

RESOLUTION 1892

A RESOLUTION OF THE CITY OF NORTH BEND, WASHINGTON, EXEMPTING EASTSIDE FIRE & RESCUE FROM THE ALTERNATIVE FUELS REQUIREMENTS OF RCW 43.19.648(2)(A)

WHEREAS, RCW 43.19.648(2)(a) requires all local governments (including cities and fire protection districts) to satisfy one hundred percent (100%) of fuel usage for their vehicles and construction equipment from electricity or biofuel, to the extent determined “practicable” by Washington State Department of Commerce (DOC) rules; and

WHEREAS, RCW 43.19.648(2)(c)(i) states that the DOC rules must allow local governments to elect to exempt fire and other emergency response vehicles, including utility vehicles frequently used for emergency response, from the one hundred percent (100%) fuel usage requirement; and

WHEREAS, WAC 194-29-020(7) (adopted by the DOC) defines “practicable” and “practicability” to mean “the extent to which alternative fuels and vehicle technologies can be used to displace gasoline and diesel fuel in vehicles, as determined by multiple dynamic factors including cost and availability of fuels and vehicles, changes in fueling infrastructure, operations, maintenance, technical feasibility, implementation costs, and other factors;” and

WHEREAS, Eastside Fire & Rescue (EF&R) maintains a fleet of fire and emergency response vehicles and utility vehicles frequently used for emergency response, including but not limited to fire engines, ladder trucks, aid units, brush vehicles, command vehicles, staff vehicles and marine or water-based motorized vehicles (fire vehicles); and

WHEREAS, fire engines, ladder trucks, aid units, and marine or water-based motorized vehicles are not available with electric or hybrid (electric/gasoline) engines; and

WHEREAS, WAC 194-29-020(1) defines “biofuel” to mean “a liquid or gaseous fuel derived from organic matter intended for use as a transportation fuel, including, but not limited to biodiesel, renewable diesel, ethanol, renewable natural gas, and renewable propane;” and

WHEREAS, although biodiesel can be used in some fire vehicles, the use of biodiesel in many of those vehicles will void the vehicles’ warranties; and

WHEREAS, biodiesel adversely impacts the maintenance and operation of fire vehicles; and

WHEREAS, some fire vehicles must have different engines in order to use biodiesel, prohibiting standardized operation and maintenance procedures and protocols for fire vehicles; and

WHEREAS, one EF&R fire station has a battery charging station, but battery charging stations are not available in other fire stations or at EF&R's headquarters office and station; and

WHEREAS, battery charging stations for vehicles in general are not reasonably available in EF&R's service area; and

WHEREAS, because EF&R acquires only a few fire vehicles each year, EF&R would need to have one policy for operation and maintenance of electricity or biofuel fire vehicles and a separate policy for other vehicles, which is inefficient and would require additional employee training costs; and

WHEREAS, it is not practicable for EF&R to satisfy one hundred percent (100%) of fuel usage for fire vehicles from electricity or biofuel, pursuant to RCW 43.19.648(2)(c)(i) and WAC 194-29-020(7); and

WHEREAS, the operation and maintenance of an effective and efficient fleet of fire vehicles precludes EF&R from satisfying one hundred percent (100%) of fuel usage for fire vehicles from electricity or biofuel, which justifies an exemption from the electricity and biofuel requirement of RCW 43.19.648(2)(a); and

WHEREAS, RCW 43.19.648(2)(c)(ii) provides that prior to executing its authority to exempt fire vehicles from the fuel usage requirement of RCW 43.19.648(2)(a), EF&R must provide notice to the DOC of the proposed exemption, which notice must include the rationale for the exemption and an explanation of how the exemption is consistent with DOC rules; and

WHEREAS, EF&R will be providing such notice to the DOC;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The City of North Bend adopts the recitals of this Resolution as findings in support of the City Council's determination that it is not practicable for EF&R to satisfy one hundred percent (100%) of fuel usage for fire vehicles from electricity or biofuel pursuant to RCW 43.19.648(2)(a).

Section 2. Based on the determination of impracticability in Section 1 of this Resolution, the North Bend City Council elects to exempt its entire fleet of fire vehicles from the electricity and biofuel requirement of RCW 43.19.648(2)(a).

Section 3. Although it is not practicable for EF&R to satisfy the electricity and biofuel

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requirement of RCW 43.19.648(2)(a), EF&R will consider WAC 194-29-070(1) when making procurement decisions regarding its fire vehicles.

PASSED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 16TH DAY OF JULY, 2019.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Eileen M. Keiffer, City Attorney

ATTEST/AUTHENTICATED:

Effective: July 16, 2019

Posted: July 17, 2019

Susie Oppedal, City Clerk