

**For Internal Use Only**



**BALTIMORE CITY COUNCIL  
WAYS AND MEANS  
COMMITTEE**

*Mission Statement*

*The Committee on Ways and Means (WM)* is responsible for ensuring taxpayer dollars are expended prudently and equitably. WM will exercise regular oversight of the City's budget, expenditures, loans, and other financial matters. The committee's areas of jurisdiction include: budget & appropriations, taxation, financial services, consumer protection, audits, and the Comptroller's Office.

**The Honorable Eric T. Costello  
Chairman**

**PUBLIC HEARING**

**TUESDAY, JANUARY 18, 2022  
10:00 AM**

**VIRTUAL WEBEX MEETING**

*Council Bill 21-0159*

**Procurement – Zero-Emission Vehicles**

## CITY COUNCIL COMMITTEES

### **ECONOMIC AND COMMUNITY DEVELOPMENT (ECD)**

Sharon Green Middleton, Chair  
John Bullock – Vice Chair  
Mark Conway  
Ryan Dorsey  
Antonio Glover  
Odette Ramos  
Robert Stokes  
*Staff: Jennifer Coates*

### **WAYS AND MEANS (W&M)**

Eric Costello, Chair  
Kristerfer Burnett  
Ryan Dorsey  
Danielle McCray  
Sharon Green Middleton  
Isaac “Yitzy” Schleifer  
Robert Stokes  
*Staff: Marguerite Currin*

### **PUBLIC SAFETY AND GOVERNMENT OPERATIONS (SGO)**

Mark Conway – Chair  
Kristerfer Burnett  
Zeke Cohen  
Erick Costello  
Antonio Glover  
Phylicia Porter  
Odette Ramos  
*Staff: Samuel Johnson*

### **EDUCATION, WORKFORCE, AND YOUTH (EWY)**

Robert Stokes – Chair  
John Bullock  
Zeke Cohen  
Antonio Glover  
Sharon Green Middleton  
Phylicia Porter  
James Torrence  
*Staff: Marguerite Currin*

### **HEALTH, ENVIRONMENT, AND TECHNOLOGY (HET)**

Danielle McCray – Chair  
John Bullock  
Mark Conway  
Ryan Dorsey  
Phylicia Porter  
James Torrence  
Isaac “Yitzy” Schleifer  
*Staff: Matthew Peters*

### **RULES AND LEGISLATIVE OVERSIGHT (OVERSIGHT)**

Isaac “Yitzy” Schleifer, Chair  
Kristerfer Burnett  
Mark Conway  
Eric Costello  
Sharon Green Middleton  
Odette Ramos  
James Torrence  
*Staff: Richard Krummerich*



## BILL SYNOPSIS

**Committee:** Ways and Means

**Bill:** 21-0159

---

### Procurement – Zero-Emission Vehicles

---

**Sponsor:** Councilmember Conway, et al

**Introduced:** October 4, 2021

**Purpose:**

**For the purpose** converting the City fleet of vehicles, subject to certain exceptions, to zero-emission vehicles; defining certain terms; authorizing rules and regulations; and generally related to the City's procurement of vehicles.

**Effective:** On the 30<sup>th</sup> day after the date it is enacted.

---

### Agency Reports

Law Department	Favorable
Department of Finance	<i>None as of this writing</i>
Department of General Services	<i>None as of this writing</i>
Department of Public Works	<i>None as of this writing</i>
Baltimore Police Department	<i>None as of this writing</i>
Department of Transportation	Favorable
Parking Authority of Baltimore City	<i>None as of this writing</i>
Office of the City Administrator	<i>None as of this writing</i>
Office of Sustainability	<i>None as of this writing</i>
Office of the Comptroller	Favorable

---

## Analysis

### Current Law

Article V – of the Baltimore City Code outlines the mandates for the City’s procurement process.

### Background

Per the primary sponsor of the bill, “This legislation is the first of a series of environmental focused bills. The goal is to have zero-emission vehicles by 2030/2040; to figure out what is needed to get there, the actions to be taken today that will help get there. With the climate change crisis, we need to think about today for tomorrow’s success and effectiveness; to reducing carbon emissions by 2040 with a 50% benchmark by 2030. We need to do everything we can do to address climate change.”<sup>1</sup>

The legislation aims to convert the city’s fleet of vehicles to zero-emission-that is, electric cars that produce zero tailpipe emission, such as some plug-in hybrids and battery electric cars; half of the fleet by 2030 and the entire fleet to follow suit by 2040.

If enacted, Council Bill 21-0159 would add a new subtitle to Article 5 of the Baltimore City Code which outlines the rules, regulations, reporting, mandates and procurement thereof for purchasing zero-emission vehicles.

---

### Additional Information

**Fiscal Note:** None

**Information Source(s):** City Code, Council Bill 21-0159, see footnote(s) below and all agency reports received as of this writing.

---

Analysis by: *Marguerite M. Currin*  
Analysis Date: January 13, 2022

Direct Inquiries to: (443) 984-3485

---

<sup>1</sup> The Honorable Mark Conway, Councilmember, 4<sup>th</sup> District

**Council Bill: 21-0159**

**AGENCY REPORTS**

**See attached**

---

CITY OF BALTIMORE

BRANDON M. SCOTT  
Mayor



DEPARTMENT OF LAW

JAMES L. SHEA  
100 N. HOLLIDAY STREET  
SUITE 101, CITY HALL  
BALTIMORE, MD 21202

---

January 3, 2022

The Honorable President and Members  
of the Baltimore City Council  
Attn: Natawna B. Austin, Executive Secretary  
Room 409, City Hall, 100 N. Holliday Street  
Baltimore, Maryland 21202

Re: City Council Bill 21-0159 – Procurement - Zero-Emission Vehicles

Dear President and City Council Members:

The Law Department has reviewed City Council Bill 21-0159 for form and legal sufficiency. The bill converts the City fleet of vehicles, subject to certain exceptions, to zero-emission vehicles.

The bill delegates substantial authority to the City Purchasing Agent and the Director of Finance to coordinate the purchasing of zero-emission vehicles. The delegation complies with the provision of the City Charter that requires the City to have a centralized purchasing system. City Charter, Art VII § 17. The bill also requires the Director of Finance to establish the necessary rules to implement and coordinate these purchases among the agencies, which also is compliant with the above section of the City Charter.


Accordingly, the Law Department is prepared to approve Council Bill 21-0159 for form and legal sufficiency.

Sincerely,

*Victor K. Tervala*

Victor K. Tervala  
Chief Solicitor

cc: James L. Shea, City Solicitor  
Nina Themelis, Mayor's Office of Government Relations  
Nikki Thompson, Director of Legislative Affairs  
Matthew Stegman, Director of Fiscal and Legislative Services  
Elena DiPietro, Chief Solicitor, General Counsel Division  
Hilary Ruley, Chief Solicitor  
Ashlea Brown, Assistant Solicitor

<b>F R O M</b>	NAME & TITLE	Steve Sharkey, Director	<b>CITY of BALTIMORE  M E M O</b>	
	AGENCY NAME & ADDRESS	Department of Transportation (DOT) 417 E Fayette Street, Room 527		
	SUBJECT	City Council Bill 21-0159		

TO: Mayor Brandon M. Scott  
TO: Ways & Means Committee  
FROM: Department of Transportation  
POSITION: **No Objection**  
RE: Council Bill – 21-0159

DATE: 1/10/22

**INTRODUCTION** – Procurement - Zero-Emission Vehicles

**PURPOSE/PLANS** – For the purpose of converting the City fleet of vehicles, subject to certain exceptions, to zero-emission vehicles; defining certain terms; authorizing rules and regulations; and generally related to the City’s procurement of vehicles.

**COMMENTS** – Council Bill 21-0159 looks to establish timeline benchmarks, eventually requiring full conversion of the City’s vehicle fleet to zero-emissions vehicles. The legislation requires 50% of the City fleet to be comprised of zero emissions vehicles by 2030 and 100% of City fleet be zero emissions vehicles by 2040. Exemptions are made for critical vehicles that may not have zero emissions options available. Additionally, the legislation would require the City’s Purchasing Agent to submit an annual report to the Mayor and City Council, summarizing the procurement of zero emissions vehicles over the course of the previous year.

Generally, management of the City’s vehicle fleet falls under the umbrella of the Department of General Services. Baltimore City Department of Transportation (DOT) however, does oversee a modest size of vehicles by way of DOT’s Transit Bureau. DOT’s Transit Bureau oversees operations of both the fare-free Charm City Circulator and fare-free Harbor Connector. Two critical factors must be considered when looking toward zero emissions fleet conversion. First, the remaining life of existing vehicles must be measured. When does it make the most sense fiscally to replace the vehicle? Secondly, the infrastructure required to support zero emissions vehicles, such as charging equipment, must be factored in. This additional infrastructure adds an additional fiscal impact to fleet conversion.

During the 2021 State Legislative Session, Senate Bill 137 - Maryland Transit Administration – Conversion to Zero-Emission Buses (Zero-Emission Bus Transition Act) was adopted. MDOT MTA is currently studying the feasibility of converting their core bus fleet to zero-emissions vehicles with a focus on the cost of zero emissions vehicles, their reliability, and the infrastructure necessary to accommodate such a fleet. A similar study through the MDOT MTA’s Office of Local Transit Support will be studying similar requirements for the 22 locally run transit agencies across Maryland, including Baltimore City’s Charm City Circulator.


**AGENCY/DEPARTMENT POSITION** – The Baltimore City Department of Transportation does foresee future fiscal impact on the agency resulting from the passage of Council Bill 21-0159. Additionally, the agency’s Transit Bureau is concerned that meeting the 50% benchmark by 2030 would be challenging given the projected lifespan of Charm City Circulator busses procured under the current contract. Despite these concerns, DOT does support efforts to convert the City’s fleet to zero emission vehicles and has no objection to Council Bill 21-0159.

If you have any questions, please do not hesitate to contact Liam Davis at [Liam.Davis@baltimorecity.gov](mailto:Liam.Davis@baltimorecity.gov) or at 410-545-3207.

Sincerely,

Steve Sharkey  
Director



FROM	NAME & TITLE	Honorable Bill Henry, Comptroller of Baltimore City	CITY of BALTIMORE <b>MEMO</b>	
	AGENCY NAME & ADDRESS	Office of the Comptroller, Room 204, City Hall		
	SUBJECT	21-0159 Procurement - Zero-Emission Vehicles		

DATE:

TO

The Honorable President and  
Members of the City Council  
City Hall, Room 400

January 3, 2021

**Position: Favorable**

The Office of the Comptroller is reporting on City Council Bill 21-0159 Procurement - Zero-Emission Vehicles. The purpose of this bill is to convert the City fleet of vehicles, subject to certain exceptions, to zero-emission vehicles; defining certain terms; authorizing rules and regulations; and generally related to the City's procurement of vehicles.

**Background**

This bill brings City law in line with state procurement practices; the Maryland Department of General Services currently has statewide contracts in place for the purchase of zero-emission vehicles. Also, in 2021, the General Assembly enacted the Zero-Emission Bus Transition Act which requires the Maryland Transit Administration, beginning in Fiscal Year 2023, to purchase only zero-emission vehicles for its local bus fleet that operates in Baltimore City and the surrounding counties. In December 2021, MTA announced its implementation plan to transition to a 50% zero-emissions fleet by 2030. Just as the new state law will lead to substantial reductions in carbon dioxide emissions over the 2025-2030 timeframe, CB 21-0159 will affect the same kind of much-needed change at the local fleet level.

**Conclusion**

CB 21-0159 takes meaningful and positive steps to shape City purchasing policies in ways that will benefit the environment and help address the harmful health effects of vehicle emissions in a dense urban environment.

**For the reasons stated above, the Comptroller's Office supports the bill.**

CC: Celeste Amato, Comptroller's Office  
Nina Themelis, Mayor's Office

**CITY OF BALTIMORE  
COUNCIL BILL 21-0159  
(First Reader)**

---

Introduced by: Councilmembers Conway, Dorsey, Bullock, Cohen, Burnett, Torrence,  
Middleton, Ramos, Porter, Glover

Introduced and read first time: October 4, 2021

Assigned to: Ways and Means Committee

---

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Finance, Department of  
General Services, Department of Public Works, Baltimore Police Department, Department of  
Transportation, Parking Authority of Baltimore City, Office of the City Administrator, Office of  
Sustainability, Office of the Comptroller

---

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Procurement - Zero-Emission Vehicles**

3 FOR the purpose of converting the City fleet of vehicles, subject to certain exceptions, to  
4 zero-emission vehicles; defining certain terms; authorizing rules and regulations; and generally  
5 related to the City’s procurement of vehicles.

6 BY adding

7 Article 5 - Finance, Property, and Procurement  
8 Section(s) 35A-1 through 35A-6, to be under the new subtitle designation,  
9 “Subtitle 35A. Required Procurement of Zero-Emission Vehicles”  
10 Baltimore City Code  
11 (Edition 2000)

12 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the  
13 Laws of Baltimore City read as follows:

14 **Baltimore City Code**

15 **Article 5. Finance, Property, and Procurement**

16 **Subtitle 35A. Required Procurement of Zero-Emission Vehicles**

17 **§ 35A-1. DEFINITIONS.**

18 (A) *IN GENERAL.*

19 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED, EXCEPT AS  
20 OTHERWISE EXPRESSLY PROVIDED.

EXPLANATION: CAPITALS indicate matter added to existing law.  
[Brackets] indicate matter deleted from existing law.

**Council Bill 21-0159**

1 (B) *SUBCONTRACT.*

2 “SUBCONTRACT” MEANS ANY AGREEMENT BETWEEN A VENDOR AND ANOTHER PARTY FOR  
3 THE PERFORMANCE OF WORK UNDER A VEHICLE PROCUREMENT CONTRACT.

4 (C) *VEHICLE*

5 “VEHICLE” HAS THE MEANING STATED IN CITY CODE ARTICLE 31, § 1-3(Q) {“DEFINITIONS  
6 — S TO Z : . . . VEHICLE”}.

7 (D) *VEHICLE PROCUREMENT CONTRACT.*

8 “VEHICLE PROCUREMENT CONTRACT” MEANS AN AGREEMENT ENTERED INTO BY THE CITY  
9 PURCHASING AGENT OR A CITY AGENCY WITH A VENDOR TO BUY, RENT, LEASE, OR  
10 OTHERWISE OBTAIN OR ACQUIRE A VEHICLE.

11 (E) *VENDOR.*

12 “VENDOR” MEANS A PERSON WHO ENTERS INTO A VEHICLE PROCUREMENT CONTRACT  
13 WITH THE CITY PURCHASING AGENT OR A CITY AGENCY.

14 (F) *ZERO-EMISSION VEHICLE.*

15 “ZERO-EMISSION VEHICLE” MEANS A VEHICLE THAT MEETS THE STATE’S ZERO-EMISSION  
16 VEHICLE REQUIREMENTS, AS DESCRIBED IN COMAR 26.11.34.09.

17 **§ 35A-2. ZERO-EMISSION VEHICLE PROCUREMENT REQUIREMENTS.**

18 CITY AGENCIES SHALL INCREASE THEIR PROCUREMENT OF ZERO-EMISSION VEHICLES SO THAT:

19 (I) 50 % OF THE CITY FLEET WILL BE ZERO-EMISSION VEHICLES BY JANUARY 1, 2030.

20 (II) 100 % OF THE CITY FLEET WILL BE ZERO-EMISSION VEHICLES BY JANUARY 1, 2040.

21 **§ 35A-3. APPLICABILITY OF SUBTITLE.**

22 (A) *CONTRACT VALUE.*

23 THIS SUBTITLE ONLY APPLIES TO VEHICLE PROCUREMENT CONTRACTS OR SUBCONTRACTS  
24 WORTH \$16,000.00 OR MORE.

25 (B) *PRODUCT AVAILABILITY.*

26 ON A SINGLE CONTRACT OR SUBCONTRACT BASIS, IF THE CITY PURCHASING AGENT  
27 CERTIFIES IN WRITING THAT ZERO-EMISSION VEHICLES ARE NOT PRODUCED IN A  
28 SUFFICIENT QUANTITY TO MEET THE CITY’S REQUIREMENTS, THE REQUIREMENTS OF THIS  
29 SUBTITLE DO NOT APPLY.

**Council Bill 21-0159**

1     **§ 35A-4. REQUIRED BID INFORMATION.**

2             THE CITY PURCHASING AGENT AND ALL CITY AGENCIES SHALL INCLUDE, IN ALL CITY BIDS  
3             AND REQUESTS FOR BIDS FOR A VEHICLE PROCUREMENT CONTRACT, A STATEMENT OF THE  
4             CITY’S POLICY ON ZERO-EMISSION VEHICLES.

5     **§ 35A-5. ANNUAL REPORT.**

6             THE CITY PURCHASING AGENT, WITH COOPERATION FROM ALL CITY AGENCIES, SHALL  
7             SUBMIT AN ANNUAL REPORT TO THE MAYOR AND CITY COUNCIL ON THE NUMBER AND  
8             AMOUNT OF CONTRACTS AND SUBCONTRACTS THAT INCLUDED THE PURCHASE OF ZERO-  
9             EMISSION VEHICLES AS PROVIDED FOR IN THIS SUBTITLE.

10    **§ 35A-6. RULES AND REGULATIONS.**

11            SUBJECT TO TITLE 4 {“ADMINISTRATIVE PROCEDURE ACT – REGULATIONS”} OF THE CITY  
12            GENERAL PROVISIONS ARTICLE, THE DIRECTOR OF FINANCE MAY ADOPT RULES AND  
13            REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

14            **SECTION 2. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 30<sup>th</sup> day  
15            after the date it is enacted.