

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

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX AMENDING THE MUNICIPAL CODE TO LIMIT TOWN PURCHASES OF INTERNAL COMBUSTION ENGINES AND PROMOTE THE ELECTRIFICATION OF THE TOWN FLEET**

**WHEREAS**, the Town Council has an interest in protecting and promoting the health, safety, and welfare of its residents; and **WHEREAS**, the Town Council has formally acknowledged, on many occasions, the deleterious effects of the combustion of fossil fuels and the creation of greenhouse gases; and

**WHEREAS**, the Town Council has adopted goals, resolutions, policies with the intent of decarbonization to ensure a safe future for all; and

**WHEREAS**, transportation is responsible for 55% of the Town of Fairfax's Greenhouse Gas emissions; and **WHEREAS**, reduced fuel consumption and improved air quality are key components of a sustainable and livable community; and

**WHEREAS**, on xxxx, 2021, the Town Council adopted its Climate Action Plan 2030, which established a goal to have complete electrification of the Town fleet by 2030; and

**WHEREAS**, on September 23rd, 2020, Gavin Newsom announced that California will phase out gasoline-powered vehicles and that by 2035, all new passenger cars and trucks sold within the State will be fully electric; and

**WHEREAS**, the electric vehicle industry is experiencing rapid growth, with dozens of makes and models on the market, and with many more to enter in the immediate future of the coming months and years, including all-electric trucks from several manufacturers; and

**WHEREAS**, many of the Town fleet vehicles have been on the road for several decades, and in general, cars typically stay on the road for upwards of a decade, meaning both that (i) the Town acknowledges that its vehicles are approaching retirement and (ii) any new vehicle added to the fleet will be in use for years, if not decades, to come; likely long after the 2030 fleet electrification goal articulated and adopted in the Town of San Anselmo's Climate Action Plan 2030; and

**WHEREAS**, in addition to the Town's stated need to end fossil fuel dependency and its recognition of the role of electric vehicles to that end, electric vehicles offer genuine myriad day-to-day benefits including substantially reduced operating and maintenance costs and significantly reduced fuel costs, and the potential for specific makes and models to serve as electrical generators during grid instability or power outages; and

**WHEREAS**, the Town commits not only to reducing the greenhouse gas emissions of its own governmental operations, but also seeks to afford its citizens the utmost of transparency in its

efforts to do so, and it also desires to signal its strong support for transit electrification to the residents of Fairfax and the community at large, setting an example for responsible procurement and clean transportation;

**NOW BE IT THEREFORE RESOLVED**, based on the findings set forth above, the Town Council of the Town of Fairfax hereby approves the following amendments to the TOWN CODE by adding the following sections:

Definitions:

“Proposed Acquisition” An acquisition which

“Internal Combustion Engine” or “ICE” An ICE engine refers to any number of heat engines, including gas and diesel engines, which combust a fuel-air mixture to generate power. ICE engines most commonly run on Fossil Fuels such as gasoline or petroleum diesel, though diesel engines may run on biomass-derived fuels.

“Fossil Fuel” A fuel, such as coal, petroleum-derived products, or methane, formed in the geological past from the remains of ancient life forms.

“Plug-in Hybrid” is a hybrid electric-ICE vehicle, the battery of which can be recharged through a plug-in, corded charge unit and which can typically operate fully in electric mode for a limited range before shifting to the ICE engine.

“Renewable Diesel” A biomass-derived liquid fuel created through hydrotreating biomass to create a liquid fuel with similar properties to petroleum diesel when combusted in an ICE diesel engine, as an alternative to Fossil Fuels which can be used in all diesel ICE engines during a period of transition towards electrification..

“Electric Vehicle” A vehicle which runs solely on electrical energy stored in an on-board battery which can be recharged.

“Zero Emissions Vehicle” *Vehicles that* produce zero exhaust emissions of non-methane organic gases, carbon monoxide, particulate matter, carbon dioxide, methane, formaldehyde, oxides of nitrogen, and nitrous oxide. *Zero emission vehicles* fall into one of three categories: 1) on-road zero emission passenger cars, light duty vehicles, light duty trucks, medium duty vehicles, or heavy duty vehicles including, but not limited to, battery electric vehicles (BEVs) and fuel cell vehicles (FEVs).

“Town” The Town of Fairfax, including a designated employee of the Town of Fairfax acting on the Town’s behalf

“Purchase” Any arrangement in which the Town acquires, through financial transaction, ownership of an asset, either outright or financed over time.

“Lease” An arrangement in which the Town, through ongoing financial transactions, acquires long-term albeit temporary access to a vehicle without acquiring ownership rights.

“Town Fleet” The Town’s vehicle assets, encompassing a wide range of vehicles used for generalized transportation as well as specialized operational functions.

“Access Arrangement” - an Access Arrangement shall be used to describe a rental contract in which the town may seek to access a vehicle belonging to partner or peer agency (e.g., a dump truck belonging neighboring jurisdiction) for a mutually determined amount of time or scope of work, should the Town not have the capability to perform the work using its own fleet vehicles. An Access Arrangement differs from a lease in that it is shorter in duration and is a contract between partner agencies rather than a contract between the leasing financial agency or automotive company and the Town.

“Vehicle Retirement Program” Any such program which seeks to improve air quality and reduce greenhouse gas emissions through consumer buyback programs for older and/or polluting vehicles.

#### Purchasing and Procurement Policy for Lowering Vehicle Emissions

1. The Town shall purchase or lease Zero Emission Vehicles (ZEVs) as it updates and enhances the Town Fleet. The Town shall not purchase, lease, or otherwise come to possess or acquire any vehicle powered in part or in all by an Internal Combustion Engine, or by the combustion of fossil fuels.
2. Exceptions: An exception to the above policy may be sustained if the Council makes specific considerations below and makes the necessary findings ZEV replacement is not available or feasible, the Council shall review and consider the following:
  - a) Whether a ZEV **alternative** will be available to the Town in the reasonable foreseeable future
  - b) Whether a **plug-in hybrid** or **hybrid** option exists
  - c) Whether frequency, duration, and nature of usage of the Proposed Acquisition is such that Town may pursue an Access Arrangement
  - d) Whether a diesel option exists, which, if acquired, will be run on Renewable Diesel
  - e) Whether there exists the option to buy an older, used vehicle to serve as an interim replacements, with the expectation that the vehicle will be replaced with an electric alternative at the soonest possible date and prior to 2030; and
  - f) The Town’s overall progress towards meeting the goals adopted in the 2030 Climate Action Plan and the electrification goals and objectives in the Circulation Element of its General Plan.
3. Having considered the above, the Town Council may then determine the necessary findings below and, having made these findings, the Town Council may approve acquisition of an ICE vehicle for its fleet, with the stated preference that the town seek

to acquire, in this order, a new or used Plug-In Hybrid Vehicle, a new or used Hybrid Vehicle, a used diesel ICE vehicle, a used gasoline ICE vehicle. Necessary findings:

- a) The Proposed Acquisition cannot be reasonably delayed until a fossil-fuel free alternative is available to the Town; and
  - b) The frequency, intensity, and necessity of use is such that the Town cannot seek to enter into an Access Arrangement and must instead have its own vehicle ready for deployment; so therefore
4. The town shall purchase renewable diesel by default, and all diesel vehicles and other equipment shall run on renewable diesel
5. The Town shall seek to utilize Vehicle Retirement Programs or other such programs as it electrifies its Fixed Vehicle Assets so as to permanently remove a pollution source from circulation.

**BE IT FURTHER RESOLVED,**

The foregoing Resolution was adopted at the regular meeting of the Fairfax Town Council held on

\_\_\_\_\_, by the following vote:

AYES: NOES: ABSENT: ABSTAIN:

ATTEST:

Michele Gardner, Town Clerk

Bruce Ackerman, Mayor