

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PLEASANT HILL  
AMENDING THE CITY'S PURCHASING ORDINANCE  
BY ADDING A NEW ARTICLE IV, ENVIRONMENTAL PREFERENCES,  
(SECTIONS 5.10.150 – 5.10.180)  
AND A NEW SECTION 5.10.055, LOCAL PREFERENCES,  
TO THE PLEASANT HILL MUNICIPAL CODE

WHEREAS, the City adopted a Purchasing and Contracts Ordinance (Chapter 5.10) in 2005; and

WHEREAS, following adoption of that ordinance, the City Finance Department in conjunction with the City Attorney's Office, developed the City of Pleasant Hill Purchasing Procedures, dated January 3, 2006; and

WHEREAS, the California Integrated Waste Management Board has recommended that the City have an environmentally preferable purchasing policy as part of the City's good faith effort in meeting the 50% waste diversion threshold under the Integrated Waste Management Act of 1989 (Public Resources Code section 40000 and following); and

WHEREAS, the Waste Management Board is asking for evidence of an environmentally preferable purchasing policy as a pre-condition to grants being awarded for various City projects and programs; and

WHEREAS, the City wishes to emphasize its preference for environmentally preferable purchases by adding environmental factors to consider in purchasing, within the City's purchasing ordinance; and

WHEREAS, the City now has a statement in its Purchasing Procedures allowing a 5% preference for local vendors, if factors such as quality, previous performance and availability are otherwise equal. The City wishes to add this local preference policy to the purchasing ordinance.

NOW, THEREFORE, the City Council of the City of Pleasant Hill does ordain as follows:

**Section 1.** A new Article IV, consisting of Sections 5.10.150 through 5.10.180, is added to Chapter 5.10 (Purchasing and Contracts) of the Pleasant Hill Municipal Code to read as follows:

**“Article IV. Environmental Preferences**

- 5.10.150 Purpose and limitation.
- 5.10.160 Implementation.
- 5.10.170 Source reduction.
- 5.10.180 Purchases, practices and use of products.

**5.10.150 Purpose and limitation.**

- A. Purpose. It is the city’s intention to:
  - 1. institute practices that reduce waste by increasing product efficiency and effectiveness; and
  - 2. purchase products that minimize environmental impacts, toxics, pollution and hazards to workers and the community to the greatest extent practicable; and
  - 3. purchase products that: use less oil to produce and transport; include recycled content; are durable and long-lasting; conserve energy and water; use agricultural fibers and residues; reduce greenhouse gas emissions; use unbleached or chlorine-free manufacturing processes; are lead- and mercury-free; and use wood from sustainably harvested forests.
  
- B. Limitation. Nothing in this article requires a department, purchaser or contractor to obtain products that do not perform adequately or are not available at a reasonable price in a reasonable period of time. The city intends to purchase environmentally preferable products when it is technically and economically feasible to do so. [Each provision of this article shall be interpreted subject to this limitation.](#)

**5.10.160 Implementation.**

The city manager shall implement this section in coordination with all city departments by amending the city’s purchasing procedures to include more detailed information regarding environmental preferences. The manager shall report to the city council annually regarding the effectiveness of this article.

**5.10.170 Source reduction.**

The city will institute practices that reduce waste and result in the purchase of fewer products, without reducing safety, quality or effectiveness. This includes:

- A. purchase of remanufactured products;
- B. evaluating long-term costs in comparing product alternatives;
- C. preferring products that are durable, long lasting, reusable, refillable or recyclable;
- D. reducing packaging or preferring packaging that is reusable, recyclable or compostable;
- E. requiring suppliers or electronic equipment to take back equipment for reuse or recycling;
- F. using energy efficient, and water efficient, equipment and lighting; and

G. using products that use less oil to produce and transport.

**5.10.180 Purchases, practices and use of products.**

- A. Recycled content. The city will endeavor to purchase products made from recycled content. This includes, but is not limited to: office paper; janitorial paper supplies; construction materials; landscaping materials; lubricating and industrial oil; asphalt concrete, aggregate base or Portland cement; and transportation products such as signs, cones, parking stops, delineators and barricades.
- B. Landscaping. The city will undertake landscape renovations, construction and maintenance using sustainable materials and techniques, including: integrated pest management; grasscycling; drip irrigation; composting; use of mulch; use of native and drought-tolerant plants; use of hardscape made of recycled content; and minimizing the amount of impervious surfaces.
- C. Toxics and pollution.
  - 1. The city will use products that do not include: cleaning and disinfecting products that contain ingredients which are carcinogens, mutagens or teratogens; products containing chlorofluorocarbons, phosphates, volatile organic compounds (VOCs) and formaldehyde, lead or mercury; products that contribute to the formation of dioxins and furans.
  - 2. The city will use products that do include: biodegradable surfactants and detergents; physical, mechanical and biological pest controls; and fuel-efficient vehicles (including electric, hybrid, natural gas and biobased fuels).”

**Section 2.** A new Section 5.10.055, Local Preferences, is added to Article I, Chapter 5.10 (Purchasing and contracts) of the Pleasant Hill Municipal Code to read as follows:

**“5.10.055 Local preferences.**

Purchasing goods and services from local vendors is desired because it stimulates the local economy, recognizes that our local vendors are valued members of our community, and provides additional sales tax revenue to the city. If factors such as quality, previous performance, and availability are substantially equal among vendors, a vendor whose business is located in Pleasant Hill shall be awarded a contract if his or her quote or bid is within 5% of the low bid (including shipping costs).”

**Section 3.** This ordinance shall be effective 30 days after its adoption.

**Section 4.** Within fifteen days after the passage of this ordinance, the City Clerk shall cause it to be posted in the four places designated by resolution of the City Council.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Pleasant Hill held on the 6<sup>th</sup> day of October, 2008.

ADOPTED and ordered posted at a meeting of the City Council of the City of Pleasant Hill, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

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JOHN HANECAK, Mayor

ATTEST:

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MARTY C. McINTURF, City Clerk

APPROVED AS TO FORM:

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DEBRA S. MARGOLIS, City Attorney

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