriations act, this
28 act is null and void.

Passed by the House March 5, 2024.
Passed by the Senate March 1, 2024.
Approved by the Governor March 28, 2024.
Filed in Office of Secretary of State March 29, 2024.

--- END ---

FINAL BILL REPORT

E2SHB 2301

C 341 L 24

Synopsis as Enacted

Brief Description: Improving the outcomes associated with waste material management systems, including products affecting organic material management systems.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Doglio, Fitzgibbon, Duerr, Berry, Ramel, Ormsby, Peterson, Pollet, Macri, Cortes, Shavers, Leavitt and Kloba).

House Committee on Environment & Energy
House Committee on Appropriations
Senate Committee on Environment, Energy & Technology
Senate Committee on Ways & Means

Background:

Solid Waste, Organic Materials, and Food Waste Management.

Under the state's solid waste management laws, local governments are the primary government entity responsible for implementing state solid waste management requirements. The Department of Ecology (Ecology) also has certain roles in overseeing the administration of solid waste management laws. Ecology is responsible for working cooperatively with local governments as they develop their local solid waste management plans. Ecology also evaluates, analyzes, and monitors the state's solid waste stream, and develops a statewide solid waste plan that, in part, addresses organic material wastes.

County and city solid waste management plans are required to contain certain elements, including a waste reduction and recycling element. This element must include waste reduction strategies, recycling strategies, and source separation strategies.

Since 2019 Washington has had an established goal to reduce the annual generation of food waste by 50 percent by 2030. A subset of the goal includes a prevention goal related to edible food waste. In order to achieve the 2030 food waste reduction goal, Ecology,

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

working with other state agencies, adopted the Use Food Well Washington plan in December 2021. The Use Food Well Washington plan contained 30 federal and state policy recommendations.

In 2022 the Legislature enacted House Bill 1799 (HB 1799), which established a variety of new requirements related to organic material management. Organic materials are specified to include manure, yard waste, food waste, food processing wastes, wood wastes, and garden waste. Organic materials do not include chemically or biologically contaminated materials that would render the finished product of an organic material management process, such as composting or anaerobic digestion, unsuitable for general public or agricultural use. House Bill 1799 established goals for organic material management (state organics goals), including a goal for the landfill disposal of organic materials at a level in 2030 that is 75 percent less than in 2015, and a goal that at least 20 percent of the volume of edible food disposed of as of 2015 be recovered for human consumption by 2025. The state organics goals are in addition to the food waste reduction goals established in 2019.

Washington Center for Sustainable Food Management.

The Washington Center for Sustainable Food Management (Center) was established as a component of Ecology by HB 1799 with the purpose of helping coordinate statewide food waste reduction. The Center is authorized to perform 13 specified categories of activities, including:

- measuring progress towards state organics goals;
- coordinating implementation of food waste reduction plans;
- maintaining a website with food waste reduction guidance;
- coordinating public-private and nonprofit partnerships, and collaborating with federal, state, and local government partners;
- developing maps or lists of locations of food systems in Washington;
- collecting and maintaining data on food waste and wasted food and measurement methodologies for tracking food donation, food waste, and climate impact data;
- distributing and monitoring grants related to food waste prevention, rescue, and recovery;
- supporting the adoption of local government solid waste ordinances or policies that establish a financial disincentive for organic waste generation and for the disposal of organic materials in landfills; and
- developing food waste reduction and food waste contamination reduction campaigns and promotional materials for destruction.

Ecology may enter into interagency agreements with other state agencies to fulfill the Center's responsibilities. Ecology may adopt rules pertaining to the Center. In order to obtain data to support the Center's goals, Ecology may establish a voluntary reporting protocol for the receipt of information regarding food donations. Ecology may request that a donating business or food recipient provide information regarding the volume, types, and timing of food managed by the donating facility. Ecology must seek to obtain this

information in a manner that is compatible with any similar information reported to the Department of Agriculture (Agriculture), and Agriculture must coordinate with Ecology to ensure that the food donation information receipt practices it implements are consistent with the Center's practices.

Organic Materials Management Requirements for Businesses.

Under HB 1799, beginning July 1, 2023, Ecology must determine which counties and cities preparing solid waste plans provide for businesses to be serviced by providers that collect food waste and organic waste for delivery to solid waste facilities that provide for composting, anaerobic digestion, vermiculture, black soldier fly, or similar technologies to manage those collected organic wastes (organic materials management). Ecology must determine that organic material collection service requirements apply to certain businesses within a local jurisdiction unless Ecology determines that businesses in some or all portions of the county have no available organic materials collection services that deliver organic materials for organic materials management, or there is no available capacity at facilities to which organic materials could feasibly and economically be delivered.

In jurisdictions or portions of jurisdictions subject to these organic material collection and management requirements, the requirements are phased-in to apply:

- beginning January 1, 2024, to businesses that generate at least 8 cubic yards of organic waste per week;
- beginning January 1, 2025, to businesses that generate at least 4 cubic yards of organic waste per week; and
- beginning January 1, 2026, to businesses that generate at least 4 cubic yards of solid waste per week. However, Ecology may determine by rule that additional reductions in the landfilling of organic materials would be more effectively achieved at reasonable cost to businesses by establishing a different volumetric threshold than 4 cubic yards per week of solid waste.

Local Government Organic Material Collection and Management Requirements.

Under HB 1799, beginning January 1, 2027, each county or city that implements a local solid waste plan must provide source-separated organic solid waste collection services at least either biweekly or 26 weeks annually to all residents and to nonresidential customers that generate at least 0.25 cubic yards of organic materials per week, and must provide for organic materials management of collected organic materials. Cities and counties may charge and collect fees or rates for these services, consistent with their general authority to impose fees and rates for solid waste collection services. The organic material collection service and management requirements do not apply:

- in counties and cities implementing a solid waste plan that have a population of less than 25,000;
- in counties and cities implementing a solid waste plan that have a population of between 25,000 and 50,000, and that did not offer curbside organic materials

- collection services anywhere in the county as of July 1, 2022;
- in counties and cities implementing a solid waste plan that disposed of less than 5,000 tons of solid waste in the most recent year such data were available;
- in counties not planning under the Growth Management Act (GMA), in portions of a city or county implementing a solid waste plan that have a population density of less than 75 people per square mile and are located in an unincorporated portion of a county;
- in counties planning under the GMA, outside of designated urban growth areas; or
- in counties and cities implementing a solid waste plan that receive a renewable waiver from Ecology applicable to all or part of a jurisdiction. Waivers may be issued for up to five years and based on consideration of the distance to organic materials management facilities, the sufficiency of capacity at local organic materials management facilities to manage additional materials, and pest control restrictions established by Agriculture. Ecology may adopt rules to establish the waiver process and criteria.

Any cities that newly begin implementing an independent solid waste plan after July 1, 2022, must meet organic material collection requirements.

Ecology may adopt a rule beginning January 1, 2030, that applies organic materials collection service and management requirements to jurisdictions exempted from requirements on the basis of population density or an Ecology-issued waiver, but only if Ecology determines that the state goals for the disposal of organic material in landfills for 2030 have not or will not be achieved. When newly developing, updating, or amending solid waste management plans after July 1, 2024, each local solid waste plan must consider the transition to providing organic materials collection services to certain residents and businesses in 2027.

Local Government Compost Procurement Requirements, Plans, and Ordinances.

Under HB 1799, by January 1, 2023, cities and counties with a population of at least 25,000, or in which organic material collection services are provided, must adopt a compost procurement ordinance to implement a requirement that local governments consider the use of compost products in projects and to use compost products in a project except when availability, health, quality, safety, or price-competitive criteria are not met. In developing a compost procurement ordinance, cities and counties must consider four specified categories of compost uses, including landscaping projects and soil amendments. Cities and counties with a compost procurement ordinance must develop strategies to inform residents regarding the jurisdiction's use of compost and the value of compost. Local governments must give priority to purchasing compost products that produce compost locally, are certified by a nationally recognized organization, that produce products derived from municipal solid waste compost programs, and that meet quality standards. Local governments may enter into collective purchasing agreements if cost-effective or efficient to do so. Contracts by governmental units must require the use of compost products to the

maximum extent economically feasible to meet local government compost use requirements. Every two years beginning in 2024, cities and counties with a compost procurement ordinance must submit a report to Ecology.

Local governments may allow for the preferential purchase of compost in order to meet the requirements for local governments to use compost products where products are available, reasonably priced, and meet purchasing and safety standards.

Department of Agriculture Compost Reimbursement Program.

Under HB 1799, Agriculture was required to establish a compost reimbursement program for farming operations in Washington for the purchase and use of compost products that were not generated by the farming operation. Costs covered by the compost reimbursement program include transportation, spreading equipment, and labor, fuel, and maintenance costs associated with spreading equipment. Grant reimbursements under the compost reimbursement program began July 1, 2023. Prior to carrying out activities for which compost reimbursement program reimbursement is sought, farming operations must complete an eligibility review with Agriculture. Agriculture must review proposed transport and application of compost materials for compliance with state pest control rules. Soil sampling by Agriculture must be allowed by compost reimbursement program participants. Compost reimbursement program applicants may not seek reimbursement for purchase or labor costs for its own compost products, from compost products transferred to another individual or entity, or from compost products that were not purchased from a facility with a solid waste handling permit. Farming operations are eligible to receive reimbursement for up to 50 percent of their costs incurred each fiscal year, in an amount up to \$10,000 per fiscal year. Agriculture must submit a report to the Legislature each year.

Waste Not Washington Awards.

Ecology, in consultation with the Office of Superintendent of Public Instruction, administers an awards program to achieve waste reduction and recycling in schools. Awards under the program are capped at \$5,000.

Product Degradability Labeling Requirements.

Since 2019 state law has established a variety of requirements related to how the degradability of plastic or nonplastic products is communicated by labels, tinting, and coloring. Products that are labeled as compostable and sold, offered for sale, or distributed for use in Washington by a manufacturer or supplier, must use green, brown, or beige labeling, color striping, or other marks that help differentiate compostable items from noncompostable materials. Manufacturers or suppliers of food service products and film products, other than film bags, that meet specified ASTM composting standards for plastics or plastic-coated substrates, must ensure that the items are readily and easily identifiable. Readily and easily identifiable film wrap and food service products must be labeled with a

logo indicating the product has met specified ASTM standards, and labeled with the word "compostable," where possible. Compostable products must be considered compliant if they have green or brown labeling, are labeled as compostable, and use other distinguishing colors or marks. Specified additional characteristics, such as color and graphic elements, are encouraged for compostable film wrap and food packaging and food service ware.

Food service products and film products, including film bags, that do not meet ASTM standards for composability, are prohibited from using tinting, labeling, and terms that are required of products that meet ASTM standards, and are discouraged from using coloration, labeling, images, and terms that confuse customers into mistakenly identifying noncompostable products as compostable.

Ecology may adopt rules pertaining to product degradability labeling requirements and must begin enforcing requirements by July 1, 2024. Enforcement by Ecology and cities and counties must be based primarily on complaints, and Ecology must establish a forum to receive complaints. Producers of compostable products, including bags, film products, and food service products, must submit at least one compliance declaration to Ecology beginning in 2024 upon a product being sold or distributed into Washington, and again prior to any change in a product's method of compliance with compost labeling requirements.

Ecology, in collaboration with cities and counties, must provide education and outreach to retail establishments, consumers, and suppliers, about product degradability labeling requirements. Ecology-issued penalties are appealable to the Pollution Control Hearings Board (PCHB), and Ecology-issued penalties must be imposed consistent with standard protocols for penalties that are appealable to the PCHB.

Summary:

Funding Programs for Food Waste Prevention Priorities and Organic Materials Management.

The Department of Ecology's (Ecology) Center for Sustainable Food Management (Center) must develop and administer grant programs related to the diversion of organic materials, food waste prevention, and recovery. Specifically, the Center must develop and administer grant programs for:

- projects to prevent the surplus of unsold, uneaten food from food businesses or to standardize food donation operating procedures;
- projects to improve and reduce the transportation of donated foods and cold chain management across the donated food supply chain;
- the establishment and expansion of wasted food reduction programs to benefit vulnerable communities; and
- food waste tracking and analytics pilot project grants.

The Center's Grant programs must be focused on achieving the following priorities:

- maximizing greenhouse gas emission reductions;

- eliminating barriers to edible food rescue;
- development of stable funding programs; and
- managing food in a manner that prioritizes the prevention of wasted food as the highest priority, with food donation, animal feed, and compost or anaerobic digestion as lower priority management options above landfilling or incineration.

For each grant program, eligible applicants and uses of funds are specified. Grants may be awarded on a competitive or noncompetitive basis. Grants must prioritize applications that benefit overburdened communities identified by Ecology consistent with their community engagement plan under the 2021 Healthy Environment for All Act.

In addition to these grant programs, Ecology must develop and administer a grant program to support the implementation of House Bill 1799 of 2022 and the new requirements of this act, with priority to support implementation of organic material collection requirements from businesses and the residential organic material management service requirements applicable in local jurisdictions. Local governments, federally recognized Indian tribes, nonprofit organizations, businesses subject to organic material management collection obligations, and organic material management facilities are all eligible for funding. Ecology may not require a local government to provide matching funds.

The \$5,000 limit on the amount of Waste Not Washington Awards is increased to \$10,000 per award beginning January 1, 2026.

The Department of Agriculture (Agriculture) must implement a new Washington commodities grant program to procure Washington-grown protein, produce, and grains for use in Washington that would otherwise be at risk of ending up as food waste. Specific criteria for the program are prescribed, including relying on existing infrastructure to maximize short-term beneficial impacts, being designed to achieve efficiencies of scale, and providing priority to recipient organizations that have at least five years of experience coordinating similar activities to those required under the grant program. Funds may be used for pick and pack out costs incurred associated with the production of a food product, including food product input and harvest costs and marginal post-harvest logistical and administrative costs.

Organic Material Collection Service and Management Requirements.

The organic material management service requirements applicable to nonresidential customers generating at least 0.25 cubic yards of solid waste and residential customers in jurisdictions implementing a local solid waste plan are amended, including by:

- requiring, beginning in 2027, source-separated organic solid waste collection services to be provided year round except in jurisdictions that do not collect organic materials on a year-round basis as of January 1, 2024, if those jurisdictions provide organic material collection services at least 26 weeks annually;
- exempting multi-family residences from the requirement to manage collected organic

- materials through organic materials management methods such as composting and anaerobic digestion, and from the requirement that local jurisdictions provide organic material management services to single-family residences;
- authorizing Ecology to reduce collection frequency requirements in a jurisdiction for the collection of dehydrated food waste or to address food waste collection circumstances or technologies that reduce the volume or odor of collected food;
 - requiring, beginning in 2030, source-separated organic solid waste collection services to be provided to customers on a nonelective basis unless a customer manages organic material wastes on-site or self-hauls organic material waste;
 - requiring, beginning in 2030, all jurisdictions' source-separated organic solid waste collection services to include the acceptance of food waste, either separate from other organic materials or commingled;
 - requiring, beginning in 2030, all persons other than multifamily residences, when using curbside collection for disposal, to use source-separated organic solid waste collection services when discarding unwanted organic materials, Ecology must develop guidance for exemptions; and
 - amending the geographic and population considerations under which a jurisdiction is exempt from providing organic material management collection service requirements.

Penalties may not be assessed on individuals or residents for the improper disposal of organic materials in a noncommercial or residential setting.

The requirements applicable to the organic material management requirements for businesses are amended, including the following changes:

- beginning in 2026, businesses must arrange for organic material management services if they generate at least 96 gallons per week of organic material waste, rather than 4 cubic yards of solid waste;
- wastes generated as the result of a food safety event due to a foreign material or adverse biological activity that requires landfill destruction are exempt from organic material management requirements;
- Ecology must confirm a local government's determination that a business is not serviced by an organic material management facility with year-round capacity, in order for businesses in the jurisdiction to be exempt from organic material management requirements; and
- businesses are not prohibited from disposing of nonfood organic materials that are not commingled with food waste by using the services of an organic materials management facility that does not accept food waste.

Ecology must adopt or amend solid waste rules establishing permit requirements for organic material management facilities addressing contamination associated with incoming foodwaste feedstocks and finished products, for environmental benefit.

Product Degradability Labeling.

Product degradability labeling laws are amended, including by:

- authorizing products to be labeled as compostable if they have a fiber-based substrate of at least 98 percent fiber by weight, and no plastic or polymer wax additives or coatings;
- authorizing products labeled as compostable to meet three additional specified types of technical specifications, or similar standard specifications determined by Ecology;
- defining the types of tinting of plastic film products that are prohibited, and prohibiting the use of botanical motifs, such as brown, green, or beige vines or leaves, on noncompostable plastic film bags;
- authorizing products to be labeled as "home compostable" if the product meets ASTM industrial composting standards, has been verified by a third-party certifier, and is backed by valid and reproducible scientific evidence to support a claim of home compostability, is labeled in a manner otherwise consistent with labeling requirements for compostable products, and is not labeled as "home compostable only;" and
- specifying protocols for the concurrent enforcement of product degradability labeling requirements in the event that cities and counties choose to enforce labeling requirements, including requiring notification to Ecology.

Compost Procurement.

Agriculture's compost reimbursement program is expanded to allow for the purchase of compost from facilities that are not required to have a solid waste handling permit. Agriculture must prioritize reimbursement for applicants who purchase and use compost containing food waste feedstocks, where it is practicable for the applicant to purchase and use compost containing food waste feedstocks. Compost must meet applicable requirements for compost established by rule by Ecology under solid waste management laws. The \$10,000 per fiscal year limit on compost reimbursement per farming operation is increased to \$20,000 for large farms, and Agriculture must attempt to achieve fair distribution of funding across different farm size categories.

Cities and counties required to adopt compost procurement ordinances and report to Ecology must report annually on March 31, rather than every 2 years on December 31. The report must specify the facility or facilities used for processing organic material, in addition to the tons of organic material diverted.

Other.

Ecology must, in consultation with Agriculture, study and submit to the Legislature a status report on the compostability, performance, printability, and cost of produce sticker technologies by September 1, 2025.

Ecology's Center must convene a work group to address mechanisms to improve the rescue of edible food waste from commercial generators, including food service and retail

establishments. Ecology must select membership of the work group from specified types of state and local government entities and stakeholders. Meetings of the work group must be carried out in a virtual-only format. The work group must consider logistics to phase in edible food donation programs and incentives, food recovery networks, asset gaps and food infrastructure development needs, and lessons learned from other jurisdictions. Ecology must submit a report to the Legislature by September 1, 2025, containing the work group's recommendations, including notation of varied opinions where stakeholder consensus has not been reached.

In implementing the act, including provisions of existing law amended by the act, it is declared to be the Legislature's intent to manage food in a manner that prioritizes the prevention of wasted food as the highest priority, with food donation, animal feed, and compost or anaerobic digestion as lower priority management options above landfilling or incineration.

Severability and null and void clauses are included.

Votes on Final Passage:

House	58	39	
Senate	30	19	(Senate amended)
House	57	36	(House concurred)

Effective: June 6, 2024

RCW 43.19A.150 Cities and counties required to adopt a compost procurement ordinance—Report. (1) By January 1, 2023, the following cities or counties shall adopt a compost procurement ordinance to implement RCW 43.19A.120:

(a) Each city or county with a population greater than 25,000 residents as measured by the office of financial management using the most recent population data available; and

(b) Each city or county in which organic material collection services are provided under chapter 70A.205 RCW.

(2) A city or county that newly exceeds a population of 25,000 residents after January 1, 2023, as measured by the office of financial management, must adopt an ordinance under this subsection no later than 12 months after the office of financial management's determination that the local government's population has exceeded 25,000.

(3) In developing a compost procurement ordinance, each city and county shall plan for the use of compost in the following categories:

(a) Landscaping projects;

(b) Construction and postconstruction soil amendments;

(c) Applications to prevent erosion, filter stormwater runoff, promote vegetation growth, or improve the stability and longevity of roadways; and

(d) Low-impact development and green infrastructure to filter pollutants or keep water on-site, or both.

(4) Each city or county that adopts an ordinance under subsection (1) or (2) of this section must develop strategies to inform residents about the value of compost and how the jurisdiction uses compost in its operations in the jurisdiction's comprehensive solid waste management plan pursuant to RCW 70A.205.045.

(5) By December 31, 2024, and each December 31st of even-numbered years thereafter, each city or county that adopts an ordinance under subsection (1) or (2) of this section must submit a report covering the previous year's compost procurement activities to the department of ecology that contains the following information:

(a) The total tons of organic material diverted throughout the year;

(b) The volume and cost of compost purchased throughout the year; and

(c) The source or sources of the compost.

(6) Cities and counties that are required to adopt an ordinance under subsection (1) or (2) of this section shall give priority to purchasing compost products from companies that produce compost products locally, are certified by a nationally recognized organization, and produce compost products that are derived from municipal solid waste compost programs and meet quality standards comparable to standards adopted by the department of transportation or adopted by rule by the department of ecology.

(7) Cities and counties may enter into collective purchasing agreements if doing so is more cost-effective or efficient.

(8) Nothing in this section requires a compost processor to:

(a) Enter into a purchasing agreement with a city or county;

(b) Sell finished compost to meet this requirement; or

(c) Accept or process food waste or compostable products. [2022 c 180 § 701.]

Findings—Intent—Scope of authority of chapter 180, Laws of 2022
—2022 c 180: See notes following RCW 70A.205.007.

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CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 11b

DATE: June 13, 2024

SUBJECT: Storefront Improvement Program Amendment

CONTACT PERSON: Patricia Love, Community Development Director
Nicole Strachila, Communications and Marketing Specialist

PURPOSE

The purpose of this agenda item is for Council consideration for an amendment to the Storefront Improvement Program.

BACKGROUND

The City of Stanwood has a rich history, with many historic and unique buildings, housing locally owned businesses in the downtown commercial retail area. In 2023, City Council approved the Storefront Improvement Program. The Storefront Improvement Program is intended to both preserve and enhance the character and charm of downtown Stanwood, while also encouraging investment in downtown through physical and visual improvements to storefront buildings. The program was funded for a minimum of two years – 2023 and 2024 at \$100,000 per year.

The Storefront Improvement Program incentivizes businesses and property owners to make improvements to the appearance of their buildings by offering up to \$20,000 in matching grant funds for qualifying projects. Storefront improvements that are eligible for reimbursement include but are not limited to, exterior paint, roofs and awnings, doors and windows, streetscapes and signage. In 2023, the City received ten Storefront Improvement Program inquiries which resulted in five applications being submitted and approved by City Council last year, totaling \$52,971 in project funds. In March 2024, City Council approved one storefront improvement program application totaling \$13,000 to support outdoor seating and building improvements for Pure Smoke NW.

Available Funding

The following table shows the total funds allocated toward Storefront Improvement projects and the total funds remaining:

Allocated Funds, 2023 and 2024	Available Funds, 2023 and 2024
\$65,971	\$134,029

ANALYSIS

Storefront Improvement Program Eligibility - American Legion Request

Throughout 2023, various non-profit organizations expressed interest in applying for the Storefront Improvement Program. At the time, Council decided to keep eligibility for businesses only. The American Legion has requested funds to install new signage and paint a mural on the building. As they are a non-profit, they do not qualify under the program. The Community Resource Center and the School District have also requested funds under the program in the past.

American Legion Post 92 is a 102-year-old organization serving the Stanwood area and is located on 88th Avenue in downtown. They are a non-profit organization that supports veterans from all branches of the United States Armed Forces. The primary purpose of the American Legion is to advocate for the interests of veterans, promote patriotism and national security, support youth programs and serve communities. They provide a range of community services and programs including assistance with veterans' benefits claims, advocating for veterans' rights, supporting military families, sponsoring youth programs, and organizing community service initiatives.

Their request includes two components consisting of updating their current reader board sign and painting a new mural on the building.

Replace the existing reader board with a new, electronic reader board of similar size. Their veterans' have been struggling to manually update the reader board. The design of the sign, and whether or not it will include any permanent text or logos, is still pending



Re-paint the American Legion Emblem as a mural on the south side of the building facing Rite-Aid and SR 532. The emblem's primary color is blue which they believe will complement the Stanwood Arch.



Example of emblem

RECOMMENDATIONS

Community Development Committee Recommendations:

On May 2, 2024, the Community Development Committee relooked at the Storefront Improvement Program and supports making an amendment to the program to allow nonprofits to apply with the following conditions in mind:

- 1) Nonprofits must be located in the Downtown Revitalization Improvement District
- 2) Nonprofit buildings must be historic in nature, predating 1945
- 3) Priority will continue to be given to businesses with nonprofits being considered during the second half of the calendar year if funding remains available.

Staff Recommendation:

Based on feedback from the Community Development Committee, staff recommends amending the policy to allow nonprofit organizations to be eligible for the Storefront Improvement Program under the conditions listed above.

CITY COUNCIL OPTIONS

1. Approve the amendment to the Storefront Improvement Program.
2. Do not approve the amendment to the Storefront Improvement Program and direct staff to continue to review the amendment.

PROPOSED MOTION

“I MOVE TO ADOPT RESOLUTION 2024-09 STOREFRONT IMPROVEMENT PROGRAM AMENDMENT.”

CITY OF STANWOOD
Stanwood, Washington

RESOLUTION NO. 2023-09

**A RESOLUTION OF THE CITY OF STANWOOD, WASHINGTON, AMENDING
THE STOREFRONT IMPROVEMENT PROGRAM UNDER THE CITY
BEAUTIFICATION PROGRAM AS A DOWNTOWN ECONOMIC DEVELOPMENT
INCENTIVE.**

WHEREAS, the Storefront Improvement Program is designed to improve the appearance and functionality of commercial buildings within the Storefront Improvement Program District by addressing deteriorating property conditions and encouraging private property investment in the City's downtown business districts; and

WHEREAS, the Storefront Improvement Program provides needed economic stimulus funds to help revitalize building facades, encourage a pedestrian friendly downtown, and promote tourism, and

WHEREAS, the Stanwood City Council approved the Storefront Improvement Program in 2023, and determined that it would be in the best interest of the City to provide a financial incentive to local businesses to improve their building curb appeal; and

WHEREAS, in 2023, various nonprofit organizations expressed interest in applying for the Storefront Improvement Program; and

WHEREAS, in 2024, the Community Development Committee relooked at the program and is in support of amending the program to allow nonprofit organizations to apply for the program; and

WHEREAS, eligible nonprofits must have a historic building, predating 1945 and be located in the Downtown Revitalization Improvement District; and

WHEREAS, priority will continue to be given to businesses with nonprofits being considered during the second half of the calendar year, if funding remains available; and

NOW, THEREFORE, THE STANWOOD CITY COUNCIL DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Amendments. The Storefront Improvement Program will be amended to allow nonprofit organizations with historic buildings, predating 1945, who are located in the Downtown Revitalization Improvement District to apply for the program. Businesses will

continue to be given priority with nonprofit applicants being considered during the second half of the calendar year if funding remains available.

Section 2. Effective Date. This resolution shall become effective upon passage.

PASSED AND APPROVED by the City Council of the City of Stanwood this 13th day of June 2024.

CITY OF STANWOOD

By: _____
Sid Roberts, Mayor

APPROVED AS TO FORM

By: _____
Nikki Thompson, City Attorney

ATTEST:

By _____
Lisa Sokolik, City Clerk

Attachment A

City of Stanwood Storefront Improvement Program Supporting Policies

Action Strategies

The City has spent the last 20 years planning for the future of Stanwood. From various community outreach efforts and city planning, several planning documents have been adopted, which indicate the need for the Storefront Improvement Program.

The Storefront Improvement Program is founded in the following city policy guidance:

2015 Comprehensive Plan:

Downtown Stanwood is the heart and soul of the greater Stanwood – Camano community and residents want to preserve its small-town character. Preservation of its older, historic buildings and infrastructure is a key component of sustaining its small-town character while still promoting growth and development. With downtown being in the floodplain and small business owners struggling to keep their doors open, the Storefront Improvement Program is intended to support the city's goals of preserving and promoting Stanwood as a family friendly place to live and shop.

Land Use Goal 2: Re-vitalize and reinforce the character of Stanwood's existing residential and commercial neighborhoods as infill and redevelopment occur.

LU Policy 2.3 Encourage restoration of existing deteriorated structures built before 1950.

LU Policy 2.9: Maintain commercial centers with a sufficient range of uses: a. To allow residents to meet their basic daily needs within town, b. Support a network of personal and business interactions that result in a friendly hometown.

Land Use Goal 3: Recognize Stanwood's existing character, scale, and neighborhood quality as assets that will add to the desirability of the community when incorporated into the design of new residential development.

LU Policy 3.3: Allow re-use of existing structures. When structures display a desired historic period, architectural character and scale, allow flexible interpretations of standards to encourage re-investment.

Land Use Goal 7: Develop a vital, attractively designed Downtown Center.

LU Policy 7.3: Provide incentives for property owners to facilitate the improvement of deteriorated facades, signage and general outside appearance in the downtown. Base the improvements on the design characteristics of the downtown.

LU Policy 7.6: Promote restoration of historic buildings and encourage compatibility of new developments with historic structures.

Economic
Development Goal 1:

Promote economic vitality defined as a lively growth-oriented business climate that supports a wide range of private and public investments resulting in development and business activity that diversifies the City's tax base and provides both employment and consumer shopping opportunities for city and unincorporated area residents.

ED Policy 1.1: Develop a toolkit of incentives such as property tax exemptions density bonuses or public private partnerships to attract desired uses such as mixed-use development or retail businesses that would not be viable based on current market conditions but would contribute to the economic vitality of the city.

ED Policy 1.2: Develop incentives for property owners to improve deteriorating facades, signage and the general outside appearance of buildings.

Economic
Development Goal 2:

Develop strong community partners

ED Policy 2.4: Encourage cooperative downtown improvement planning and implementation efforts between the City and private partners and other business organizations.

Economic
Development Goal 5:

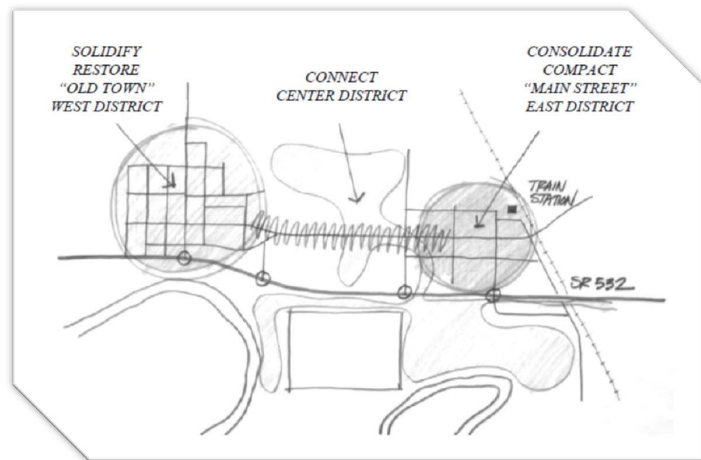
Support economic development strategies by including amenities attractive to employees and investors into project design.

ED Policy 5.1: Encourage high quality site and building design with "curb appeal" that encourages further investment in the area.

Downtown Master Plan:

While downtown Stanwood serves as the retail center for the community, it also serves as the public center of the greater Stanwood – Camano area. The downtown is the heart of the city and provides a place where commercial and civic activities can take place, and an atmosphere and identity the community can embrace. The historic districts of downtown must be protected and preserved for a strong and unified downtown. The Storefront Improvement Program is intended to support the city's goals of protecting

downtown Stanwood from further loss of business and economic vitality, recognizing the importance of the historic districts, and unifying downtown.



East Stanwood Historic District

Emphasize the feeling of Main Street, with shopping connected to the railroad and contiguous storefronts that open onto the sidewalk.

Strategies 1A: Create continuous storefronts that open onto sidewalk for two blocks west of 88th avenue.

Strategies 2F: Encourage street level amenities such as flower boxes, outdoor displays and creative signage that provides interesting things to look at on the street.

West Stanwood Historic District

Maintain the existing feel of simplicity the West District has already. Reinforce what West Stanwood already has. West Stanwood should emphasize the character of “small town” or “old town”.

Strategies 1A: Retain and restore the older houses and commercial structures in the West End.

Strategies 1B: Require infill development to be consistent with the historic characters of the West End.

Strategies 2E: Use selective infill development to reinforce nooks and crannies and maintain historical context.

Center District

Develop the Center District as the center of the downtown with a mix of retail, service, government, educational, institutional, and open space uses that connect the two historic downtown nodes.

- Strategies 5: Encourage small scale infill development and conversion of small houses to other uses.
- Strategies 12: Locate required parking inward to the development to maximize building frontage along the sidewalk.

SDAT: Destiny by Design:

The greater Stanwood – Camano area is recognized for its small-town characteristic and aesthetics. With development and growth in the community, the City of Stanwood must take action to preserve the small-town characteristics of downtown, while still encouraging sustainable initiatives that will benefit business and residents in downtown. To support existing business in downtown, the Storefront Improvement Program will support the city's goals of creating initiatives that will positively affect businesses and residents in the area.



Retaining People Who Are Already Downtown and Creating New Anchors

East and West Stanwood already have a critical mass of customers who come downtown. Unfortunately, many, if not the majority, of those customers come for a single purpose (eat a meal, take a train, purchase a supply) and then leave. Retaining these customers and making it more desirable for them to visit multiple businesses can be very effective.

- Step 2: Adopt Local Infrastructure Project Area Financing (LIPA), authorized by Snohomish County (Chapter 318, Laws of 2011) to prioritize projects that support the downtown.
- Step 3: Redesign Main Street so that it is a true Main Street, and not a highway referred to as Main Street. This would transform the pedestrian experience and make it more desirable to walk from midtown to either downtown.

Economic
Development

As development on portions of Route 532 have taken on a sprawl character, the identity of downtown Stanwood has become even more important. Downtown represents the civic heart of Stanwood and, in order to be a vibrant civic center, it needs a strategy appropriate to its scale, buildings, and businesses.

Business
Development:

Stanwood can work with existing businesses to expand or adapt their product mix to align with the downtown strategies, it can recruit new businesses downtown from elsewhere in the region, or it can attract and seed entrepreneurs to open new businesses.

It is important to recognize that “business development” is one pillar of advancing these strategies. The growth will simultaneously need the support of a marketing program (advertising, social media, brochures, tourism partners), and it will need to be accompanied by physical enhancements – to both the historic buildings and to the 1960s and more recent retail development – to create the attractive setting that will attract additional customers to downtown Stanwood.

Urban Design

An effective urban design vision begins with the role of identity in structuring an Imageable community – one with strong and memorable identity.

Plan 1:

Use landscape architecture to structure a common identity.

West
Stanwood:

Due to flooding concerns and the area’s proximity to the water in West Stanwood, new building construction is simply not feasible. However, since some of the city’s most historic and well-defined urban neighborhoods are found in West Stanwood, district features can be reinforced through clusters streetscape improvements (street trees, groundcover, curbless rights-of-ways, and continuous decorative pavement)

East
Stanwood:

While most commercial Main Streets traditionally are not tree lined, streetscapes marking entry ways from Highway 532 along 88 Avenue are recommended to announce the presence of the Main Street commercial district. Tree-lined streetscapes define the edge and center of the otherwise amorphous Main Street district and add value to underperforming and vacant property ripe for development.

Plan 2:

Preserve important legacy structures.
Signature structures in the build environment remind us of our heritage and/or harbor memories of important community happenings. Many of these structures also hold unique architectural qualities and their vernacular imagery acquire landmark status over time. Even industrial buildings from past generations, now attract affection and project significance.

Economic Development Action Plan:

The City of Stanwood is continuing to build on its historic foundations and community strengths and is creating an environment of economic opportunity and a future of prosperity in downtown. The Storefront Improvement Program will continue to retain Stanwood's small town character and rural heritage, while strengthening the downtown as the city center, making it a better place to live for current residents and more attractive for visitors and new participants in the economy.

Part 1: Programmatic Strategies

Specific actions that the City and its Community Partners can take to strengthen Stanwood's economy.

Education Program:

Cultivate a culture supportive of economic development among residents, business owners and members of the City organization.

Desired Outcomes:

- A common understanding of the desired outcomes and benefits associated with the City's economic development efforts.

Action Strategies:

- Engaged and aligned City organization and community partners.
- Engage elected officials and city staff
- Engage the community
- Incorporate economic development as a priority for the City

Development Services Program:

Establish the systems and processes needed to facilitate investment in Stanwood.

Desired Outcomes:

- A development climate that is facilitative of desirable investment in the community.
- A reputation as being a good community to invest, with clear and predictable expectations.
- Accurate information about the implications of building in the floodplain.

Action Strategies:

- Establish a development review system that incorporates economic development considerations.
- Make development services system and process improvements and solicit ongoing feedback.
- Address floodplain issues.

Zoning and Development Standards Work Program:	Ensure City codes support development that achieves economic development objectives. <i>Desired Outcomes:</i> ▪ Develop regulations that encourage – and do not inadvertently inhibit – desirable development that achieves economic development objectives. <i>Action Strategies:</i> ▪ Review and revise existing zoning regulations and design guidelines.
Historic Resources Program:	Preserve and enhance Stanwood’s historic assets. <i>Desired Outcomes:</i> ▪ Preservation of the character of the City’s downtown in ways that do not inhibit desirable investment. ▪ Additional tools and resources to support investment in older building by property owners. <i>Action Strategies:</i> ▪ Replicate successful historic elements to enhance Stanwood’s small town character. ▪ Provide information and resources. ▪ Develop a better understanding of the city’s historic resources and determine appropriate preservation strategies.
Economic Development Direct Support Program:	Encourage desired investment through City programs and investments. <i>Desired Outcomes:</i> ▪ Public infrastructure investment that catalyzes private investment. ▪ Financial tools and incentives to encourage desirable investment. <i>Action Strategies:</i> ▪ Plan capital investments to support economic development goals. ▪ Develop policies and tools

Downtown
Revitalization
Program:

Develop a comprehensive program to enhance Downtown Stanwood in cooperation with community partners.

Desired Outcomes:

- An effective community-based organization that represents Downtown interests and generates strong cooperation, civic pride, and coordination among downtown businesses.
- Community-supported plans that retain and enhance the character of downtown.
- Short- and long-term improvements to the physical appearance of downtown.
- Attractive gateways and easy access to draw passersby into downtown.

Action Strategies:

- Engage and Organize Downtown Stakeholders
- Invest in Downtown Beautification
- Build on Stanwood Station as a Focal Point for Downtown Revitalization
- Connect the Eastern and Western Nodes of Downtown
- Demarcate Downtown and Make it Accessible

Tourism
Program:

Enhance Stanwood's tourism draw.

Desired Outcomes:

- Enhance the infrastructure to support visitors to Stanwood.
- Increase visitation and spending by out-of-town guests, targeting those who currently pass through town on the way to Camano Island.
- Restore the community's connection to the waterfront, creating public access for residents and visitors.

Action Strategies:

- Make it easy for visitors to discover, plan for, and experience Stanwood attractions.
- Continue to seek opportunities to reconnect the community to the river.

Design Stanwood:

The City of Stanwood hosts a variety of building types, intermixing commercial and residential, specifically in the downtown area. With new developments potentially coming to Stanwood, and existing recent developments, the older buildings in the downtown area need assistance to maintain conditions and to create an inviting downtown for residents and visitors. The Storefront Improvement Program intends to support the city's mission of honoring the rich history of the city and unify the downtown.



West Stanwood Recommendations

- Promote restoration of existing buildings.
- With selected infills, reinforce the nooks and crannies, and maintain the historical context.
- Restore the existing brick road.
- Add more historical light fixtures, as well as banners and hanging baskets on streetlights.

East Stanwood Recommendations

- Recreate contiguous storefronts that open onto sidewalk.
- Existing buildings will need to upgrade rear entries of the buildings to make them attractive and functional.

Central Commons Recommendations

- Buildings face open space, sideways to street. Put parking in the rear.
- Use existing commercial buildings on Main Street. Older houses used for retail are good for small start-up businesses.
- Build a pedestrian corridor using old sloughs as an open space system. Take advantage of these remnants that are part of Stanwood's heritage.

General Recommendations

- Preserve your edges. Preserve and protect the setting of Stanwood.
- Maintain established character in parts of town.
- Support the character of East Stanwood through retail and transportation to bring customers to the front doors of the business.



CITY OF STANWOOD COUNCIL AGENDA STAFF REPORT

ITEM NUMBER: 11c

DATE: June 13, 2024

SUBJECT: Authorize the Mayor to sign a contract with KPG for Construction Management Services on Viking Way Phase 2 Project

CONTACT PERSON: Kevin Hushagen, Public Works Director

ATTACHMENTS: A – Draft Scope of Work and Fee Schedule

ISSUE

The issue in front of the Council is to authorize the Mayor to sign a contract with KPG to provide construction management services on the 90th Avenue/Viking Way project.

SUMMARY STATEMENT

The Viking Way Phase 2 project has been designed and bid and is ready for construction. The City received federal funding on this project and one of the requirements is the city must hire a construction management firm.

DISCUSSION

City staff sent out a Request for Qualifications (RFQ) seeking a firm to provide construction management services on the Viking Way Phase II project. Five submittals were received, evaluated, and scored. The top three firms were interviewed by City staff and WSDOT Local Programs with KPG being chosen. KPG and staff are still working through finalizing the Construction Management scope of work and fee, at the time of writing this staff report the final price is to be determined. We anticipate the price to be between \$450,000 and \$490,000. Viking Way Phase 1 Construction Management fee was \$403,695 in 2020.

FINANCIAL IMPACT

- KPG's Construction Management fee is anticipated to be in the range of \$450,000 to \$490,000.

COMMITTEE RECOMMENDATIONS

The Public Works Committee will have reviewed and discussed prior to the June 13th Council meeting.

RECOMMENDED MOTION

“I MOVE TO AUTHORIZE THE MAYOR TO SIGN A CONTRACT WITH KPG TO PROVIDE CONSTRUCTION MANGEMENT SERVICES ON THE VIKING WAY PHASE 2 PROJECT NOT TO EXCEED \$490,000.”

EXHIBIT X
PRIME CONSULTANT COST COMPUTATIONS

Client: City of Stanwood

Project Name Viking Way Phase 2

KPG Psomas Inc. Project Number:

Date:

6/1/2024

Task No.	Task Description	Labor Hour Estimate					Hours	Total Hours and Labor Cost Computations by Task
		Senior Construction Manager	Document Control Specialist III	Resident Engineer	Construction Observer II	Senior Admin		
		87.00	51.00	54.00	45.00	48.00		
							Hours	Totals
Task 1 - MANAGEMENT / COORDINATION / ADMINISTRATION								
		31				31	62	\$ 4,185.00
Task Total		31	0	0	0	31	62	\$ 4,185.00
Task2 - Administrative Services up to Contractor Notice to Proceed (NTP) (1 Month)								
	Administrative Services up to Contractor Notice to Proceed	16	60	40	4		120	\$ 6,792.00
Task Total		16	60	40	4	0	120	\$ 6,792.00
Task 3 - Construction Management (CM) and Administrative Services. NTP to Substantial Completion								
3.1	NTP to Suspension (1-month Preload Placement	22	132	22			176	\$ 9,834.00
3.2	Suspension (12 months)	40	132	120			292	\$ 16,692.00
3.3	Lifted Suspension to Substantial Completion (4 months)	32	292	584			908	\$ 49,212.00
Task Total		94	556	726	0	0	1376	\$ 75,738.00
Task 4 - Provide Field Inspection for Each of the Project's Working Days (81 Days)								
4.1	HWA Preload Inspector, Insp(PL). Fee is included in Task 500 Subconsultant Section						0	\$ -
4.1	Project Improvement Inspector, Insp(PI)				600		600	\$ 27,000.00
Task Total		0	0	0	600	0	600	\$ 27,000.00
Task 5 - Material Testing and Geotechnical Support								
	HWA Fee is included below in Task 500 Subconsultan Section						0	\$ -
Task Total		0	0	0	0	0	0	\$ -
Task 6 - Project Close Out								
		8	88	88			184	\$ 9,936.00
Task Total		8	88	88	0	0	184	\$ 9,936.00
Task 7 - Plant Establishment to Physical Completion								
		10	120	40			170	\$ 9,150.00
Task Total		10	120	40	0	0	170	\$ 9,150.00
Total Labor Hours and Fee		13,833	42,024	48,276	27,180	1,488	2,512	\$ 132,801.00
ICR Overhead @ 171.93% =								\$ 228,324.76
Fixed Fee @ 30% =								\$ 39,840.30
Total KPG Psomas (DL + OH + Fixed Fee) =								\$ 400,966.06
Subconsultants								
DBE Sub-Consultant HWA GeoSciences								\$ 120,000.00
Subtotal								\$ 120,000.00
Administrative Charge (5%)								\$ 6,000.00
Total Subconsultant Expense								\$ 126,000.00
Reimbursable Direct Non-Salary Costs								
Mileage at current IRS rate, Printing								\$ 5,000.00
								\$ -
Total Reimbursable Expense								\$ 5,000.00
Management Reserve								\$ 50,000.00
Total Estimated Budget								\$ 581,966.06

EXHIBIT A Scope of Work

Construction Management Services City of Stanwood

Federal Aid Project Number: STPUS-9308(001)
City Project Name: Viking Way Phase 2 (PROJECT)

I. INTRODUCTION

Overview

The City of Stanwood (CITY) proposes extending Viking Way from 90th Avenue NW to 92nd Ave NW. Work includes a pre-load, clearing and grubbing, removals, excavations, and embankments, surfacing and hot mix asphalt pavement, drainage, landscaping, curbing, sidewalks and curb ramps, illumination, signing, channelization, water and sanitary sewer improvements, and erosion/water pollution control.

Funding

The PROJECT includes federal and CITY funds.

Disadvantaged Business Enterprise (DBE) Goals

KPG (CONSULTANT) includes HWA GeoSciences (SUB-CONSULTANT) within this scope to meet the twenty (20) percent professional service DBE Goal. Exhibit B contains the DBE Participation Plan.

Consultant Construction Management Services

Services are detailed in the following Tasks 100 through Task 900. In the body of this scope are references to the following support personnel.

- | | |
|-----------------------------------|----------|
| • Project Manager: | PM |
| • Resident Engineer: | RE |
| • Inspector Preload: | Insp(PL) |
| • Inspector Project Improvements: | Insp(PI) |
| • Documentation Specialist: | DS |

Assumed Durations and Support by Task

Note: Referenced dates are estimated and could be later than shown. Time frames, i.e. (XX days and months) are still relevant. Following are assumptions of time between tasks.

- Management/Coordination/Administration (31 months):

Project management and administrative services, prepare, review and submit monthly expenditures, SUB-CONSULTANT contract management with CONSULTANT. Task 100 begins on Consultant Contract Notice of Award, on or about June 2024 to end of Task 900, on or about December 31, 2027

Task 100: Over the life of the project	Assumed Months
Up to Contractor Notice to Proceed.	1
Notice to Proceed to completion of Preload Placement (to Suspension)	1
Suspension period during Preload	12
Build out Project, lifted suspension to Substantial Completion. (73 Working Day)	4
Close Out	1
Plant Establishment, Physical Completion	12
Total Months of Task 100 Support	31

Task 100: Position	Assumed Hours Per Month	Months	Total Assumed Hours
PM	1	31	31
Senior Administrator	1	31	31

- Pre-Construction (22 days = 1 month): Tasks 200 begins on Consultant Contract Notice of Award, anticipated to be June 2024 and concluding on the Contractor's Notice to Proceed (NTP: first Contractor Working Day), anticipated on or about July 2024.

Task 200: Position	Assume Hours Per Month	Months	Total Assumed Hours
PM	16	1	16
RE	40	1	40
Insp(PI)	4	1	4
DS	60	1	60

- Contractor NTP to Physical Completion: (31 Months): Task 300, 600 and 700 provides PM, RE and DS support from Contractor NTP to Physical Completion.

Position	Assumed Hours Per Day	Days	Assumed Hours	Comments
NTP to Suspension				
PM	1	22	22	Task 300 1 month: Preload is placed
RE	1	22	22	
DS	6	22	132	
Suspension				
PM		264	40	Task 300 12 months: Assume project will be suspended after the preload is placed.
RE		264	120	
DS	0.5	264	132	
Lifted Suspension to Substantial Completion				
PM		73	32	Task 300 4 months (73 days): The bulk of the Contract Working Days are supported
RE	8	73	584	
DS	4	73	292	
Close Out				
PM		22	8	Task 600 1 month
RE	4	22	88	
DS	4	22	88	
Plant Establishment to Physical Completion				
PM		264	10	Task 700 12 months
RE		264	40	
DS		264	120	

- NTP, Preload Placement, and Ramp Down to Suspension: Task 400(Preload) provides for eight (8), eight (8) hour works days for the Insp(PL), plus two (2) more days to review the plans and specifications as well as assist with the ramp down to suspension. The hours and budget for this task belong to HWA GeoSciences the DBE (SUB-CONSULTANT). This budget is included in the Task 500 fee.

Task 400: Position	Assumed Hours Per Day	Days	Total Assumed Hours
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RE/Insp	8	10	80
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- Working days from lifted Suspension to Substantial Completion: Task 400(Project Improvements) provides for seventy three (73), eight (8) hour works days for the Insp(PI) plus two (2) more days to review the plans and specifications as well as assist with the ramp down to Substantial Completion.

Task 400: Position	Assumed Hours Per Day	Days	Total Assumed Hours
Insp(PI)	8	75	600

- Material Testing and Geotechnical Support: Task 500 at NTP and concludes on or about Physical Completion. All CONSULTANT time managing Task 500 is included in Tasks, 100, 200, 300, 400 and 600.
- Project Closeout (1 month): 1 month for task 600 is assumed. See table in Contractor NTP to Physical Completion for hours.
- Plant Establishment to Physical Completion (12 months): Task 700 includes plant establishment is assumed at Substantial Completion and concludes after the 1-year plant establishment. The assumed hours provide services for the field note records and pay estimate affiliated with the requirements of plant establishment under 8-02.5. Assumed hours include writing and issuing the Physical Completion letter.

General Assumptions

- The CONSULTANT will prepare the Record of Material (ROM). This scope of services provides the management of the ROM and scheduling materials testing respectively.
- CITY will review and execute the insurance, bonds and the Construction Contract.
- The CONSULTANT will coordinate with WSDOT during audits related to the project and help the CITY to complete any other required correspondence with outside agencies.
- The CONSULTANT will work with the CITY Contractor to conduct all community outreach in relation to phasing and direct impacts due to the construction.
- The CONSULTANT will answer the majority of RAM's, RFI's and shop drawings but it is assumed that the CITY has the Engineer of Record retained and available for facilitation of said documents as well as interpretation support of "plan and specification" intent when said areas are not clear.

- Services will be performed in accordance with Contract plans, provisions, and CITY standard plans.
- CONSULTANT will coordinate with franchise Utilities.

II. SCOPE OF WORK

The objective and purpose of this Construction Management Services Agreement is for the CONSULTANT to successfully deliver the construction of the PROJECT to the CITY by ensuring that the improvements are constructed in accordance with the approved Plans and Specifications, as may be amended or revised, that all of the required Project documentation is accounted for, and ultimately that the CITY receives a successful Project Management Review (PMR) by WSDOT Local Programs at the end of the Project.

100: Management/Coordination/Administration

Provide overall project management, coordination with the CITY, monthly progress reports, and invoicing. This effort will include the following elements.

- Organize and layout work for the project staff. Prepare instruction on contract administration procedures to be used during construction.
- Review monthly expenditures and team scope activities. Prepare and submit monthly project progress to the CITY along with invoices describing the task performed each month.
- Manage the DBE contract and participation plan.

200: Administrative Services up to Contractor Notice to Proceed (NTP)

Administrative services are required up to NTP to establish procedures, communication and documentation with the CITY. This task also provides set up of the PROJECT files, familiarization with the contract plans and specifications, and the beginning of material management and general “kick-off” coordination activities. Work under task 200 includes the following:

- Solicit input from the CITY to establish system and procedures for managing the PROJECT
 - Managing, tracking and filing PROJECT documentation
 - ✓ PROJECT drives for electronic files
 - ✓ Hard drive transfer of electronic files
 - Communications
 - ✓ Change Management
 - ✓ Authority
 - ✓ Field Directives

- ✓ Change Orders with justifications
- Administrative process
 - ✓ Approval of Subcontractors
 - ✓ Material management
 - ✓ Contractor progress payments
 - ✓ Consultant invoices
- Stakeholder coordination and meetings
 - WSDOT
 - ✓ Local Programs
 - ✓ Inspector
 - ✓ Materials Fabrication Inspections
 - CITY Water, Sewer and Storm
 - ✓ Isolation plans
 - ✓ RAM approvals
 - ✓ Sanitary sewer, storm water and domestic water by-pass systems
 - ✓ Special Inspections (Electrical, Geotechnical)
 - Traffic Operations
 - ✓ Material procurements
 - ✓ Certificate of Materials Origin (CMO) for Agency supplied material
 - ✓ Traffic control plans
 - Public or business claims
 - Outreach
 - ✓ Weekly PROJECT status email to CITY
 - ✓ Public outreach
 - ✓ Complaints
- Prepare hard and electronic files:
- The following logs will be prepared
 - Record of Materials (ROM)
 - ✓ Record of Materials number (RAM, 350-071)
 - ✓ BABA
 - ✓ RAM approval Codes
 - ✓ Qualified Products List (QPL)
 - ✓ CMO
 - ✓ Relative Test Reports (Requirements and Frequency)
 - ✓ LAG Exceptions (52.107)
 - ✓ Comments
 - Material Tracking
 - ✓ Monitors testing frequency per WSDOT Construction Manual

- ✓ Log acceptance and compaction tests
 - ✓ Log pass or fail to include resolution of failing testing
 - ✓ Track tickets and tonnages
 - ✓ BABA
- Submittal Reviews
 - Tracking, coordination with design Engineers and response to Contractor
- Request for Information (RFI)
 - Tracking, coordination with design Engineers and response to Contractor
- Change Management
 - ✓ Change Order
 - ✓ Case Log (Issues)
 - ✓ Design Changes/Clarifications
- Subcontractors
- Certified Payroll
- Materials on Hand
- Training
- The following templates will be prepared
 - Contingency Report
 - Field Note Records (FNR)
 - Estimate (CITY template)
 - Forecasted Cost at Completion
 - Weekly Statement of Working Days
 - Change Order (CO)
 - Change Order Justifications
 - Design Changes/Clarifications
 - Field Material Verifications
- Site visits to become familiar with project limits and physical constraints
- Familiarization with Contract Plans, Specifications, Permits and Geotechnical Report
- Right of Way (ROW) commitments
 - Review executed agreements, including temporary construction easements
 - Build files for each property for relative email and documents to be stored
 - Prepare a spreadsheet to log ROW commitments fulfilled with relative emails, meetings and phone calls
- Manage RAMs and submittals by reviewing against the Contract and/or facilitating Engineer of Record Reviews
- Manage the ROM
- Develop Stakeholders List with names, titles, phone numbers and emails
- Comb the Contract and compile list of submittals and modify the ROM as required

- Prepare Pre-Construction (Precon) Agenda
- Comb the Contract Provisions to insert Precon agenda items
- Prepare Pre-con attendees list and hand off to CITY who will send out invites
- Lead and attend Pre-con, prepare and distribute minutes
- Assist CITY with Utility Coordination
- Pre-construction photographs
- Permitting – Coordinate with CITY on required permits, status and tracking
- Review Contractor's Schedule for Contract Compliance

300: Construction and Administrative Services. NTP to Substantial Completion.

Support includes stakeholder coordination, documentation and change management in general compliance with CITY, State and Federal requirements. Work includes the following:

- Maintain Logs identified in Task 200
- Coordinate material inspections with SUB-CONSULTANT, Task 500
- Facilitate WSDOT special inspections (signal and luminaire poles)
- Review material reports from SUB-CONSULTANT, Task 500, for Contract compliance and contact the Contractor to bring resolution to any deficiencies
- Track quantities according to the Construction Manual to get the required amount of testing
- Review RAMs and apply or facilitate approval codes
- Transmit ROM to the Contractor and request that they submit material requirements via the RAM process
- Verify, via RAMs, that all the material delivered to the site is approved
- Administer Contractor adherence of the ROM
- cursory review and facilitation of Traffic Control Plans
- Review and respond to Contractor Serial Letters
- Issue Field Directives/Corrective Action memorandums
- Receive RFIs and issues raised by the Contractor, answer RFIs and/or facilitate responses
- Change Management
 - Investigation to determine if a change is warranted and/or justified
 - Negotiations with Contractor regarding 1-04.4 Changes
 - Writing Change Orders to include Engineer's Estimate and Justifications
 - Submit for WSDOT approval, collect all signatures for execution upon approval
 - Update Case Log which includes
 - ✓ Tracking issues
 - ✓ Anticipated impact to schedule

- ✓ Costs
- ✓ Forecast cost at completion
- ✓ Warrant assessment for additional working days
- ✓ Update Contingency Report
- ✓ Forecast Cost at Completion
- Meet with CITY to go over Change Management issues
- Confirm that submittals are in general Contract conformance. Review and/or facilitate review and approvals of submittals
- Maintain project electronic and hard files
- Facilitate and lead claims response
- Emergency, weekend, holiday, off-hour and non-working day PROJECT coverage
- Facilitate and lead resolution of Contract non-compliance issues
- Review Contractor's preliminary schedule for contract compliance and on-going schedules during construction
- Prepare coordination agendas, conduct coordination meetings
- Prepare minutes for coordination meetings and distribute to attendees
- Prepare Weekly Statement of Working Days and send to Contractor
- Obtain Request to Sublet (421-012) and Certification for Federal Aid forms (420-004), review for compliance and return to the Contractor
- Verify and collect proof that the Contractor and Sub-Contractors have CITY business licenses and all other required compliance documentation
- Utility Coordination
 - Changes, schedule coordination, conflict resolution
- Underutilized Disadvantaged Business Enterprise (UDBE) tasks
 - Conduct UDBE On-Site Review for Construction Subcontractors/Regular Dealers/Manufacturers (272-052)
 - Coordination with WSDOT Office of Equal Opportunity for their conduction of onsite "Commercially Useful Function Review" of the COA UDBEs
 - Tracking UDBE quantities to confirm quantities/dollars will be met
 - Facilitate resolution of COA shortfalls, if require, to include a change order that re-defines or redistributes the UDBE goals
 - On a monthly basis, review the website of the Office of Equal Opportunity to review the Diversity Management and Compliance System (DMCS) to verify prompt payment and/or issues logged between the Contractor and the UDBE Sub-Contractors
 - Prompt Contractor to submit the UDBE Truck Unit Listing Log (272-057) prior to UDBE performing any work on the project only if they use a trucker for COA UDBE.

- Training tasks
 - Secure, approve and submit to Local Programs for review and/or concurrence:
 - ✓ Apprentice/Trainee Approval Request (272-050)
 - ✓ Federal-Aid Highway Construction Annual Project Training Report (272-060 EF)
 - ✓ Training Program (272-049 EF)
 - ✓ Trainee Interview (226-012)
- Employee Interviews (424-003)
- Coordinate and lead in utility and property access interruptions
- Coordination with stakeholders to include
 - CITY departments
 - Utilities
 - Community Transit and School Busses
 - Garbage, Recycle and Mail pick up and deliveries
 - Police and Fire departments
 - Local Businesses (impacts of any nature relating to construction activities)
- Payroll Compliance to include checking
 - Certified Payrolls
 - Labor and Industry documentation (Statement of Intent, Affidavits of Wages Paid)
 - Notification to the Contractor of non-compliance
 - Compliance for payment purposes
- Perform quality control checks on Inspector FNRs and Inspector Daily Reports (IDR)
- Prepare progress pay estimates
- Maintain a set of Record Drawings, independent of the Contractor's
- Review Contractor's weekly "look ahead" and monthly schedule and compare with the Contractor's approved baseline schedule
- Maintain a submittals list and prompt the Contractor for tardy submittals
- Coordinate with relative funding agencies such as WSDOT Local Programs
- Prepare and be available for outside audits and/or record reviews
- Secure Contract schedule and activities for coordination with the public. Respond to general coordination regarding items such as status, schedule and access.
- Maintain hard and electronic files

400(Preload): Provide Field Inspections for each of the 8 Working Days of Preload Placement (DBE SUB-CONSULTANT)

The Insp(PL) will act as the project's "in the field" point of contact for coordination and field documentation. The Insp(PL) will monitor the Contractor's activities, produce IDRs, FNRs, verify that material delivered to the site is in contract compliance. The following Tasks will be the responsibility of the Insp(PL):

- Produce
 - IDR's
 - FNR's for all Contract Items
 - Progress photographs
- Observe and Monitor the Contractor's
 - Work for compliance with the Contract Documents
 - Traffic control procedures and implementation of the approved traffic control plans which could include notification to the Contractor on deficiencies that require immediate correction.
 - Temporary erosion and sediment control procedures and systems and provide recommendations.
 - Compliance with project permits
- Coordinate
 - Materials testing as required under the ROM and WSDOT Construction Manual with materials Sub-Consultant. See Task 500
 - With stakeholders like utilities, CITY departments, local businesses, traveling public, fire and police departments, and residences.
 - Facilitate resolution of project conflicts between the plans, special provisions and unforeseen conditions with the Contractor, CITY and Engineer of Record.
 - Access and utility interruptions
- Meetings
 - Kick of meeting with the City and Contractor ahead of Prelevel Placement.

400(Project Improvements): Provide Field Inspections for each of the Project's Working Days

The Insp(PI) will act as the project's "in the field" point of contact for coordination and field documentation. The inspector will monitor the Contractor's activities, produce IDRs, FNRs, verify that material delivered to the site is in contract compliance, coordinate with stakeholders to include the Contractor, material testing lab, Fire and Police Departments, School Districts, businesses, residents and the traveling public. The following Tasks will be the responsibility of the Inspector:

- Produce and Conduct
 - IDR's
 - FNR's for all Contract Items
 - Trainee Interview (226-012)

- UDBE On-Site Review for Construction Subcontractors/Regular Dealers/Manufacturers (272-052)
- Employee Interview Report (424-003EF) on the prime, UDBE subcontractors and all subcontractors performing 30% or more of the Contract work
- Progress photographs
- Punch list items
- Observe and Monitor the Contractor's
 - Work for compliance with the Contract Documents
 - Traffic control procedures and implementation of the approved traffic control plans which could include notification to the Contractor on deficiencies that require immediate correction
 - Temporary erosion and sediment control procedures and systems and provide recommendations
 - Compliance with project permits
- Coordinate
 - Materials testing as required under the ROM and WSDOT Construction Manual with materials Sub-Consultant. See Task 500
 - Hazardous waste monitoring
 - With stakeholders like utilities, CITY departments, local businesses, traveling public, fire and police departments, and residences
 - Facilitate resolution of project conflicts between the plans, special provisions and unforeseen conditions with the Contractor, CITY and Engineer of Record.
 - Access and utility interruptions
- Meetings
 - Prepare agendas and run meetings as required to include
 - Weekly Coordination
 - Others such as pre-paving, water and sewer work, utility coordination and public outreach

500: Materials Testing and Geotechnical (DBE SUB-CONSULTANT)

HWA GeoSciences (HWA) will provide materials sampling and laboratory testing on all aggregate materials at sampling and testing frequencies in accordance with Chapter 9 of the 2023 WSDOT Construction Manual. This will include acceptance testing (grain size analyses, sand equivalent and fracture face) to verify materials meet WSDOT Standard Specification requirements as well as Proctor testing to determine compaction requirements. HWA will rely on the CONSULTANT team to inform them when sampling and testing is required. HWA will perform density testing using a nuclear densometer on compacted aggregates during construction to verify minimum compaction requirements are met. HWA will rely on the CONSULTANT team to schedule field density testing.

HWA will sample Hot Mix Asphalt (HMA) cold feed aggregate for acceptance testing at the required frequencies. Tests on cold feed aggregate will include sand equivalent, fracture face and uncompacted void content of fine aggregate. HWA will sample HMA components to determine the ignition oven correction factor for the HMA mixes submitted. HWA will sample the completed HMA mix during paving at the required frequencies for determination of aggregate gradation, asphalt content, and maximum theoretical density (Rice value). HWA will perform density testing on the compacted HMA at specified frequencies to verify minimum compaction requirements are met.

HWA will sample Portland Cement Concrete (PCC) aggregates at specified frequencies and perform gradation testing to verify materials meet specifications. HWA will sample and test PCC during placement to test for slump and air content as well as to make cylinders for compressive strength testing. HWA will rely on the CONSULTANT team to schedule PCC sampling and testing at specified frequencies.

If soils are encountered that are suspected to be contaminated, HWA will collect soil samples for chemical laboratory analyses. The Contractor may utilize the laboratory results for characterization during the disposal process. If requested, HWA can also provide environmental consulting services to coordinate the proper disposal of any impacted soils.

HWA will also provide geotechnical support regarding issues related to excavation, dewatering, unsuitable soils, and any other geotechnical-related issues that arise during construction, as requested by the CM team.

HWA will submit daily field reports for all sampling, testing, and site visits made related to the project.

600: Project Close Out

Other than plant establishment, assume the Contractor will be completed with punch list work and missing documentation within one month of Substantial Completion. Assume the PROJECT tasks during PROJECT close out is as follows:

- Inspector
 - FNR's kicking off the one-year Plant Establishment as defined under 8-02.5
 - Prepare and monitor completion of the Punch List
 - Final FNR's
- Administrative
 - Project resolution meetings with the Contractor to resolve final quantities and issues

- Prepare Substantial, Physical and Completion letters
- Final pay estimate
- Gather remaining documentation for ROM and facilitate signature on Materials Certifications
- Gather outstanding labor compliance documentation such missing Certified Payrolls and Affidavits of Wages Paid with Labor and Industries
- Facilitate “Final Notice of Completion of Public Works Contract” form (F215-038-000)
- Coordinate final Record Reviews by funding agencies

700: Plant Establishment

Plant establishment: Assume Substantial Completion marks the beginning of the 1-year plant establishment. During the 1-year plant establishment, the RE/Insp and DS will be required to produce prorated payments per 8-02.5.

800: Reimbursables

A \$5,000 placeholder is included in the fee estimate for miscellaneous, eligible reimbursables, like printing, and milage.

900: Management Reserve

A \$50,000 placeholder is included for Management Reserve and available to supplement tasks within this scope. Management Reserve shall not be expended without permission of the City Engineer or Public Works Director. An example of the use of Management Reserve could include but not be limited to CONSULTANT support during:

- Contractor non-working days
- Days added to the Contract by change order
- Prolonged negotiations with the Contractor regarding changed conditions
- Work requested of the CONSULTANT outside of Tasks 100 through 600

Exhibit B

Disadvantaged Business Enterprise (DBE) Goals Participation Plan

This PROJECT has a 20% DBE Goal. Our DBE SUB-CONSULTANT, their certification number and their scope of work is listed below.

- HWA GeoSciences, In.
 - Role: Geotechnical and Materials Testing, Preload Inspection, see Task 400 (Preload) and Task 500.
 - UDBE Certification No.: D5F0024692

The CONSULTANT is committed to assisting our DBE firm in their development throughout the term of this contract's scope of work.

The CONSULTANT's overall approach to the DBE Participation Plan is as follows.

CONSULTANT will monitor and avoid negative impacts such as changed conditions that may affect the DBE goal. If unavoidable impacts are identified, the CONSULTANT will coordinate with our DBE SUB-CONSULTANT, the CITY and WSDOT Local Programs to facilitate resolution. Through good faith efforts; adjustments could be one or a combination of the following two resolutions:

- Resolution 1: The CONSULTANT will shift Exhibit A Scope of Work previously NOT identified for the DBE to the DBE's scope of work.
- Resolution 2: If after good faith efforts, Resolution 1 is not possible for reasons such as the DBE's field of expertise and availability not aligning with shifting Exhibit A Scope of Work, then CONSULTANT and DBE SUB-CONSULTANT will exchange an email of understanding that good faith efforts were made but not successful in obtaining the full 20% goal.

The CONSULTANT will:

- Ensure that our DBE SUB-CONSULTANT meets the Commercially Useful Function requirements, independence and control of the work defined in their respective Tasks 400 (Preload) and 500 such as:
 - Carrying out their responsibilities for execution of the work
 - Managing, scheduling and supervising their work
 - Being responsible for materials and supplies to perform their work

- Negotiating price
- Determining quality and quantity of work
- Provide a copy of the signed agreements with DBE-SUBCONSULTANT and amounts paid to WSDOT Local Programs.

The table below summarizes Cost Computations demonstrating that the DBE SUB-CONSULTANT exceeds the 20% goal. Note: The referenced Exhibits correlate directly with those in the “Local Agency A&E Professional Services Cost Plus Fixed Fee Consultant Agreement”.

Exhibit	Description	Cost Computation	SBE Goal 20%
D	CONSULTANT	\$581,966	
E	SUB-CONSULTANT (HWA)	\$120,000	22.62%
	Total (Less Management Reserve)	\$531,996	(Meets Goal)

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