



Legislation Details (With Text)

File #: 221725 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 2/28/2023 **In control:** COMMON COUNCIL

On agenda: **Final action:** 3/21/2023

Effective date:

Title: A substitute ordinance relating to the purchase of low- and zero-emission vehicles.

Sponsors: ALD. DIMITRIJEVIC, ALD. BAUMAN, ALD. ZAMARRIPA, ALD. BROSTOFF, ALD. RAINEY, ALD. STAMPER

Indexes: MOTOR VEHICLES, MUNICIPAL, PURCHASING

Attachments: 1. OCA Approval, 2. Notice published 4/7/2023

Date	Ver.	Action By	Action	Result	Tally
2/28/2023	0	COMMON COUNCIL	ASSIGNED TO		
3/8/2023	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
3/21/2023	2	COMMON COUNCIL	PASSED	Pass	12:0
3/28/2023	2	MAYOR	SIGNED		
4/7/2023	2	CITY CLERK	PUBLISHED		

Number
221725
SUBSTITUTE B

ALD. DIMITRIJEVIC
A substitute ordinance relating to the purchase of low- and zero-emission vehicles.
310-18 rc

This ordinance directs the city purchasing director and any other officer, agent, agency, committee, board or commission of the city to purchase, to the greatest extent practicable, low- or zero-emission vehicles. It is the eventual goal of the city to replace city-owned vehicles with those that operate with cleaner, sustainable alternative fuels.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 310-18 of the code is repealed and recreated to read:

310-18. Purchase of Low- and Zero-Emission Vehicles. 1. DECLARATION OF POLICY. It is a goal of the city and a matter of legitimate concern to its government, constituents and environment, that the city reduce the burning of conventional motor vehicle fuels and increase the use of vehicles powered by clean energy sources. It shall be city policy that purchasing decisions reflect that goal, and when vehicles are replaced or added to municipal fleets, the purchase of low- and zero-emission vehicles shall be prioritized to the greatest extent practicable. The city will lead by example in making economically and environmentally responsible purchasing decisions which will encourage individuals, businesses and other levels of government to do the same.

2. DEFINITIONS. In this section:

a. “Alternative fuel vehicle” means a vehicle powered by an internal combustion engine that is capable of running on an alternative fuel, such as compressed natural gas or compressed renewable natural gas.

b. “Biomethane” means a pipeline-quality fuel produced by purifying the biogas generated through the anaerobic digestion of organic materials, or through a thermochemical process such as gasification. Biomethane is also referred to as renewable natural gas.

c. “Compressed natural gas” means a fuel gas mainly composed of methane that is used in modified internal combustion engine vehicles. Compressed natural gas can also be made from biomethane.

d. “Electric vehicle” means a vehicle driven by electric motors that is powered exclusively by an onboard battery pack.

e. “Greenhouse gas” means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride or any other gas that traps heat in the atmosphere.

f. “Hybrid vehicle” means a vehicle that is powered by an onboard battery recharged solely through onboard systems and which has an onboard internal combustion engine.

g. “Light-duty vehicle” means a vehicle with a gross vehicle weight rating of 8,500 pounds or less.

h. “Low emission vehicle” means a plug-in hybrid vehicle, a hybrid vehicle or an alternative fuel vehicle.

i. “Medium- and heavy-duty vehicle” means a vehicle with a gross vehicle weight rating of 8,501 pounds or more.

j. “Off-road vehicle” means a mobile, non-road vehicle. Examples include tractors, skid steers, riding mowers, and all-terrain vehicles.

k. “Plug-in hybrid vehicle” means a vehicle that is powered by an onboard battery that can be charged from an external power source and which has an onboard internal combustion engine.

l. “Renewable natural gas” has the same meaning as “biomethane”.

m. “Total lifecycle cost” means the vehicle capital cost plus the projected fuel and maintenance costs minus the projected resale value. The vehicle capital cost shall factor in applicable federal tax incentives or rebates and federal or state grants designed for the purchase of a zero- or low-emission vehicle.

n. “Vehicle” means a land-operated piece of equipment that carries an operator, is self-propelled, and is licensed or registered. Examples include trucks, cars, trailers, motorcycles, and off-road vehicles such as tractors, skid steers, riding mowers, and all-terrain vehicles.

o. “Vehicle capital cost” means the purchase price of a vehicle, including any applicable federal tax incentives or rebates and federal or state grants designed for the purchase of a zero- or low-emission vehicle.

p. “Zero-emission vehicle” means a vehicle that does not emit exhaust gas or other pollutants from the onboard source of power.

3. SCOPE. This policy shall apply to all city-owned or leased vehicle acquisitions regardless of funding source. Powered equipment, such as push mowers, chain saws and other small engine equipment, falls outside the scope of this policy.

4. EXCEPTIONS. Any proposed acquisition that does not comply with this policy shall require approval by the city purchasing director.

5. LIGHT-DUTY VEHICLE PURCHASES. a. When purchasing a light-duty vehicle or off-road vehicle, the city shall select a low- or zero-emission vehicle such as an electric vehicle, a plug-in hybrid vehicle, or a hybrid vehicle.

b. A light-duty vehicle powered by gasoline or diesel may only be purchased if one or more of the following is true:

b-1. None of the preferred vehicle types in par. a are available for purchase within 12 months of when the purchase is intended to be made.

b-2. The total lifecycle cost of a gasoline- or diesel-powered vehicle is less than 80% of the total lifecycle cost of a preferred vehicle type.

6. MEDIUM- AND HEAVY-DUTY VEHICLE PURCHASES. a. When purchasing a medium- or heavy-duty vehicle or off-road vehicle, the city shall select a low- or zero-emission vehicle such as an electric vehicle, a plug-in hybrid vehicle, a hybrid vehicle, a compressed natural gas vehicle, or a hydrogen fuel cell vehicle.

b. A medium- or heavy-duty vehicle powered by gasoline or diesel may only be purchased if one or more of the following is true:

b-1. None of the preferred vehicle types in par. a are capable of carrying out the intended purpose of the vehicle.

b-2. None of the preferred vehicle types in par. a are available for purchase.

b-3. The fuel or charging stations for a preferred vehicle and its required usage are not readily available.

b-4. The total lifecycle cost of a gasoline- or diesel-powered vehicle is less than 90% of the total lifecycle cost of a preferred vehicle type.

7. PLANNING AND TIMING OF TOTAL LIFECYCLE ANALYSIS. a. If a department seeks to purchase a gas or diesel-powered vehicle, and sub. 5-b-1 or sub. 6-b-1 to 3, as applicable, does not

apply, a total lifecycle cost analysis shall be done as part of annual budget planning for the purchase of any new or replacement vehicles. The total lifecycle cost analysis shall not be performed by a vehicle vendor.

b. For the unplanned purchase of a gas or diesel-powered vehicle, a total lifecycle cost analysis shall be done as soon as practicable.

c. Departments shall consult with the environmental collaboration office to determine if tax incentives, rebates, or grants are available.

d. Departments shall consult the climate mayors electric vehicle purchasing collaborative for electric or plug-in hybrid vehicle pricing options.

e. Departments shall use the U.S. department of energy alternative fuels data center vehicle cost calculator or the dashboard for rapid vehicle electrification tool to calculate total lifecycle costs. The cost of gasoline or diesel entered into the calculator shall be the average cost of the fuel in the year the analysis is being done.

8. VEHICLE CHARGING INFRASTRUCTURE. The city shall install and maintain the charging infrastructure necessary to own and operate electric and plug-in vehicles within its fleet.

9. MONITORING AND ENFORCEMENT. The contracting agency or department shall monitor purchases for compliance with this section.

10. REPORTING. The department of public works, the police department, the fire department and port Milwaukee shall report annually on the progress of the transition to low- and zero-emission vehicles.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

LRB177797-4

Kathleen Brengosz

March 6, 2023