



**Sierra Vista City Council**  
Meeting Agenda  
May 28, 2020

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**Call to Order**

5:00 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, Arizona

**Roll Call**

**Invocation**

**Pledge of Allegiance**

**Item 1** Acceptance of the Agenda

**City Manager's Report:** Upcoming Meetings, Bid Openings and Bid Awards

**Item 2 Consent Agenda**

**Item 2.1** Approval of the City Council Special Meeting Minutes of May 12, 2020

**Item 2.2** Approval of the City Council Regular Meeting Minutes of May 14, 2020

**Public Hearing(s)**

**Item 3** Resolution 2020-025, Request for a Conditional Use Permit, Haven Health of Sierra Vista, 660 S Coronado Drive

**New Business**

**Item 4** Resolution 2020-026, Accepting a Grant from the Federal Aviation Administration (FAA) for Pavement Sealing and Rehabilitation

**Item 5** Resolution 2020-027, Authorization to take legal action against Jodi Silva

**Item 6** Resolution 2020-028, Dissolution of the City Council Advisory Bodies known as the Airport Commission, Arts & Humanities Commission, Cultural Diversity Commission, Commission on Disability Issues, Environmental Affairs Commission, Library Advisory Commission, Tourism Commission, Youth Commission, and the West End Commission and Re-establishing them as Departmental Commissions of the same names

**Due to health concerns related to COVID-19, public access to City buildings has been suspended. Members of the public may attend the meeting remotely by calling United States Toll 1-408-418-9388, Access Code: 962 041 624 or at:**

**<https://sierravistacouncil.webex.com/sierravistacouncil/onstage/g.php?MTID=ee0da726d3ba6ebc65c574448bb8d4019>**

**To comment on an agenda item or Call to the public, email the City Clerk at [cityclerk@sierravistaaz.gov](mailto:cityclerk@sierravistaaz.gov) by 12:00 p.m. noon the day before the meeting. Please include the date of the meeting and the agenda item number/subject.**

**Call to the Public**

**Comments and Requests of the Council**

**Adjournment**

**Due to health concerns related to COVID-19, public access to City buildings has been suspended. Members of the public may attend the meeting remotely by calling United States Toll 1-408-418-9388, Access Code: 962 041 624 or at:**

**<https://sierravistacouncil.webex.com/sierravistacouncil/onstage/g.php?MTID=ee0da726d3ba6ebc65c574448bb8d4019>**

**To comment on an agenda item or Call to the public, email the City Clerk at [cityclerk@sierravistaaz.gov](mailto:cityclerk@sierravistaaz.gov) by 12:00 p.m. noon the day before the meeting. Please include the date of the meeting and the agenda item number/subject.**



Sierra Vista City Council  
Special Meeting Minutes  
[May 12, 2020](#)

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1. Mayor Mueller called the May 12, 2020 City Council Special Meeting to order at 3:00 p.m., Council Chambers, City Hall, 1011 N. Coronado Drive, Sierra Vista, AZ

Mayor Rick Mueller – present  
Mayor Pro Tem Rachel Gray – present  
Council Member William Benning – present  
Council Member Gwen Calhoun – present  
Council Member Sarah Pacheco – present (arrived 3:06 p.m.)  
Council Member Carolyn Umphrey - present  
Council Member Kristine Wolfe – present

Others Present:

Chuck Potucek, City Manager  
Victoria Yarbrough, Assistant City Manager  
Adam Thrasher, Police Chief  
Brian Jones, Fire Chief  
Laura Wilson, Leisure and Library Services Director  
Sharon Flissar, Public Works Director  
Matt McLachlan, Community Development Director  
Tony Boone, Economic Development Manager  
Nathan Williams, City Attorney  
Jill Adams, City Clerk

[Item 1](#) Acceptance of the Agenda

Mayor Pro Tem Gray moved that the Agenda for the Special City Council Meeting of May 12, 2020 be approved. Council Member Benning seconded the motion. The motion passed by a 6/0 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Calhoun, Umphrey and Wolfe. Council Member Pacheco not present.

[Item 2](#) Resolution 2020-018, Approval of amendments to Community Development Block Grant (CDBG) Citizen Participation Plan

Council Member Wolfe moved that Resolution 2020-018, amendments to the Community Development Block Grant Citizen Participation Plan, be approved. Council Member Umphrey seconded the motion.

Mr. McLachlan stated that the current Citizen Participation Plan was adopted when the City first became an entitlement community in 2014. This is a HUD required document that establishes the ground rules on how the City adopt, amend, and report on the CDBG plans/activities.

The additional language pertains to the substantial amendments made during a declared emergency, a necessary step to secure the CARES Act funding and expedite a response.

The minimum five-day comment period and the use of virtual public hearings described in the amendments is consistent with HUD's guidance and the COVID-19 waiver that was submitted to pursue this course of action.

The proposed amendments were posted on the City's website for a five-day comment period that ended on May 11, 2020 and no feedback was received. Staff is recommending that the City Council adopt Resolution 2020-018 as presented.

The motion passed by a 6/0 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Calhoun, Umphrey and Wolfe. Council Member Pacheco not present.

[Item 3](#) Resolution 2020-019, Authorization of the Submission of Substantial Amendments to Community Development Block Grant (CDBG) Five-Year Consolidated Plan and Program Year 2019 Annual Action Plan to United States Department of Housing and Urban Development (HUD)

Council Member Benning moved that Resolution 2020-019, submission of Substantial Amendments to the Community Development Block Grant Five-Year Consolidated Plan, and Program Year 2019, Annual Action Plan to the United States Department of Housing and Urban Development, be approved. Mayor Pro Tem Gray seconded the motion.

Mr. McLachlan stated that this is authorization to submit the proposed amendments to the Five-Year Consolidated Plan and 2019 Annual Action Plan to program the \$159,897 in CDBG Coronavirus funding that the City received through the CARES Act.

The amendments that were placed in the public record for a five-day comment period are consistent with the Council's most recent guidance on allocating \$120,000 towards an emergency small business grant assistance program and \$39,897 towards public service activities that will assist community members impacted by COVID-19.

The City is ready to proceed on both fronts and the application forms for the business grant have been finalized in accordance with Council's input with a one-page flyer that bullets out the basic terms of the grant, eligible cost, funding available and how to apply. The City has been contacted by several businesses and will continue using all available channels to get the word out. Additionally, staff has amended the subrecipient agreement with United Way to cover the revised amount and present timeframes down to four months. The administrative fee in the agreement was lowered to \$2,000, which is acceptable to United Way. The agreement provides for monthly performance and financial reports so that the City can track progress and expenditures relative to the approved budget. Eighty percent of the funds will be used for food, rent and utilities assistance to help cover the gap and just under \$6,000 will be equally split to provide employment assistance, mental health counseling services and hotel/motel vouchers for homeless individuals if the emergency shelter reaches capacity or for quarantine purposes.

Mr. McLachlan pointed out that no individual will be receiving a check and payments will be made directly to service providers. He also noted that included in Council's packet is a summary of the amendments by page number to help find the highlighted sections in the document. Lastly, he stated that no public comments were provided during the five-day comment period, which closed on May 11, 2020. Staff is recommending adoption of Resolution 2020-019, authorizing staff to submit the amendments to HUD that is done electronically. While staff knows that this will be first in line with HUD that will expedite a review, there is not yet a

definitive date for the grant agreement. Staff is estimating that it will be by the end of the month and Council will be notified as it is received.

Mayor Mueller asked if staff would press to make sure that it as soon as possible. Mr. McLachlan stated that staff will send daily reminders if needed.

Council Member Benning stated that as the Vice President of United Way Board of Directors, he will recuse himself from the vote.

Mayor Pro Tem Gray thanked staff for working as fast as possible to get this accomplished and Council for thinking this through and discussing it. She added that she believes that this will be very helpful to the community and is glad to have this option available.

Council Member Wolfe asked about the number of business that have contacted the City about the grant. Mr. Boone stated that there have been 10 businesses that have contacted the City. He added that in some cases, the City has been contacted by bookkeepers representing two to three businesses. Lastly, he stated that there was one business that currently completed 80 percent of the application.

Council Member Wolfe stated that this is needed in the community and thanked staff.

The motion passed by a 6/1 vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Pacheco, Calhoun, Umphrey and Wolfe. Council Member Benning abstained.

Adjournment

Mayor Mueller adjourned the May 12, 2020 special meeting of the Sierra Vista City Council at 3:10 p.m.

\_\_\_\_\_  
Mayor Frederick W. Mueller

MINUTES PREPARED BY:

ATTEST:

\_\_\_\_\_  
Maria G. Marsh, Deputy Clerk

\_\_\_\_\_  
Jill Adams, City Clerk



Sierra Vista City Council  
Meeting Minutes  
[May 14, 2020](#)

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1. Mayor Mueller called the May 14, 2020 City Council Meeting to order at 5:00 p.m., Council Chambers, City Hall, 1011 N. Coronado Drive, Sierra Vista, AZ

Roll Call:

Mayor Rick Mueller – present  
Mayor Pro Tem Rachel Gray – present  
Council Member William Benning – present  
Council Member Gwen Calhoun – present  
Council Member Sarah Pacheco – present  
Council Member Carolyn Umphrey - present  
Council Member Kristine Wolfe – present

Others Present:

Chuck Potucek, City Manager  
Victoria Yarbrough, Assistant City Manager  
Adam Thrasher, Police Chief  
Brian Jones, Fire Chief  
Laura Wilson, Leisure and Library Services Director  
Sharon Flissar, Public Works Director  
Matt McLachlan, Community Development Director  
Tony Boone, Economic Development Manager  
Nathan Williams, City Attorney  
Jill Adams, City Clerk

Invocation – Mayor Mueller conducted the invocation.

Pledge of Allegiance – Mayor Pro Tem Gray led the Pledge of Allegiance.

[Item 1](#) Acceptance of the Agenda

Council Member Calhoun moved that the Agenda for the Regular City Council Meeting of May 14, 2020 be approved as written. Council Member Umphrey seconded the motion.

Mayor Mueller requested to add to the agenda the proclamation declaring May 25, 2020 as Memorial Day.

The motion to accept the agenda with the addition of the proclamation declaring May 25, 2020 as Memorial Day passed unanimously by Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Calhoun, Pacheco, Umphrey and Wolfe.

**Awards and Presentations**

Mayor Mueller read for the record a proclamation declaring May 25, 2020 as Memorial Day. He reported that it is his understanding that there will not be a formal ceremony at the Southern Arizona Veterans Memorial Cemetery on May 25, 2020.

City Manager's Report: Mr. Potucek announced that the next regularly scheduled City Council Work Session will be held on May 26, 2020 at 3:00 p.m. in Council Chambers as well as the next regularly scheduled Council Meeting on May 28, 2020 at 5:00 p.m. It is anticipated that these meeting will be held much like the current meetings. The meetings in June will go back to regular Council venues and with the building being open to the public. He also announced that City offices will be closed on Monday, May 25, 2020 in observance of Memorial Day.

Mr. Potucek reported on the following board meetings:

- SEACOM JPA Board met and approved the budget for next fiscal year. It is anticipated that the City's cost for SEACOM to be approximately \$127,000 more than last fiscal year because the software system had to be upgraded for the radios, a \$4.3 Million contract. The cost is being divided with the County because the City and the County are the main radio users. The County pays a 64 percent share and the City pays a 36 percent share.

Next year will be the largest cost share for the upgrade and staff is currently working on getting approved an agreement with the County and SEACOM Board for a four-year lease deal for the upgrade. The cost should come back down after next year.

- The Rate Review Advisory Board for the County-wide landfill refuse system met, and they are finishing out the year by \$400,000 in the black; therefore, there will be no tipping fee increases. The amount of money that the system will owe the County Board of Supervisors will be reduced by \$1.2 Million from a few years ago that started out at \$2.5 Million.

In keeping with the Governor's Phase I of the reopening guidelines, the City plans on reopening facilities on Saturday, May 16, 2020. On Monday, May 18, 2020 the following lobbies will be reopened: City Hall, Police Department, Ethel Berger Center and museum, Public Works, and the sports building at the Rothery Center.

Also opening back up are the sports fields for practices, but bleachers will be removed, and social distancing is encouraged with games starting on May 26, 2020. The skate park, pickle ball courts, outdoor basketball courts, dog parks, tennis courts, and small events in parks, i.e. ramada rentals and the farmer's market will reopen.

The Oscar Yrun Community Center will remain closed because there is currently construction taking place in the lobby. The Library will also remain closed, but book returns will be allowed through curbside service. The Cove is also closed until June 1, 2020 for some of the swimming programs. The Transit building will also remain closed.

Council Member Calhoun asked about guidelines for the public coming into City facilities. Mr. Potucek explained that the public will only be coming into the lobby areas because the buildings themselves will not be opened to the public. A gradual approach is being taken to reopening the buildings. Cochise County is still at 43 cases, 38 out of isolation with five active cases, which helps to provide more confidence in terms of City buildings fully reopening if there are necessary sanitary supplies.

Mayor Mueller stated that the City is asking people when they come to the City facilities to practice social distancing and they are not required to wear masks, but if people feel comfortable wearing them, they are more than welcome to do that. This also applies to the City employees.

Council Member Umphrey stated that it is good news to know that there are only five active cases in the County. She stated that this number includes the first blitz that was held and reported that out of the 511 people that the County tested in Sierra Vista, 509 were negative with two needing to be retested due to being inconclusive. Mr. Potucek added that there will be a blitz in Douglas during the weekend and he anticipates a few cases out of that, but the trends are very encouraging for Cochise County.

#### Item 2 Consent Agenda

[Item 2.1](#) Approval of the City Council Regular Meeting Minutes of April 23, 2020

[Item 2.2](#) Approval of the City Council Special Meeting Minutes of May 5, 2020

[Item 2.3](#) Resolution 2020-020, Termination of Development Agreement concerning 2200 E Mercado Loop (Sierra Vista Mall)

Council Member Pacheco moved that the Consent Agenda consisting of the City Council Regular Meeting Minutes of April 23, 2020, Special Meeting Minutes of May 5, 2020 and Resolution 2020-020, termination of a Development Agreement concerning 2200 E Mercado Loop, Sierra Vista Mall, be approved. Council Member Umphrey seconded the motion. The motion passed by a unanimous vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Calhoun, Pacheco, Umphrey and Wolfe.

#### New Business

[Item 3](#) Resolution 2020-021, Authorization to Accept Arizona Department of Administration, Office of Grants and Federal Resources, Arizona 9-1-1 Program (GFR Grant Number: GFR-ADOA-AZ911-21-001)

Council Member Wolfe moved that Resolution 2020-021, acceptance of the Arizona Department of Administration, Office of Grants and Federal Resources, Arizona 9-1-1 Program, GFR Grant Number GFR- ADOA-AZ911-21-001, be approved. Council Member Wolfe seconded the motion.

Ms. Papatrefon stated that 911 services allow callers to dial a standard nationwide number to reach emergency services. Calls are specifically routed to the nearest public safety answering point for Primary Service Answering Points (PSAPs) through a standalone network. Each PSAP incurs monthly fees for uninterrupted service and continued equipment maintenance for placement and software updates.

A grant in the amount of \$447,624 has been secured, which has been allocated to the Cochise 911 System by the Department of Administration State 911 Program Office. The funds are intended to cover the cost associated with the monthly fees, equipment maintenance for placement and software updates for each PSAP in Cochise County. This award covers the period for Fiscal Year July 1, 2020 through June 30, 2021.

The motion passed by a unanimous vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Calhoun, Pacheco, Umphrey and Wolfe.



[Item 4](#) Resolution 2020-022, Supporting Fort Huachuca's Joint Resource Utilization Study

Council Member Benning moved that Resolution 2020-022, supporting Fort Huachuca's Joint Resource Utilization Study, be approved. Mayor Pro Tem Gray seconded the motion.

Mr. Boone stated that this resolution supports Fort Huachuca's Joint Resource Utilization Study known to some as the Joint Land Use Study. With Council's approval and the final approval of the Office of Economic Adjustment (OEA), the study will be moving forward. Fort Huachuca requested the study back in 2018 through the Installation Management Command and Department of the Army and the OEA requested that the City of Sierra Vista be the executive agent.

The study reviews military installations, surrounding communities, and their key resources into the future so that the military can sustain their mission in defense of the nation. In the City's case, the study focuses on the land use, electromagnetic spectrum use, as well as air space. The previous study was conducted in 2007 for Fort Huachuca, but many significant things have happened since then, i.e. the Buffalo Soldier Electronic Test Range and in 2015 the designation of Fort Huachuca as a Sentinel Landscape. These initiatives will have a significant impact. The study area itself is linked to the Buffalo Soldier Electronic Test Range, 2,500 square miles. The City will serve as the executive agent and will also have a role in the policy and technical committees.

There is a requirement for a 10 percent match to the federal grant. The expected outcome includes identifying initiatives that the City, County and State can work to minimize encroachment or interference of future Fort Huachuca missions, i.e. policy or legal issues. It also provides deliverables, i.e. GIS products on things like Department of Defense excess property, which in this case are the 203 acres, national resources, endangered species, zoning, land use and others. There is an element of public engagement to highlight the importance of Fort Huachuca's mission to the local communities, and in addition, it will set up for future projects that potentially the OEA can fund or that the City can use to work with the legislative/congress to fund additional projects on Fort Huachuca.

This study better positions Fort Huachuca for the future to ensure both the resiliency and mission-oriented efforts. The approximate timeline will begin in July 2020 with the final report due August 2021.

Council Member Calhoun asked who will be doing the study. Mr. Boone stated that the City would be going out for a consultant. The bulk of the grant cost estimated at \$500,00 will be used for the consultant.

Council Member Pacheco asked if there are examples of data from this type of study that has been done in the past on how it has been used. Mr. Boone stated that one thing is the notification to a home/property buyer under Fort Huachuca, which was added from a policy perspective in 2007 to ensure that landowners understand that they are under a military restrictive air space. Mayor Mueller added that another policy issue is for companies coming in that want to use certain frequencies. They must get them cleared through the frequency manager on the installation so that they do not interfere with military operations. There are a couple of things that have helped that were done in the past.

Council Member Pacheco asked if water use is addressed. Mr. Boone stated that water use is addressed under the natural resources.

The motion passed by a unanimous vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Calhoun, Pacheco, Umphrey and Wolfe.

[Item 5](#) Resolution 2020-023, Authorization of Submission of the Community Development Block Grant (CDBG) Program Year 2020 Annual Action Plan to the United States Housing and Urban Development (HUD)

Council Member Umphrey moved that Resolution 2020-023, submission of the Community Development Block Grant Program Year 2020 Annual Action Plan to the United States Housing and Urban Development, be approved. Mayor Pro Tem Gray seconded the motion.

Mr. McLachlan stated that this is the 2020 application to HUD for the regular allocation of Community Development Block Grant funding. After a series of public meetings and hearings, staff is proposing that the funding be used to finish what the City started last year in turning the former Public Works Yard on North Avenue into a recreational asset for the neighborhood.

The \$271,810 will be used to provide additional parking at Eddie Cyr Park, fill in the missing segment to the multi-use trail system with any remaining budget used for landscaping. The requested action is to submit the 2020 Annual Action Plan to HUD. To-date there has not been any public comment received.

Council Member Calhoun asked if the document is online. Mr. McLachlan stated that she is correct. Mayor Mueller noted that it has been on the web site since February.

Council Member Pacheco asked about the timeline for completion of the improvements. Mr. McLachlan stated that this project is third in line to the improvements to James Landwehr Plaza and Soldier Creek Park. This would be started with the new fiscal year by engineering and it is hoped that by springtime, the City will be able to start on the construction documents for this project with construction happening the next fiscal year. Mayor Mueller added that some projects like this one, will take up to two years and they will hold the money for the City so that it can get done. If it looks like it will be more than two years, the City can apply for an extension, but that is a whole different process.

The motion passed by a unanimous vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Calhoun, Pacheco, Umphrey and Wolfe.

[Item 6](#) Resolution 2020-024, Approval of a Grant from the Federal Aviation Administration (FAA) for CARES Act funding

Mayor Pro Tem Gray moved that Resolution 2020-024, acceptance of the Grant from the Federal Aviation Administration for CARES Act funding, be approved. Council Member Umphrey seconded the motion.

Ms. Flissar stated that the agenda item will accept a grant from the Federal Aviation Administration for \$30,000 of CARES Act funding for the Sierra Vista Municipal Airport. The funds can only be used for expenses related to the airport but are otherwise reasonably unconstrained. It cannot be used for new construction, but operations, maintenance or debt service are all eligible. If approved, the funding will be used to offset the City's expenses associated with the Sierra Vista Municipal Airport and no grant match is required.

The motion passed by a unanimous vote of Mayor Mueller, Mayor Pro Tem Gray, Council Members Benning, Calhoun, Pacheco, Umphrey and Wolfe.

Call to the Public – There was no response.

#### Comments and Requests of the Council

Council Member Umphrey gave kudos to Mr. McLachlan and Mr. Boone for their presentation on the Chamber of Commerce's live stream informing the community about the allocations through the CARES Act. She also stated that she was very excited to see that there are only five active cases of the Coronavirus in Cochise County because it was getting high there for a while, but the County is headed in the right direction.

Council Member Calhoun had nothing to report.

Council Member Pacheco reported that Chiricahua Community Health Center was notified that they would be receiving funding to do COVID testing. They called her asking if the City was willing to have it done on City property within five days and thanks to Ms. Wilson and Leisure Services staff, they were able to get the event set up. She also reported that non-traditional graduations are being held May 14 and 15, 2020 for Buena High School. She congratulated the graduates and noted that there are a lot of decorated cars around town. In closing, she wished a happy 17<sup>th</sup> birthday to her twin daughters.

Council Member Wolf had nothing to report.

Council Member Benning stated that Sierra Vista is proud of its 2020 senior graduates. He thanked them for their accomplishments and added that he looks forward to watching them move forward with their future endeavors. He wished a special congratulations to Class President, McKenna Hick, whom he is proud of and who is going to do great things at ASU.

Mayor Pro Tem Gray had nothing to report.

Mayor Mueller noted that he saw a Berean Academy car dolled up, which he thought was great, and another reason to be thankful to the community, who in adverse times has adapted and overcome the situation. He announced that coming up are the high school, Cochise College and university graduations, mile stones in people's lives, and while it is regrettable that they cannot celebrate in the way that they would all like to celebrate, he wants to congratulate those folks that are enduring the situation and doing the best that they can while being recognized for their achievement not lessened by the situation. He further added that there are a few buildings opening in the City along with other things due to the Governor's announcement last week.

Mayor Mueller quoted one of his heroes, "We need to all realize this is not the beginning of the end of the crisis, it is the end of the beginning." He noted that there is still no vaccine for the virus and people need to still take the prudent steps to protect themselves, friends, loved ones, and families through the next several months, even if the number of those individuals with the virus goes down. Until there is an actual vaccine and the most vulnerable are vaccinated, that is the beginning of the end for the Coronavirus. The City is still in this game and the game will be played. Lastly, he asked people to continue to demonstrate the great patience that they have had with the situation, with each other and the caring attitude that they have had for the community that shows the quality of folks in the community, another reason why the City will

come out of this probably better than most communities in Arizona. In closing, he thanked the citizens for their efforts, concerns and caring for their fellow citizens.

Adjournment

Mayor Mueller adjourned the May 14, 2020 meeting of the Sierra Vista City Council at 5:30 p.m.

\_\_\_\_\_  
Mayor Frederick W. Mueller

MINUTES PREPARED BY:

ATTEST:

\_\_\_\_\_  
Maria G. Marsh, Deputy Clerk

\_\_\_\_\_  
Jill Adams, City Clerk

May 28, 2020

MEMO TO: Honorable Mayor and City Council

THROUGH: Charles P. Potucek, City Manager  
Victoria Yarbrough, Assistant City Manager  
Matt McLachlan, AICP Community Development Director

FROM: Jeff Pregler, AICP, Senior Planner

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT  
Resolution 2020-025  
Conditional Use Permit  
Haven Health of Sierra Vista  
660 S. Coronado Drive

**REQUESTED ACTION:**

Approval of a Conditional Use Permit for Haven Health of Sierra Vista, to expand a nursing facility within a Multi-Family Residence (MFR) Zoning District, as shown in Exhibit A.

**RECOMMENDATION:**

The City Manager recommends approval.  
The Director of Community Development recommends approval.  
The Planning & Zoning Commission recommended approval, 6-0.

**APPLICANT:**

Haven Health of Sierra vista

**GENERAL INFORMATION**

**Location:**  
660 S. Coronado Dr. (Parcel ID# 105-07-025A)

**Zoning:**  
Multi-Family Residence

**Site Area:**  
5.02 acres MOL

## BACKGROUND

Haven Health of Sierra Vista is a nursing home facility currently located at 660 S. Coronado Drive. The organization provides residents 24-hour nursing care to include physical therapy, occupational therapy, and speech pathology. The applicant is proposing to expand their nursing services by constructing an additional wing to the existing building. The new building addition will be approximately 10,000 square feet and have a total of 40 beds. Overall, there will 131 beds at the entire facility.

Development Code Section 151.022.006, Matrix of Permissions by Zoning District, requires a Conditional Use Permit (CUP) for a nursing home with more than 7 residents in an MFR zoning district. The nursing home was originally permitted in 1982 which predates the current Development Code. As such the nursing home is classified as a legal non-conforming use. According to Development Code Section 151.24.002, a legal non-conforming use shall not be enlarged or increased from the original approval date. Therefore, the building addition requires compliance with all current codes and regulations. Hence, the reason for the Conditional Use Permit request. The applicant will be submitting a site plan and building plans to be reviewed for code compliance should the Conditional Use Permit be approved.

## REVIEW CRITERIA

No conditional use shall be recommended for approval or receive a final action of approval unless a positive finding based upon substantial competent evidence, either presented at a public hearing held by the Council, or reviewed personally by the Council members, is made on each of the following:

### **A. Standards**

- 1. The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements, and natural features.*
- 2. The proposed development is timely, considering adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.*
- 3. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the district.*
- 4. The proposed use satisfies those goals, objectives, and policies of the General Plan that are applicable to the proposed use.*

## ANALYSIS

### **Site Suitability:**

Staff analyzed the expansion of the proposed use to determine if it was appropriate for the site and came up with the following findings:

- **Site Suitability-** The nursing home has been in continuous use on the site since 1982. The site plan was originally approved in 1981 with a minor site amendment in 1988. In both instances, the improvements conformed to the Development Code requirements at the time. Therefore, the use is well established and designed to meet the needs of a nursing care facility.
- **Parking-** As stated, the expansion will add an additional 40 beds to the facility, which will provide an overall total of 131 beds. Further, there will be a total of 66 employees. According to the Development Code Section 151.09, the parking ratio for nursing facilities is one space per three beds and one space per two non-resident employees. Per this calculation the minimum number of required parking spaces is 77 spaces. There is currently a total of 55 parking spaces on the site. However, according to the parking calculations on the proposed site plan, an additional 24 spaces will be provided for a total of 81 spaces which does meet the minimum number of parking spaces required.
- **Traffic Generation-** Coronado drive is designated as a Minor Arterial roadway which is designed to handle 10,000 to 20,000 vehicles per day. Per the latest traffic counts, there is approximately 7,900 vehicles on Coronado Drive between Wilcox Drive and Busby Drive and approximately 6,900 vehicles between Golf Links Dr. and Busby Drive. Haven Health provided staff with the proposed traffic generation for 40 additional beds. According to their analysis, they estimate that each patient typically averages 2-3 visits per week. By including the addition of 40 beds to the number of visits, the increased traffic averages between 11.4 and 17 cars per day. A further breakdown indicates that the peak hours are noon and between 7-9 pm, with traffic generation totaling 5.7 to 8.6 vehicles at noon and 5.7.to 8.6 vehicles between 7-9 pm. Based on the criteria, the roadway will have ample capacity to handle the minimal increase in traffic.
- **Access-** There are currently three access points into the site, two from Coronado Drive and one from Busby Drive. The accesses will allow for appropriate traffic flow entering and existing the site.

### **Compatible with Surrounding Area:**

The property to the north is the Bonita Vista Apartments, the property to the west is the Sierra Bella Apartments, the property to the south is vacant Arizona State Trust Land, and the property to the east are single family homes. The existing apartment uses are more intensive and generate more traffic than a nursing facility. Therefore, an increase in the facility will have minimal impact on the surrounding uses.

**Consistency with General Plan:**

This request does not conflict with the goals, objectives, and policies of all elements of the City of Sierra Vista General Plan (VISTA 2030) and specifically satisfies the following goals:

Goal 1-1, Increase citizen participation in the governmental decision process.

Goal 12-7, Increase housing choices that serve all age groups and needs.

**Public Correspondence/Comment:**

The City is required to notify the public of the dates and times of the public hearings and request comment from any interested parties. Notification consisted of a mailing to all property owners within 500 feet of the applicant's property, a posted sign on the property, and a display ad in the Sierra Vista Herald. The City has received a verbal comment from an individual named Angelica Thomas, 2065 Busby Drive, who had concerns about the increased traffic generated by the Haven Health expansion and the increased potential for speeding along Coronado Drive.

Staff recommends that Resolution No. 1171 be approved to allow the expansion of a nursing facility within an MFR Zoning District. The City Council can make additional modifications determined to be necessary after holding the required public hearing.

Attachments:

Resolution

Exhibit A



RESOLUTION 2020-025

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING VISTA 2030, THE CITY OF SIERRA VISTA GENERAL PLAN, APPROVING A CONDITIONAL USE PERMIT, FOR THE EXPANSION OF A NURSING CARE FACILITY, LOCATED ON PARCEL 105-07-025A, AT 660 S. CORONADO DRIVE (MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO), FINDING THE REQUEST TO BE CONSISTENT WITH THE GENERAL PLAN AND THE STANDARDS SET FORTH BY ARTICLE 151.26 OF THE SIERRA VISTA DEVELOPMENT CODE; AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the provisions of A.R.S. 9-4622.0,C.1 and Article 151.26 of the City Code, permits uses on a conditional basis to be granted by the City; and

WHEREAS, in accordance with the provisions of Article 151.26 of the City Code, the applicant, Haven Health of Sierra Vista, has requested Conditional Use approval to permit the expansion of a nursing facility located within an MFR zoning district, on parcel 105-07-025A, Sierra Vista, Arizona; and

WHEREAS, Article 151.26 of the City Code requires that the Mayor and City Council review all applications for Conditional Use Permits; and

WHEREAS, as required by Article 151.26 of the City Code, the Mayor and City Council held a public hearing on the application, after proper notice had been given; and

WHEREAS, the Mayor and City Council considered all of the facts of the application, including the recommendation of the Planning & Zoning Commission, and the comments of the citizens at the public hearings.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL AS FOLLOWS:

SECTION 1

That the following goals and policies of VISTA 2030, the City of Sierra Vista General Development Plan are reaffirmed: Goal 1-1, increase citizen participation in the governmental decision process; Goal 12-7, Increase housing choices that serve all age groups and needs.

SECTION 2

The application from Haven Health of Sierra Vista, for a Conditional Use Permit to expand a nursing facility in an MFR zoning district, as shown in Exhibit A, be, and hereby is, approved.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 28TH DAY OF MAY 2020.

\_\_\_\_\_  
FREDERICK W. MUELLER  
Mayor

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
NATHAN WILLIAMS  
City Attorney

\_\_\_\_\_  
JILL ADAMS  
City Clerk

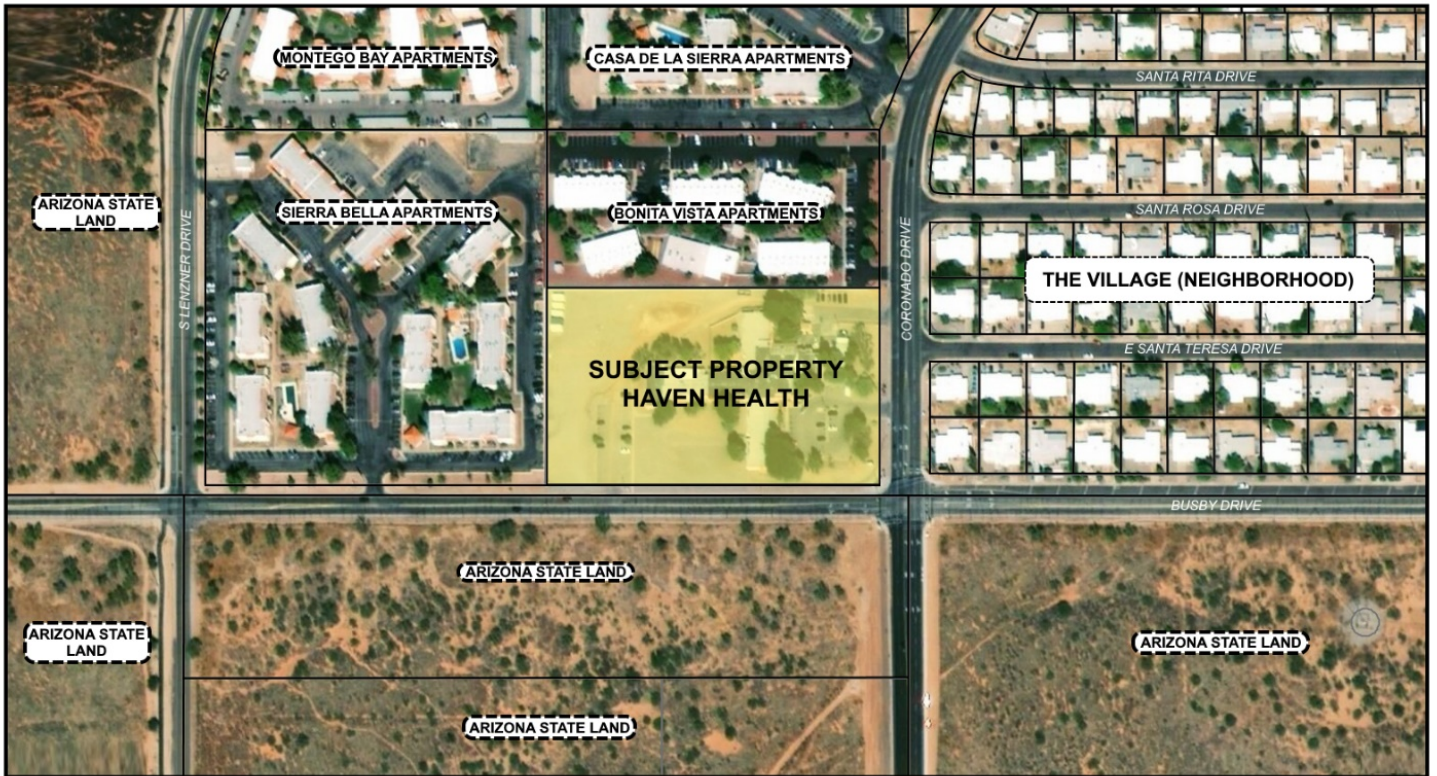
PREPARED BY:

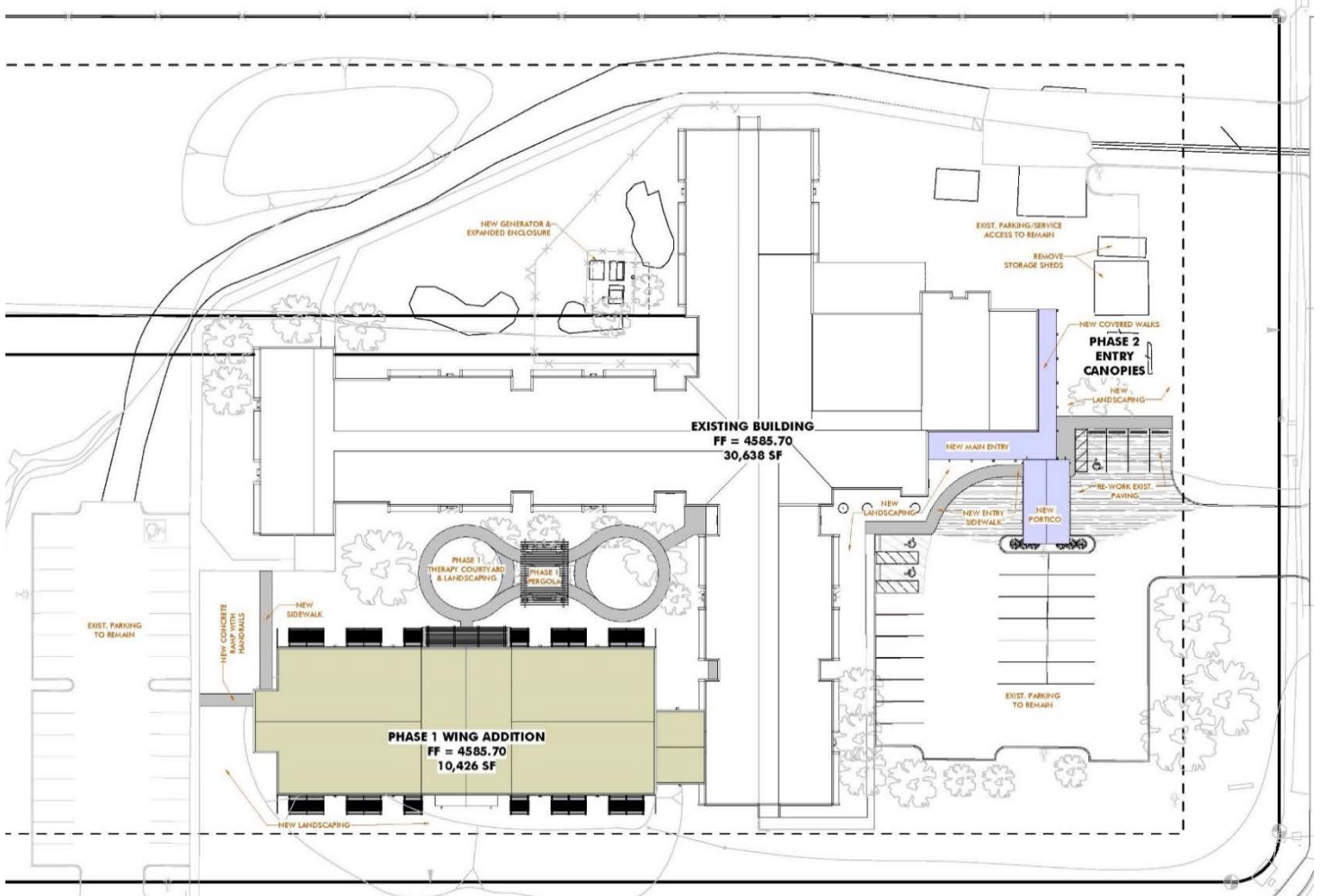
Jeff Pregler, AICP  
Senior Planner

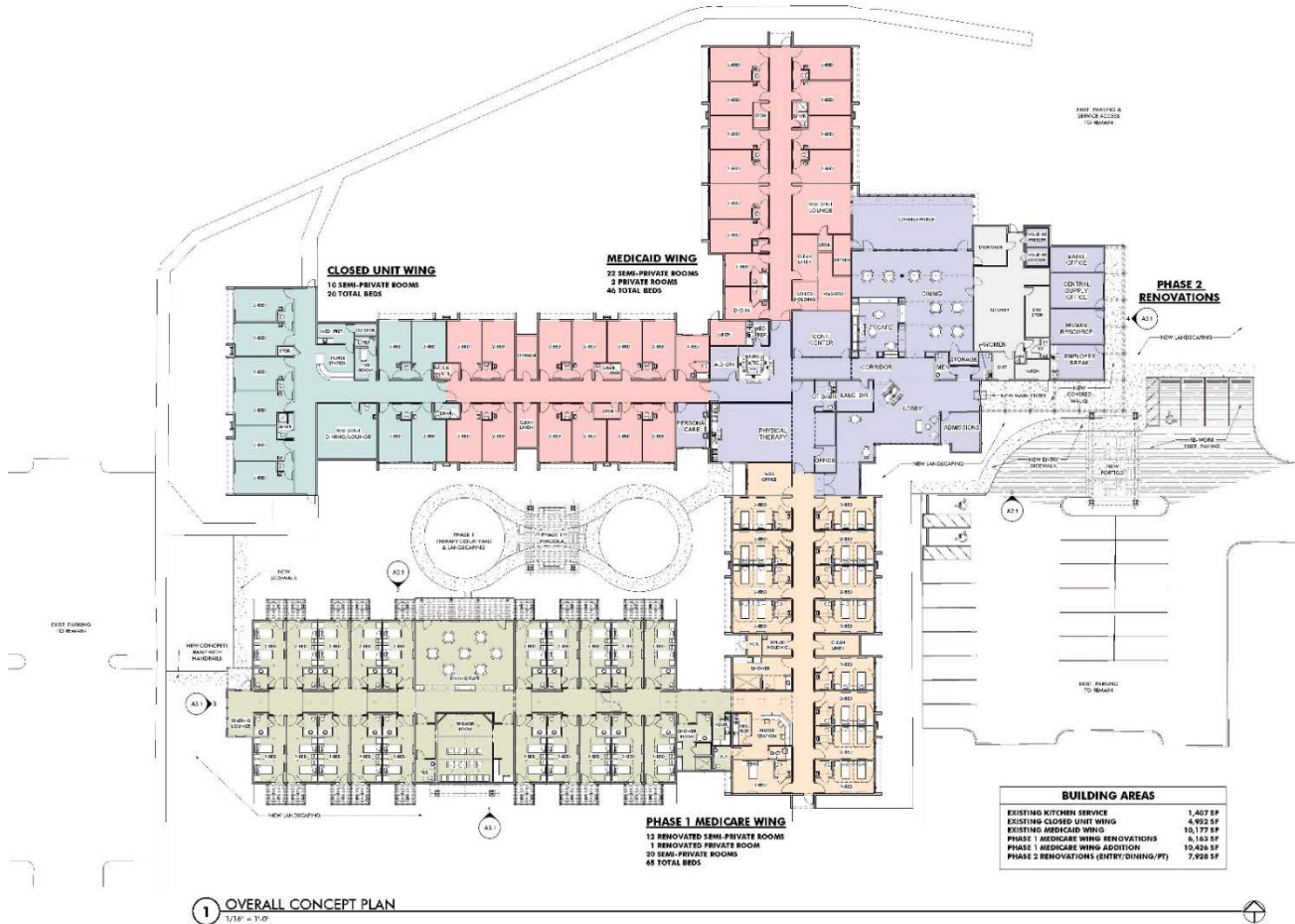
# EXHIBIT A

Reference Map for Haven Health Conditional Use Permit

APN #10507025A







1 OVERALL CONCEPT PLAN  
1/18" = 1'-0"



1120 Garrison Avenue  
Suite 1A  
Fort Smith, AR 72901  
479.782.4065  
www.GoStudio6.com



HAVEN HEALTH of SIERRA VISTA  
**MEDICARE BED WING**  
**ADDITION & RENOVATIONS**  
SIERRA VISTA, ARIZONA

REVISIONS	
DATE	DESCRIPTION

PROJECT NO. 19-032  
DATE: 04.07.2020  
SCALE:  
PRE-SUBMITTAL APPLICATION  
NOT FOR CONSTRUCTION

SHEET TITLE  
OVERALL CONCEPT PLAN

DISCIPLINE - SHEET LABELS

A1.3





April 22, 2020

City of Sierra Vista,

Health Group Management owns and operates 18 skilled nursing facilities across the state of Arizona. Our three-fold mission is to be the provider of choice in the communities we serve, a gathering place for caring professionals, and a safe haven for residents to thrive-one person and one family at a time.

Health Group Management acquired both the real estate and operation business of Haven of Sierra Vista located at 660 Coronado Dr, Sierra Vista, AZ 85635 in November of 2017. We have worked hard to increase the level of nursing care at the facility since acquiring the facility and are now excited to expand and improve the physical facility to meet the needs of the community. Our physical improvements include renovating the existing facility with space changes and new updated finishes, and also adding an additional wing to the facility.

We look forward to better servicing the community of Sierra Vista with our improved skilled nursing facility.

Sincerely,

*Tanner Nichol*

Tanner Nichol  
Plant Operations Director

May 20, 2020

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager  
Victoria Yarbrough, Assistant City Manager

FROM: Sharon G. Flissar, P.E., Director of Public Works

SUBJECT: Request for Agenda Item Placement  
Resolution 2020-026, Accepting a Grant from the  
Federal Aviation Administration (FAA) for Pavement  
Sealing and Rehabilitation

Recommendation:

The City Manager recommends approval.  
The Assistant City Manager recommends approval.  
The Director of Public Works recommends approval

Background:

The Federal Aviation Administration (FAA) operates the Airport Improvement Program (AIP) to provide funding assistance to airport operators for various capital improvements. Projects are prioritized for funding based on eligibility criteria which takes into account the project location (runway, taxiway, apron, etc.) and overall need. In addition, only projects with a direct general aviation or commercial benefit are eligible for AIP funding. Projects which benefit primarily military operations are not eligible since military funding is allocated separately by the federal government.

The City of Sierra Vista has identified a need for pavement rehabilitation work on an apron area adjacent to the terminal and on a nearby taxiway. The need for the project was further substantiated by a pavement study performed by ADOT, which recorded relatively low pavement condition scores for the apron in particular. The FAA has accepted the project as eligible for AIP funding and is offering the City a design grant in the amount of \$100,204. It is expected a construction grant will be offered in the following year. Due to the CARES Act, the design grant will be 100% federally funded with no required state or local match.

Budget Appropriation:

None

RESOLUTION 2020-026

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; AUTHORIZING THE CITY TO ACCEPT A GRANT OFFER FROM THE FEDERAL AVIATION ADMINISTRATION (FAA); AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City of Sierra Vista operates the Sierra Vista Municipal Airport (SVMA); and

WHEREAS, the City submitted a project application to the Federal Aviation Administration for a pavement improvement project at the SVMA;

WHEREAS, the City of Sierra Vista has received a grant offer for \$100,204 from the Federal Aviation Administration (FAA) for the design of the project; and

WHEREAS, the City of Sierra Vista desires to get reimbursement for pavement sealing and rehabilitation work at the airport; and

WHEREAS, the City of Sierra Vista is willing to meet the terms of the Grant Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the settled policy of the City Council seeking funding assistance, be, and hereby is, reaffirmed.

SECTION 2

That the grant agreement between the Federal Aviation Administration (FAA), and the City of Sierra Vista be, and hereby, is approved for acceptance of the grant.

SECTION 3

That the City Manager, City Clerk, City Attorney or their duly authorized officers and agents are hereby authorized and directed to take all further steps necessary to carry out the purposes and intent of this Resolution and finalize and sign the agreement on behalf of the City Council.



PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 28<sup>TH</sup> DAY OF MAY 2020.

\_\_\_\_\_  
Frederick W. Mueller, II  
Mayor

Approval as to Form:

Attest:

\_\_\_\_\_  
Nathan Williams  
City Attorney

\_\_\_\_\_  
Jill Adams  
City Clerk

Prepared by: Sharon G. Flissar, P.E., Director of Public Works



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Airports Division  
Western-Pacific Region  
Arizona, Nevada

FAA PHX ADO  
3800 N Central Ave  
Suite 1025  
Phoenix, AZ 85012

May 12, 2020

Dear Ms. Flissar:

We are enclosing the original Grant Offer for Airport Improvement Program (AIP) Project No. 3-04-0060-031-2020 at Sierra Vista Municipal-Libby AAF in Fort Huachuca Sierra Vista, Arizona. This letter outlines expectations for success. Please read the conditions and assurances carefully.

To properly enter into this agreement, you must do the following:

- a. The governing body must provide authority to execute the grant to the individual signing the grant; i.e. the sponsor's authorized representative.
- b. The sponsor's authorized representative must execute the grant by providing their digital signature.
- c. Once the sponsor's authorized representative has electronically signed the grant, the sponsor's attorney will automatically be sent via email the grant to provide their digital signature.
- d. You will not be able to make any modification to the text, terms or conditions of the grant offer.
- e. Following the attorney's action, the executed grant will be automatically sent to all parties as an attachment to an email.

Subject to the requirements in 2 CFR §200.305, each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this System.

The terms and conditions of this agreement require you to complete the project without undue delay. We will be monitoring your progress to ensure proper stewardship of these Federal funds. **We expect you to submit payment requests for reimbursement of allowable incurred project expenses consistent with project progress.** Should you fail to make draws on a regular basis, your grant may be placed in "inactive" status, which will affect your ability to receive future grant offers.

Until the grant is completed and closed, you are responsible for submitting formal reports as follows:

- A signed/dated SF-270 (non-construction projects) or SF-271 or equivalent (construction projects) and SF-425 annually, due 90 days after the end of each federal fiscal year in which this grant is open (due December 31 of each year this grant is open); and
- Performance Reports, which are due within 30 days of the end of a reporting period as follows:
  1. Non-construction project: Due annually at end of the Federal fiscal year.
  2. Construction project: Submit FAA form 5370-1, Construction Progress and Inspection Report at the end of each fiscal quarter.

As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR part 200. Subpart F requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to assure your organization will comply with applicable audit requirements and standards.

Once the project(s) is completed and all costs are determined, we ask that you close the project without delay and submit the necessary final closeout documentation as required by your Region/Airports District Office.

Mark Sedarous, (602) 792-1070, is the assigned program manager for this grant and is readily available to assist you and your designated representative with the requirements stated herein. We sincerely value your cooperation in these efforts and look forward to working with you to complete this important project.

Sincerely,

Mike N. Williams  
Manager, Phoenix Airports District Office



U.S. Department  
of Transportation  
Federal Aviation  
Administration

## GRANT AGREEMENT

### PART I – OFFER

Federal Award Offer Date	May 12, 2020
Airport/Planning Area	Sierra Vista Municipal-Libby AAF
AIP Grant Number	3-04-0060-031-2020
Unique Entity Identifier	072437031
TO:	City of Sierra Vista (herein called the “Sponsor”)

FROM: **The United States of America**(acting through the Federal Aviation Administration, herein called the “FAA”)

**WHEREAS**, the Sponsor has submitted to the FAA a Project Application dated May 4, 2020, for a grant of Federal funds for a project at or associated with the Sierra Vista Municipal-Libby AAF Airport, which is included as part of this Grant Agreement; and

**WHEREAS**, the FAA has approved a project for the Sierra Vista Municipal-Libby AAF Airport (herein called the “Project”) consisting of the following:

Rehabilitate Apron, Seal Taxiway Pavement Surface/Pavement Joints

which is more fully described in the Project Application.

**NOW THEREFORE**, According to the applicable provisions of the former Federal Aviation Act of 1958, as amended and recodified, 49 U.S.C. § 40101, et seq., and the former Airport and Airway Improvement Act of 1982 (AAIA), as amended and recodified, 49 U.S.C. § 47101, et seq., (herein the AAIA grant statute is referred to as “the Act”), the representations contained in the Project Application, and in consideration of (a) the Sponsor’s adoption and ratification of the Grant Assurances dated March 2014, as applied and interpreted consistent with the FAA Reauthorization Act of 2018 (see 2018 FAA Reauthorization grant condition.), (b) and the Sponsor’s acceptance of this Offer; and, (c) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurances and conditions as herein provided.

**THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay 100 percent of the allowable costs incurred accomplishing the Project as the United States share of the Project.**

**Assistance Listings Number (Formerly CFDA Number): 20.106**

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

### CONDITIONS

- 1. Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$100,204.

The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b):

\$0 for planning

\$100,204 airport development or noise program implementation; and,

\$0 for land acquisition.

2. **Period of Performance.** The period of performance begins on the date the Sponsor formally accepts this agreement. Unless explicitly stated otherwise in an amendment from the FAA, the end date of the period of performance is 4 years (1,460 calendar days) from the date of formal grant acceptance by the Sponsor.

The Sponsor may only charge allowable costs for obligations incurred prior to the end date of the period of performance (2 CFR §200.309). Unless the FAA authorizes a written extension, the sponsor must submit all project closeout documentation and liquidate (pay off) all obligations incurred under this award no later than 90 calendar days after the end date of the period of performance (2 CFR §200.343).

The period of performance end date does not relieve or reduce Sponsor obligations and assurances that extend beyond the closeout of a grant agreement.

3. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
4. **Indirect Costs - Sponsor.** Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the project application as accepted by the FAA, to allowable costs for Sponsor direct salaries and wages.
5. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with the regulations, policies, and procedures of the Secretary. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
6. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this agreement, and the regulations, policies, and procedures of the Secretary. Per 2 CFR § 200.308, the Sponsor agrees to report to the FAA any disengagement from performing the project that exceeds three months. The report must include a reason for the project stoppage. The Sponsor also agrees to comply with the assurances which are part of this agreement.
7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before May 29, 2020, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner for any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor, that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other

final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.

**10. United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.

**11. System for Award Management (SAM) Registration And Universal Identifier.**

A. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).

B. Unique entity identifier (UEI) means a 12-character alpha-numeric value used to identify a specific commercial, nonprofit or governmental entity. A UEI may be obtained from SAM.gov at <https://sam.gov/SAM/pages/public/index.jsf>.

**12. Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.

**13. Informal Letter Amendment of AIP Projects.** If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter amendment to the Sponsor unilaterally reducing the maximum obligation.

The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. The FAA's authority to increase the maximum obligation does not apply to the "planning" component of condition No. 1.

The FAA can also issue an informal letter amendment that modifies the grant description to correct administrative errors or to delete work items if the FAA finds it advantageous and in the best interests of the United States.

An informal letter amendment has the same force and effect as a formal grant amendment.

**14. Air and Water Quality.** The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this agreement.

**15. Financial Reporting and Payment Requirements.** The Sponsor will comply with all federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.

**16. Buy American.** Unless otherwise approved in advance by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract.

**17. Maximum Obligation Increase.** In accordance with 49 U.S.C. § 47108(b), as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:

A. May not be increased for a planning project;

- B. May be increased by not more than 15 percent for development projects if funds are available;
- C. May be increased by not more than 15 percent for land project if funds are available.

**18. Audits for Public Sponsors.** The Sponsor must provide for a Single Audit or program specific audit in accordance with 2 CFR part 200. The Sponsor must submit the audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. Provide one copy of the completed audit to the FAA if requested.

**19. Suspension or Debarment.** When entering into a "covered transaction" as defined by 2 CFR §180.200, the Sponsor must:

- A. Verify the non-federal entity is eligible to participate in this Federal program by:
  1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if the non-federal entity is excluded or disqualified; or
  2. Collecting a certification statement from the non-federal entity attesting they are not excluded or disqualified from participating; or
  3. Adding a clause or condition to covered transactions attesting individual or firm are not excluded or disqualified from participating.
- B. Require prime contractors to comply with 2 CFR §180.330 when entering into lower-tier transactions (e.g. Sub-contracts).
- C. Immediately disclose to the FAA whenever the Sponsor (1) learns they have entered into a covered transaction with an ineligible entity or (2) suspends or debar a contractor, person, or entity.

**20. Ban on Texting While Driving.**

- A. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
  1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
  2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
    - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
    - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- B. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts and subcontracts.

**21. AIP Funded Work Included in a PFC Application.**

Within 90 days of acceptance of this award, Sponsor must submit to the Federal Aviation Administration an amendment to any approved Passenger Facility Charge (PFC) application that contains an approved PFC project also covered under this grant award. The airport sponsor may not make any expenditure under this award until project work addressed under this award is removed from an approved PFC application by amendment.

**22. Exhibit "A" Property Map.** The Exhibit "A" Property Map dated 1/21/2014, is incorporated herein by reference or is submitted with the project application and made part of this grant agreement.

**23. Employee Protection from Reprisal.**

A. Prohibition of Reprisals –

1. In accordance with 41 U.S.C. § 4712, an employee of a grantee or subgrantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph (A)(2), information that the employee reasonably believes is evidence of:
  - i. Gross mismanagement of a Federal grant;
  - ii. Gross waste of Federal funds;
  - iii. An abuse of authority relating to implementation or use of Federal funds;
  - iv. A substantial and specific danger to public health or safety; or
  - v. A violation of law, rule, or regulation related to a Federal grant.
2. Persons and bodies covered: The persons and bodies to which a disclosure by an employee is covered are as follows:
  - i. A member of Congress or a representative of a committee of Congress;
  - ii. An Inspector General;
  - iii. The Government Accountability Office;
  - iv. A Federal office or employee responsible for oversight of a grant program;
  - v. A court or grand jury;
  - vi. A management office of the grantee or subgrantee; or
  - vii. A Federal or State regulatory enforcement agency.
3. Submission of Complaint – A person who believes that they have been subjected to a reprisal prohibited by paragraph A of this grant term may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.
4. Time Limitation for Submittal of a Complaint - A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.
5. Required Actions of the Inspector General – Actions, limitations and exceptions of the Inspector General's office are established under 41 U.S.C. § 4712(b)
6. Assumption of Rights to Civil Remedy - Upon receipt of an explanation of a decision not to conduct or continue an investigation by the Office of Inspector General, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c).

**24. 2018 FAA Reauthorization.** This grant agreement is subject to the terms and conditions contained herein including the terms known as the Grant Assurances as they were published in the Federal Register on April 3, 2014. On October 5, 2018, the FAA Reauthorization Act of 2018 made certain amendments to 49 U.S.C. chapter 471. The Reauthorization Act will require FAA to make certain amendments to the assurances in order to best achieve consistency with the statute. Federal law requires that FAA publish any amendments to the assurances in the Federal Register along with an opportunity to comment. In order not to delay the offer of this grant, the existing assurances are attached herein; however, FAA shall interpret and apply these assurances consistent with the Reauthorization Act. To the extent there is a conflict between the assurances and Federal statutes, the statutes shall apply. The full text of the Act is at <https://www.congress.gov/bill/115th-congress/house-bill/302/text>.



### SPECIAL CONDITIONS

- 25. Pavement Maintenance Management Program.** The Sponsor agrees that it will implement an effective airport pavement maintenance management program as required by Grant Assurance Pavement Preventive Management. The Sponsor agrees that it will use the program for the useful life of any pavement constructed, reconstructed, or repaired with federal financial assistance at the airport. The Sponsor further agrees that the program will:
- A. Follow FAA Advisory Circular 150/5380-6, "Guidelines and Procedures for Maintenance of Airport Pavements," for specific guidelines and procedures for maintaining airport pavements, establishing an effective maintenance program, specific types of distress and its probable cause, inspection guidelines, and recommended methods of repair;
  - B. Detail the procedures to be followed to assure that proper pavement maintenance, both preventive and repair, is performed;
  - C. Include a Pavement Inventory, Inspection Schedule, Record Keeping, Information Retrieval, and Reference, meeting the following requirements:
    1. Pavement Inventory. The following must be depicted in an appropriate form and level of detail:
      - a. Location of all runways, taxiways, and aprons;
      - b. Dimensions;
      - c. Type of pavement; and,
      - d. Year of construction or most recent major rehabilitation.
    2. Inspection Schedule.
      - a. Detailed Inspection. A detailed inspection must be performed at least once a year. If a history of recorded pavement deterioration is available, i.e., Pavement Condition Index (PCI) survey as set forth in the Advisory Circular 150/5380-6, the frequency of inspections may be extended to three years.
      - b. Drive-By Inspection. A drive-by inspection must be performed a minimum of once per month to detect unexpected changes in the pavement condition. For drive-by inspections, the date of inspection and any maintenance performed must be recorded.
    3. Record Keeping. Complete information on the findings of all detailed inspections and on the maintenance performed must be recorded and kept on file for a minimum of five years. The type of distress, location, and remedial action, scheduled or performed, must be documented. The minimum information is:
      - a. Inspection date;
      - b. Location;
      - c. Distress types; and
      - d. Maintenance scheduled or performed.
    4. Information Retrieval System. The Sponsor must be able to retrieve the information and records produced by the pavement survey to provide a report to the FAA as may be required.
- 26. Project which Contain Paving Work in Excess of \$500,000.** The Sponsor agrees to:
- A. Furnish a construction management program to the FAA prior to the start of construction which details the measures and procedures to be used to comply with the quality control provisions of the construction contract, including, but not limited to, all quality control provisions and tests required by the Federal specifications. The program must include as a minimum:

1. The name of the person representing the Sponsor who has overall responsibility for contract administration for the project and the authority to take necessary actions to comply with the contract;
  2. Names of testing laboratories and consulting engineer firms with quality control responsibilities on the project, together with a description of the services to be provided;
  3. Procedures for determining that the testing laboratories meet the requirements of the American Society of Testing and Materials standards on laboratory evaluation referenced in the contract specifications (D 3666, C 1077);
  4. Qualifications of engineering supervision and construction inspection personnel;
  5. A listing of all tests required by the contract specifications, including the type and frequency of tests to be taken, the method of sampling, the applicable test standard, and the acceptance criteria or tolerances permitted for each type of test; and
  6. Procedures for ensuring that the tests are taken in accordance with the program, that they are documented daily, and that the proper corrective actions, where necessary, are undertaken.
- B. Submit at completion of the project, a final test and quality assurance report documenting the summary results of all tests performed; highlighting those tests that indicated failure or that did not meet the applicable test standard. The report must include the pay reductions applied and the reasons for accepting any out-of-tolerance material. Submit interim test and quality assurance reports when requested by the FAA.
- C. Failure to provide a complete report as described in paragraph b, or failure to perform such tests, will, absent any compelling justification; result in a reduction in Federal participation for costs incurred in connection with construction of the applicable pavement. Such reduction will be at the discretion of the FAA and will be based on the type or types of required tests not performed or not documented and will be commensurate with the proportion of applicable pavement with respect to the total pavement constructed under the grant agreement.
- D. The FAA, at its discretion, reserves the right to conduct independent tests and to reduce grant payments accordingly if such independent tests determine that sponsor test results are inaccurate.
- 27. Maintenance Project Life.** The Sponsor agrees that pavement maintenance is limited to those aircraft pavements that are in sufficiently sound condition that they do not warrant more extensive work, such as reconstruction or overlays in the immediate or near future. The Sponsor further agrees that AIP funding for the pavements maintained under this project will not be requested for more substantial type rehabilitation (more substantial than periodic maintenance) for a 5-year period following the completion of this project unless the FAA determines that the rehabilitation or reconstruction is required for safety reasons.
- 28. Design Grant.** This grant agreement is being issued in order to complete the design of the project. The Sponsor understands and agrees that within 2 years after the design is completed that the Sponsor will accept, subject to the availability of the amount of federal funding identified in the Airport Capital Improvement Plan (ACIP), a grant to complete the construction of the project in order to provide a useful and useable unit of work. The Sponsor also understands that if the FAA has provided federal funding to complete the design for the project, and the Sponsor has not completed the design within four (4) years from the execution of this grant agreement, the FAA may suspend or terminate grants related to the design.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

**UNITED STATES OF AMERICA  
FEDERAL AVIATION ADMINISTRATION**

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*(Signature)*

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**Mike N. Williams**

*(Typed Name)*

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**Manager, Phoenix Airports District Office**

*(Title of FAA Official)*

**PART II - ACCEPTANCE**

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

I declare under penalty of perjury that the foregoing is true and correct.<sup>1</sup>

Executed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

City of Sierra Vista

*(Name of Sponsor)*

\_\_\_\_\_  
*(Signature of Sponsor's Authorized Official)*

**By:**

\_\_\_\_\_  
*(Typed Name of Sponsor's Authorized Official)*

**Title:**

\_\_\_\_\_  
*(Title of Sponsor's Authorized Official)*

**CERTIFICATE OF SPONSOR'S ATTORNEY**

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of \_\_\_\_\_. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at \_\_\_\_\_ (location) this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

**By:**

\_\_\_\_\_  
*(Signature of Sponsor's Attorney)*

\_\_\_\_\_

<sup>1</sup>Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

## ASSURANCES

### AIRPORT SPONSORS

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#### A. General.

- a. These assurances shall be complied with in the performance of grant agreements for airport development, airport planning, and noise compatibility program grants for airport sponsors.
- b. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of Title 49, U.S.C., subtitle VII, as amended. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport; the term "private sponsor" means a private owner of a public-use airport; and the term "sponsor" includes both public agency sponsors and private sponsors.
- c. Upon acceptance of this grant offer by the sponsor, these assurances are incorporated in and become part of this grant agreement.

#### B. Duration and Applicability.

##### 1. **Airport development or Noise Compatibility Program Projects Undertaken by a Public Agency Sponsor.**

The terms, conditions and assurances of this grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise compatibility program project, or throughout the useful life of the project items installed within a facility under a noise compatibility program project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport. There shall be no limit on the duration of the terms, conditions, and assurances with respect to real property acquired with federal funds. Furthermore, the duration of the Civil Rights assurance shall be specified in the assurances.

##### 2. **Airport Development or Noise Compatibility Projects Undertaken by a Private Sponsor.**

The preceding paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of the facilities developed or equipment acquired under an airport development or noise compatibility program project shall be no less than ten (10) years from the date of acceptance of Federal aid for the project.

##### 3. **Airport Planning Undertaken by a Sponsor.**

Unless otherwise specified in this grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 25, 30, 32, 33, and 34 in Section C apply to planning projects. The terms, conditions, and assurances of this grant agreement shall remain in full force and effect during the life of the project; there shall be no limit on the duration of the assurances regarding Exclusive Rights and Airport Revenue so long as the airport is used as an airport.

#### C. Sponsor Certification.

The sponsor hereby assures and certifies, with respect to this grant that:

##### 1. **General Federal Requirements.**

It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

**FEDERAL LEGISLATION**

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- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.<sup>1</sup>
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act – 5 U.S.C. 1501, et seq.<sup>2</sup>
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.<sup>1,2</sup>
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).<sup>1</sup>
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.<sup>1</sup>
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.<sup>1</sup>
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.<sup>1</sup>
- s. Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.<sup>1</sup>
- t. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.<sup>1</sup>
- u. Copeland Anti-kickback Act - 18 U.S.C. 874.1
- v. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.<sup>1</sup>
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- x. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.<sup>2</sup>
- y. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

**EXECUTIVE ORDERS**

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- a. Executive Order 11246 - Equal Employment Opportunity<sup>1</sup>
- b. Executive Order 11990 - Protection of Wetlands
- c. Executive Order 11998 –Flood Plain Management

- d. Executive Order 12372 - Intergovernmental Review of Federal Programs
- e. Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction<sup>1</sup>
- f. Executive Order 12898 - Environmental Justice

#### **FEDERAL REGULATIONS**

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- a. 2 CFR Part 180 - OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement).
- b. 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. [OMB Circular A-87 Cost Principles Applicable to Grants and Contracts with State and Local Governments, and OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations].<sup>4, 5, 6</sup>
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment
- d. 14 CFR Part 13 - Investigative and Enforcement Procedures 14 CFR Part 16 - Rules of Practice For Federally Assisted Airport Enforcement Proceedings.
- e. 14 CFR Part 150 - Airport noise compatibility planning.
- f. 28 CFR Part 35- Discrimination on the Basis of Disability in State and Local Government Services.
- g. 28 CFR § 50.3 - U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964.
- h. 29 CFR Part 1 - Procedures for predetermination of wage rates.<sup>1</sup>
- i. 29 CFR Part 3 - Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States.<sup>1</sup>
- j. 29 CFR Part 5 - Labor standards provisions applicable to contracts covering federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act).<sup>1</sup>
- k. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements).<sup>1</sup>
- l. 49 CFR Part 18 - Uniform administrative requirements for grants and cooperative agreements to state and local governments.<sup>3</sup>
- m. 49 CFR Part 20 - New restrictions on lobbying.
- n. 49 CFR Part 21 – Nondiscrimination in federally-assisted programs of the Department of Transportation - effectuation of Title VI of the Civil Rights Act of 1964.
- o. 49 CFR Part 23 - Participation by Disadvantage Business Enterprise in Airport Concessions.
- p. 49 CFR Part 24 – Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs.<sup>1, 2</sup>
- q. 49 CFR Part 26 – Participation by Disadvantaged Business Enterprises in Department of Transportation Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance.<sup>1</sup>

- s. 49 CFR Part 28 –Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities conducted by the Department of Transportation.
- t. 49 CFR Part 30 - Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors.
- u. 49 CFR Part 32 –Governmentwide Requirements for Drug-Free Workplace (Financial Assistance)
- v. 49 CFR Part 37 –Transportation Services for Individuals with Disabilities (ADA).
- w. 49 CFR Part 41 - Seismic safety of Federal and federally assisted or regulated new building construction.

### **SPECIFIC ASSURANCES**

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Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in this grant agreement.

### **FOOTNOTES TO ASSURANCE C.1.**

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- <sup>1</sup> These laws do not apply to airport planning sponsors.
- <sup>2</sup> These laws do not apply to private sponsors.
- <sup>3</sup> 49 CFR Part 18 and 2 CFR Part 200 contain requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation and circular shall also be applicable to private sponsors receiving Federal assistance under Title 49, United States Code.
- <sup>4</sup> On December 26, 2013 at 78 FR 78590, the Office of Management and Budget (OMB) issued the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards in 2 CFR Part 200. 2 CFR Part 200 replaces and combines the former Uniform Administrative Requirements for Grants (OMB Circular A-102 and Circular A-110 or 2 CFR Part 215 or Circular) as well as the Cost Principles (Circulars A-21 or 2 CFR part 220; Circular A-87 or 2 CFR part 225; and A-122, 2 CFR part 230). Additionally it replaces Circular A-133 guidance on the Single Annual Audit. In accordance with 2 CFR section 200.110, the standards set forth in Part 200 which affect administration of Federal awards issued by Federal agencies become effective once implemented by Federal agencies or when any future amendment to this Part becomes final. Federal agencies, including the Department of Transportation, must implement the policies and procedures applicable to Federal awards by promulgating a regulation to be effective by December 26, 2014 unless different provisions are required by statute or approved by OMB.
- <sup>5</sup> Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
- <sup>6</sup> Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

#### **2. Responsibility and Authority of the Sponsor.**

##### a. Public Agency Sponsor:

It has legal authority to apply for this grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

##### b. Private Sponsor:



It has legal authority to apply for this grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with this application; and to provide such additional information as may be required.

**3. Sponsor Fund Availability.**

It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under this grant agreement which it will own or control.

**4. Good Title.**

- a. It, a public agency or the Federal government, holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
- b. For noise compatibility program projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

**5. Preserving Rights and Powers.**

- a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in this grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
- b. It will not sell, lease, encumber, or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise compatibility program project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in this grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under Title 49, United States Code, to assume the obligations of this grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee all of the terms, conditions, and assurances contained in this grant agreement.
- c. For all noise compatibility program projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise compatibility program project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.

- d. For noise compatibility program projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.
- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
- f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance Title 49, United States Code, the regulations and the terms, conditions and assurances in this grant agreement and shall insure that such arrangement also requires compliance therewith.
- g. Sponsors of commercial service airports will not permit or enter into any arrangement that results in permission for the owner or tenant of a property used as a residence, or zoned for residential use, to taxi an aircraft between that property and any location on airport. Sponsors of general aviation airports entering into any arrangement that results in permission for the owner of residential real property adjacent to or near the airport must comply with the requirements of Sec. 136 of Public Law 112-95 and the sponsor assurances.

**6. Consistency with Local Plans.**

The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport.

**7. Consideration of Local Interest.**

It has given fair consideration to the interest of communities in or near where the project may be located.

**8. Consultation with Users.**

In making a decision to undertake any airport development project under Title 49, United States Code, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.

**9. Public Hearings.**

In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community and it shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary. Further, for such projects, it has on its management board either voting representation from the communities where the project is located or has advised the communities that they have the right to petition the Secretary concerning a proposed project.

**10. Metropolitan Planning Organization.**

In projects involving the location of an airport, an airport runway, or a major runway extension at a medium or large hub airport, the sponsor has made available to and has provided upon request to the metropolitan planning organization in the area in which the airport is located, if any, a copy

of the proposed amendment to the airport layout plan to depict the project and a copy of any airport master plan in which the project is described or depicted.

**11. Pavement Preventive Maintenance.**

With respect to a project approved after January 1, 1995, for the replacement or reconstruction of pavement at the airport, it assures or certifies that it has implemented an effective airport pavement maintenance-management program and it assures that it will use such program for the useful life of any pavement constructed, reconstructed or repaired with Federal financial assistance at the airport. It will provide such reports on pavement condition and pavement management programs as the Secretary determines may be useful.

**12. Terminal Development Prerequisites.**

For projects which include terminal development at a public use airport, as defined in Title 49, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under section 44706 of Title 49, United States Code, and all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning and deplaning from aircraft other than air carrier aircraft.

**13. Accounting System, Audit, and Record Keeping Requirements.**

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of this grant, the total cost of the project in connection with which this grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to this grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which this grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

**14. Minimum Wage Rates.**

It shall include, in all contracts in excess of \$2,000 for work on any projects funded under this grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

**15. Veteran's Preference.**

It shall include in all contracts for work on any project funded under this grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to Vietnam era veterans, Persian Gulf veterans, Afghanistan-Iraq war veterans, disabled veterans, and small business concerns owned and controlled by disabled veterans as defined in Section 47112 of Title

49, United States Code. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

**16. Conformity to Plans and Specifications.**

It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and, upon approval of the Secretary, shall be incorporated into this grant agreement. Any modification to the approved plans, specifications, and schedules shall also be subject to approval of the Secretary, and incorporated into this grant agreement.

**17. Construction Inspection and Approval.**

It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms to the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

**18. Planning Projects.**

In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with the modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

**19. Operation and Maintenance.**

- a. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be

required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. In furtherance of this assurance, the sponsor will have in effect arrangements for-

- 1) Operating the airport's aeronautical facilities whenever required;
  - 2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and
  - 3) Promptly notifying airmen of any condition affecting aeronautical use of the airport. Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.
- b. It will suitably operate and maintain noise compatibility program items that it owns or controls upon which Federal funds have been expended.

#### **20. Hazard Removal and Mitigation.**

It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.

#### **21. Compatible Land Use.**

It will take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.

#### **22. Economic Nondiscrimination.**

- a. It will make the airport available as an airport for public use on reasonable terms and without unjust discrimination to all types, kinds and classes of aeronautical activities, including commercial aeronautical activities offering services to the public at the airport.
- b. In any agreement, contract, lease, or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or to engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor to-
  - 1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof, and
  - 2) charge reasonable, and not unjustly discriminatory, prices for each unit or service,

provided that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

- a.) Each fixed-based operator at the airport shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.
- b.) Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
- c.) Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to facilities directly and substantially related to providing air transportation as are applicable to all such air carriers which make similar use of such airport and utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classification or status.
- d.) It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees [including, but not limited to maintenance, repair, and fueling] that it may choose to perform.
- e.) In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by commercial aeronautical service providers authorized by the sponsor under these provisions.
- f.) The sponsor may establish such reasonable, and not unjustly discriminatory, conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
- g.) The sponsor may prohibit or limit any given type, kind or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.

### **23. Exclusive Rights.**

It will permit no exclusive right for the use of the airport by any person providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of the services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply:

- a. It would be unreasonably costly, burdensome, or impractical for more than one fixed-based operator to provide such services, and
- b. If allowing more than one fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport. It further agrees that it will not, either directly or indirectly, grant or permit any person, firm, or corporation, the exclusive right at the airport to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental

and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under Title 49, United States Code.

#### **24. Fee and Rental Structure.**

It will maintain a fee and rental structure for the facilities and services at the airport which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under Title 49, United States Code, the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate basis in establishing fees, rates, and charges for users of that airport.

#### **25. Airport Revenues.**

- a. All revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and which are directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. The following exceptions apply to this paragraph:
  - 1) If covenants or assurances in debt obligations issued before September 3, 1982, by the owner or operator of the airport, or provisions enacted before September 3, 1982, in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
  - 2) If the Secretary approves the sale of a privately owned airport to a public sponsor and provides funding for any portion of the public sponsor's acquisition of land, this limitation on the use of all revenues generated by the sale shall not apply to certain proceeds from the sale. This is conditioned on repayment to the Secretary by the private owner of an amount equal to the remaining unamortized portion (amortized over a 20-year period) of any airport improvement grant made to the private owner for any purpose other than land acquisition on or after October 1, 1996, plus an amount equal to the federal share of the current fair market value of any land acquired with an airport improvement grant made to that airport on or after October 1, 1996.
  - 3) Certain revenue derived from or generated by mineral extraction, production, lease, or other means at a general aviation airport (as defined at Section 47102 of title 49 United States Code), if the FAA determines the airport sponsor meets the requirements set forth in Sec. 813 of Public Law 112-95.
    - a.) As part of the annual audit required under the Single Audit Act of 1984, the sponsor will direct that the audit will review, and the resulting audit report will provide an opinion concerning, the use of airport revenue and taxes in paragraph (a), and indicating whether funds paid or transferred to the owner or operator are paid or transferred in a

manner consistent with Title 49, United States Code and any other applicable provision of law, including any regulation promulgated by the Secretary or Administrator.

- b.) Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of Section 47107 of Title 49, United States Code.

## 26. Reports and Inspections.

It will:

- a. submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request and make such reports available to the public; make available to the public at reasonable times and places a report of the airport budget in a format prescribed by the Secretary;
- b. for airport development projects, make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreements, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request;
- c. for noise compatibility program projects, make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of this grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request; and
- d. in a format and time prescribed by the Secretary, provide to the Secretary and make available to the public following each of its fiscal years, an annual report listing in detail:
  - 1) all amounts paid by the airport to any other unit of government and the purposes for which each such payment was made; and
  - 2) all services and property provided by the airport to other units of government and the amount of compensation received for provision of each such service and property.

## 27. Use by Government Aircraft.

It will make available all of the facilities of the airport developed with Federal financial assistance and all those usable for landing and takeoff of aircraft to the United States for use by Government aircraft in common with other aircraft at all times without charge, except, if the use by Government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by Government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that –

- a. by gross weights of such aircraft) is in excess of five million pounds Five (5) or more Government aircraft are regularly based at the airport or on land adjacent thereto; or
- b. The total number of movements (counting each landing as a movement) of Government aircraft is 300 or more, or the gross accumulative weight of Government aircraft using the airport (the total movement of Government aircraft multiplied).

## 28. Land for Federal Facilities.

It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at



Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four months after receipt of a written request from the Secretary.

## 29. Airport Layout Plan.

- a. It will keep up to date at all times an airport layout plan of the airport showing:
- 1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto;
  - 2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities;
  - 3) the location of all existing and proposed nonaviation areas and of all existing improvements thereon; and
  - 4) all proposed and existing access points used to taxi aircraft across the airport's property boundary. Such airport layout plans and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The sponsor will not make or permit any changes or alterations in the airport or any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility or efficiency of the airport.
    - a.) If a change or alteration in the airport or the facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested, by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities except in the case of a relocation or replacement of an existing airport facility due to a change in the Secretary's design standards beyond the control of the airport sponsor.

## 30. Civil Rights.

It will promptly take any measures necessary to ensure that no person in the United States shall, on the grounds of race, creed, color, national origin, sex, age, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any activity conducted with, or benefiting from, funds received from this grant.

- a. Using the definitions of activity, facility and program as found and defined in §§ 21.23 (b) and 21.23 (e) of 49 CFR § 21, the sponsor will facilitate all programs, operate all facilities, or conduct all programs in compliance with all non-discrimination requirements imposed by, or pursuant to these assurances.
- b. Applicability
  - 1) Programs and Activities. If the sponsor has received a grant (or other federal assistance) for any of the sponsor's program or activities, these requirements extend to all of the

sponsor's programs and activities.

- 2) Facilities. Where it receives a grant or other federal financial assistance to construct, expand, renovate, remodel, alter or acquire a facility, or part of a facility, the assurance extends to the entire facility and facilities operated in connection therewith.
- 3) Real Property. Where the sponsor receives a grant or other Federal financial assistance in the form of, or for the acquisition of real property or an interest in real property, the assurance will extend to rights to space on, over, or under such property.

c. Duration.

The sponsor agrees that it is obligated to this assurance for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the assurance obligates the sponsor, or any transferee for the longer of the following periods:

- 1) So long as the airport is used as an airport, or for another purpose involving the provision of similar services or benefits; or
- 2) So long as the sponsor retains ownership or possession of the property.

d. Required Solicitation Language. It will include the following notification in all solicitations for bids, Requests For Proposals for work, or material under this grant agreement and in all proposals for agreements, including airport concessions, regardless of funding source:

"The **(Name of Sponsor)**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises and airport concession disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award."

e. Required Contract Provisions.

- 1) It will insert the non-discrimination contract clauses requiring compliance with the acts and regulations relative to non-discrimination in Federally-assisted programs of the DOT, and incorporating the acts and regulations into the contracts by reference in every contract or agreement subject to the non-discrimination in Federally-assisted programs of the DOT acts and regulations.
- 2) It will include a list of the pertinent non-discrimination authorities in every contract that is subject to the non-discrimination acts and regulations.
- 3) It will insert non-discrimination contract clauses as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a sponsor.
- 4) It will insert non-discrimination contract clauses prohibiting discrimination on the basis of race, color, national origin, creed, sex, age, or handicap as a covenant running with the land, in any future deeds, leases, license, permits, or similar instruments entered into by the sponsor with other parties:
  - a.) For the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and

- b.) For the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
- f. It will provide for such methods of administration for the program as are found by the Secretary to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the acts, the regulations, and this assurance.
- g. It agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the acts, the regulations, and this assurance.

### 31. Disposal of Land.

- a. For land purchased under a grant for airport noise compatibility purposes, including land serving as a noise buffer, it will dispose of the land, when the land is no longer needed for such purposes, at fair market value, at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States' share of acquisition of such land will be, at the discretion of the Secretary, (1) reinvested in another project at the airport, or (2) transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order, (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund. If land acquired under a grant for noise compatibility purposes is leased at fair market value and consistent with noise buffering purposes, the lease will not be considered a disposal of the land. Revenues derived from such a lease may be used for an approved airport development project that would otherwise be eligible for grant funding or any permitted use of airport revenue.
- b. For land purchased under a grant for airport development purposes (other than noise compatibility), it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value or make available to the Secretary an amount equal to the United States' proportionate share of the fair market value of the land. That portion of the proceeds of such disposition which is proportionate to the United States' share of the cost of acquisition of such land will, (1) upon application to the Secretary, be reinvested or transferred to another eligible airport as prescribed by the Secretary. The Secretary shall give preference to the following, in descending order: (1) reinvestment in an approved noise compatibility project, (2) reinvestment in an approved project that is eligible for grant funding under Section 47117(e) of title 49 United States Code, (3) reinvestment in an approved airport development project that is eligible for grant funding under Sections 47114, 47115, or 47117 of title 49 United States Code, (4) transferred to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport, and (5) paid to the Secretary for deposit in the Airport and Airway Trust Fund.
- c. Land shall be considered to be needed for airport purposes under this assurance if (1) it may be needed for aeronautical purposes (including runway protection zones) or serve as noise buffer land, and (2) the revenue from interim uses of such land contributes to the financial self-sufficiency of the airport. Further, land purchased with a grant received by an airport operator or owner before December 31, 1987, will be considered to be needed for airport purposes if the Secretary or Federal agency making such grant before December 31, 1987, was

notified by the operator or owner of the uses of such land, did not object to such use, and the land continues to be used for that purpose, such use having commenced no later than December 15, 1989.

- d. Disposition of such land under (a) (b) or (c) will be subject to the retention or reservation of any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with operation of the airport.

**32. Engineering and Design Services.**

It will award each contract, or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.

**33. Foreign Market Restrictions.**

It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

**34. Policies, Standards, and Specifications.**

It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated April 18, 2019, and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

**35. Relocation and Real Property Acquisition.**

- a. It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 CFR Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B.
- b. It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 CFR Part 24.
- c. It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 CFR Part 24.

**36. Access By Intercity Buses.**

The airport owner or operator will permit, to the maximum extent practicable, intercity buses or other modes of transportation to have access to the airport; however, it has no obligation to fund special facilities for intercity buses or for other modes of transportation.

**37. Disadvantaged Business Enterprises.**

The sponsor shall not discriminate on the basis of race, color, national origin or sex in the award and performance of any DOT-assisted contract covered by 49 CFR Part 26, or in the award and performance of any concession activity contract covered by 49 CFR Part 23. In addition, the sponsor shall not discriminate on the basis of race, color, national origin or sex in the administration of its DBE and ACDBE programs or the requirements of 49 CFR Parts 23 and 26. The sponsor shall take all necessary and reasonable steps under 49 CFR Parts 23 and 26 to ensure

nondiscrimination in the award and administration of DOT-assisted contracts, and/or concession contracts. The sponsor's DBE and ACDBE programs, as required by 49 CFR Parts 26 and 23, and as approved by DOT, are incorporated by reference in this agreement. Implementation of these programs is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the sponsor of its failure to carry out its approved program, the Department may impose sanctions as provided for under Parts 26 and 23 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1936 (31 U.S.C. 3801).

**38. Hangar Construction.**

If the airport owner or operator and a person who owns an aircraft agree that a hangar is to be constructed at the airport for the aircraft at the aircraft owner's expense, the airport owner or operator will grant to the aircraft owner for the hangar a long term lease that is subject to such terms and conditions on the hangar as the airport owner or operator may impose.

**39. Competitive Access.**

- a. If the airport owner or operator of a medium or large hub airport (as defined in section 47102 of title 49, U.S.C.) has been unable to accommodate one or more requests by an air carrier for access to gates or other facilities at that airport in order to allow the air carrier to provide service to the airport or to expand service at the airport, the airport owner or operator shall transmit a report to the Secretary that-
  - 1) Describes the requests;
  - 2) Provides an explanation as to why the requests could not be accommodated; and
  - 3) Provides a time frame within which, if any, the airport will be able to accommodate the requests.
- b. Such report shall be due on either February 1 or August 1 of each year if the airport has been unable to accommodate the request(s) in the six month period prior to the applicable due date.



**FAA  
Airports**

## Current FAA Advisory Circulars Required for Use in AIP Funded and PFC Approved Projects

Updated: 4/18/2019

View the most current versions of these ACs and any associated changes at:  
[http://www.faa.gov/airports/resources/advisory\\_circulars](http://www.faa.gov/airports/resources/advisory_circulars) and  
[http://www.faa.gov/regulations\\_policies/advisory\\_circulars/](http://www.faa.gov/regulations_policies/advisory_circulars/)

NUMBER	TITLE
70/7460-1L Change 2	Obstruction Marking and Lighting
150/5000-9A	Announcement of Availability Report No. DOT/FAA/PP/92-5, Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations
150/5000-17	Critical Aircraft and Regular Use Determination
150/5020-1	Noise Control and Compatibility Planning for Airports
150/5070-6B Changes 1- 2	Airport Master Plans
150/5070-7 Change 1	The Airport System Planning Process
150/5100-13B	Development of State Standards for Nonprimary Airports
150/5200-28F	Notices to Airmen (NOTAMS) for Airport Operators
150/5200-30D Change 1	Airport Field Condition Assessments and Winter Operations Safety
150/5200-31C Changes 1-2	Airport Emergency Plan
150/5210-5D	Painting, Marking, and Lighting of Vehicles Used on an Airport
150/5210-7D	Aircraft Rescue and Fire Fighting Communications

NUMBER	TITLE
150/5210-13C	Airport Water Rescue Plans and Equipment
150/5210-14B	Aircraft Rescue Fire Fighting Equipment, Tools and Clothing
150/5210-15A	Aircraft Rescue and Firefighting Station Building Design
150/5210-18A	Systems for Interactive Training of Airport Personnel
150/5210-19A	Driver's Enhanced Vision System (DEVS)
150/5220-10E	Guide Specification for Aircraft Rescue and Fire Fighting (ARFF) Vehicles
150/5220-16E Changes 1	Automated Weather Observing Systems (AWOS) for Non-Federal Applications
150/5220-17B	Aircraft Rescue and Fire Fighting (ARFF) Training Facilities
150/5220-18A	Buildings for Storage and Maintenance of Airport Snow and Ice Control Equipment and Materials
150/5220-20A	Airport Snow and Ice Control Equipment
150/5220-21C	Aircraft Boarding Equipment
150/5220-22B	Engineered Materials Arresting Systems (EMAS) for Aircraft Overruns
150/5220-23	Frangible Connections
150/5220-24	Foreign Object Debris Detection Equipment
150/5220-25	Airport Avian Radar Systems
150/5220-26 Changes 1-2	Airport Ground Vehicle Automatic Dependent Surveillance - Broadcast (ADS-B) Out Squitter Equipment
150/5300-13A Change 1	Airport Design
150/5300-14C	Design of Aircraft Deicing Facilities
150/5300-16A	General Guidance and Specifications for Aeronautical Surveys: Establishment of Geodetic Control and Submission to the National Geodetic Survey
150/5300-17C Change 1	Standards for Using Remote Sensing Technologies in Airport Surveys
150/5300-18B Change 1	General Guidance and Specifications for Submission of Aeronautical Surveys to NGS: Field Data Collection and Geographic Information System (GIS) Standards

NUMBER	TITLE
150/5320-5D	Airport Drainage Design
150/5320-6F	Airport Pavement Design and Evaluation
150/5320-12C Changes 1-8	Measurement, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces
150/5320-15A	Management of Airport Industrial Waste
150/5235-4B	Runway Length Requirements for Airport Design
150/5335-5C	Standardized Method of Reporting Airport Pavement Strength - PCN
150/5340-1L	Standards for Airport Markings
150/5340-5D	Segmented Circle Airport Marker System
150/5340-18F	Standards for Airport Sign Systems
150/5340-26C	Maintenance of Airport Visual Aid Facilities
150/5340-30J	Design and Installation Details for Airport Visual Aids
150/5345-3G	Specification for L-821, Panels for the Control of Airport Lighting
150/5345-5B	Circuit Selector Switch
150/5345-7F	Specification for L-824 Underground Electrical Cable for Airport Lighting Circuits
150/5345-10H	Specification for Constant Current Regulators and Regulator Monitors
150/5345-12F	Specification for Airport and Heliport Beacons
150/5345-13B	Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits
150/5345-26D	FAA Specification For L-823 Plug and Receptacle, Cable Connectors
150/5345-27E	Specification for Wind Cone Assemblies
150/5345-28G	Precision Approach Path Indicator (PAPI) Systems
150/5345-39D	Specification for L-853, Runway and Taxiway Retro reflective Markers
150/5345-42H	Specification for Airport Light Bases, Transformer Housings, Junction Boxes, and Accessories
150/5345-43H	Specification for Obstruction Lighting Equipment



NUMBER	TITLE
150/5345-44K	Specification for Runway and Taxiway Signs
150/5345-45C	Low-Impact Resistant (LIR) Structures
150/5345-46E	Specification for Runway and Taxiway Light Fixtures
150/5345-47C	Specification for Series to Series Isolation Transformers for Airport Lighting Systems
150/5345-49D	Specification L-854, Radio Control Equipment
150/5345-50B	Specification for Portable Runway and Taxiway Lights
150/5345-51B	Specification for Discharge-Type Flashing Light Equipment
150/5345-52A	Generic Visual Glideslope Indicators (GVGI)
150/5345-53D	Airport Lighting Equipment Certification Program
150/5345-54B	Specification for L-884, Power and Control Unit for Land and Hold Short Lighting Systems
150/5345-55A	Specification for L-893, Lighted Visual Aid to Indicate Temporary Runway Closure
150/5345-56B	Specification for L-890 Airport Lighting Control and Monitoring System (ALCMS)
150/5360-12F	Airport Signing and Graphics
150/5360-13A	Airport Terminal Planning
150/5360-14A	Access to Airports By Individuals With Disabilities
150/5370-2G	Operational Safety on Airports During Construction
150/5370-10H	Standards for Specifying Construction of Airports
150/5370-11B	Use of Nondestructive Testing in the Evaluation of Airport Pavements
150/5370-13A	Off-Peak Construction of Airport Pavements Using Hot-Mix Asphalt
150/5370-15B	Airside Applications for Artificial Turf
150/5370-16	Rapid Construction of Rigid (Portland Cement Concrete) Airfield Pavements
150/5370-17	Airside Use of Heated Pavement Systems
150/5390-2C	Heliport Design

NUMBER	TITLE
150/5395-1A	Seaplane Bases

**THE FOLLOWING ADDITIONAL APPLY TO AIP PROJECTS ONLY**

Updated: 3/22/2019

<b>NUMBER</b>	<b>TITLE</b>
150/5100-14E Change 1	Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects
150/5100-17 Changes 1 - 7	Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects
150/5300-15A	Use of Value Engineering for Engineering Design of Airport Grant Projects
150/5320-17A	Airfield Pavement Surface Evaluation and Rating Manuals
150/5370-12B	Quality Management for Federally Funded Airport Construction Projects
150/5380-6C	Guidelines and Procedures for Maintenance of Airport Pavements
150/5380-7B	Airport Pavement Management Program
150/5380-9	Guidelines and Procedures for Measuring Airfield Pavement Roughness

May 20, 2020

MEMORANDUM TO: Honorable Mayor and City Council  
THRU: Charles P. Potucek, City Manager  
FROM: Nathan J. Williams, City Attorney  
SUBJECT: Request for Agenda Item Placement  
Resolution 2020-027, Authorization to Take Legal  
Action Against Jodi Silva

Recommendation:

The City manager recommends approval.

Background:

From 2016 through 2018, the City has been required to perform property maintenance/abatement activities on the property located at 140 E. Friehage Dr., Sierra Vista, Arizona (the "Property"), which is owned by Jodi Silva ("Silva"). The abatement activities were performed pursuant to Sierra Vista City Code at a total cost of \$4,046.63, which constituted a lien against the property in favor of the City. On March 30, 2020, in order to preserve its lien and foreclosure rights on the Property, the City paid an additional \$8,541.51 for unpaid real property taxes levied against the property.

Pursuant to Sierra Vista City Code §150.49(g), Silva is required to pay the lien in equal annual installments until paid in full, but no later than three years from the date of the lien. If the lien is not paid, the City may pursue judicial foreclosure of the lien pursuant to Sierra Vista City Code §150.49(d). To date, Silva has failed or refused to pay any amounts due the City under the abatement lien.

The City Attorney may pursue legal action but only if the Mayor and Council give direction to take such action. This resolution is intended to authorize the City Attorney to take the necessary action to foreclose its abatement lien against Morales pursuant to Sierra Vista City Code §150.49(d).

Budget Appropriation:

Filing Fees and other related expenses for prosecution.

RESOLUTION 2020-027

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; AUTHORIZING AND DIRECTING THE CITY ATTORNEY TO FILE SUCH ACTIONS IN THE COURT (S) OF COMPETENT JURISDICTION ON BEHALF OF THE CITY OF SIERRA VISTA TO JUDICIALLY FORECLOSE ITS ABATEMENT LIEN AGAINST JODI SILVA; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, On November 4, 2016, October 17, 2017 and September 13, 2018, respectively, the City recorded an abatement lien against Jodi Silva arising out of abatement activities performed by the City on the property located at 140 E. Friehage Dr., Sierra Vista, Arizona; and

WHEREAS, under Arizona law and Sierra Vista City Code, Ms. Silva is obligated to repay the lien in no less than three annual installments; and

WHEREAS, Ms. Silva has failed to repay the lien; and

WHEREAS, before the City Attorney may pursue legal action, the Mayor and Council must direct him to do so; and

WHEREAS, it is in the best interest of the citizens of Sierra Vista that such legal action be taken.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the settled policy, which directs the City Attorney to initiate litigation by specific action of the Mayor and City Council be, and hereby is reaffirmed.

SECTION 2

That the City Attorney is hereby authorized and directed to take such action(s) as may be required to enforce the City of Sierra Vista's rights and obligations under those certain Abatement Liens recorded against JODI SILVA on November 4, 2016, October 17, 2017 and September 13, 2018 as Document Nos. 2016-19825, 2017-20186 and 2018-16891, respectively.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 11th DAY OF MAY 2020.

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FREDERICK W. MUELLER  
Mayor

ATTEST:

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JILL ADAMS  
City Clerk

APPROVED AS TO FORM:

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NATHAN J. WILLIAMS  
City Attorney

PREPARED BY:  
Nathan J. Williams, City Attorney

May 14, 2020

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager  
Victoria Yarbrough, Assistant City Manager

FROM: Jill Adams, City Clerk

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT Resolution 2020-028 – Dissolution of the City Council Advisory Bodies known as the Airport Commission, Arts & Humanities Commission, Cultural Diversity Commission, Commission on Disability Issues, Environmental Affairs Commission, Library Advisory Commission, Tourism Commission, Youth Commission, and the West End Commission and Re-establishing them as Departmental Commissions of the same names

RECOMMENDATION:

The City Manager recommends approval.

INITIATED BY:

Mayor Frederick W. Mueller

BACKGROUND:

Over the past year an in-depth evaluation of the role of the various City Boards and Commissions was conducted by the Mayor and discussed with the whole Council at work sessions on 11/12/19, 12/10/19, 01/07/20, and 2/11/20. After extensive discussion and careful consideration, the consensus of the Council was as follows:

1. Maintain the Council Advisory relationship with those Boards and Commissions designated as Regulatory (Planning and Zoning, Park and Recreation, Municipal Property Corporation, Industrial Development Authority, and the Fire and Police Pension Boards)
2. Dissolve the Non-Regulatory Commissions (Airport Commission, Arts & Humanities Commission, Commission on Disability Issues, Commission on Cultural Diversity, Environmental Affairs Commission, Library Advisory Commission, Tourism Commission, West End Commission, and the Youth Commission) and reestablish them as City Department affiliated Commissions

BUDGET APPROPRIATION: Not Applicable.

RESOLUTION 2020-028

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; DISSOLVING THE AIRPORT COMMISSION, ARTS & HUMANITIES COMMISSION, CULTURAL DIVERSITY COMMISSION, COMMISSION ON DISABILITY ISSUES, ENVIRONMENTAL AFFAIRS COMMISSION, LIBRARY ADVISORY COMMISSION, TOURISM COMMISSION, YOUTH COMMISSION, AND THE WEST END COMMISSION ; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the Sierra Vista City Council and the City of Sierra Vista have, for many years, utilized the knowledge and talents of the citizens of Sierra Vista in many areas through its City Council Advisory Commissions, and

WHEREAS, the Airport Commission was last re-established by City Council Resolution 3719 on December 12, 1996; and

WHEREAS, the Arts and Humanities Commission was last re-established by City Council Resolution 3787 on April 24, 1997; and

WHEREAS, the Commission on Disability Issues was last re-established by City Council Resolution 3702 on October 24, 1996; and

WHEREAS, the Commission on Cultural Diversity was established by City Council Resolution 2007-064 on April 26, 2007; and

WHEREAS, the Environmental Affairs Commission was last re-established by City Council Resolution 3734 on January 9, 1997 and re-tasked by Resolution 4508 on March 22, 2001; and

WHEREAS, the Library Advisory Commission was last re-established by City Council Resolution 3721 on November 14, 1996; and

WHEREAS, the Tourism Commission was last re-established by City Council Resolution 2008-181 on December 11, 2008; and

WHEREAS, the West End Commission was last re-established by City Council Resolution 2008-031 on February 28, 2008; and



WHEREAS, the Youth Commission was last re-established by City Council Resolution 3716 on December 12, 1996; and

WHEREAS, the City Council wishes to continue the tradition of citizen participation in the development of policies and other projects; and

WHEREAS, the City Council believes that the transition of the established Commissions from Council Advisory Bodies to Department lead Non-Regulatory Commissions would enhance the ability of the commissioners and staff to better utilize that participation; and

WHEREAS, the City Council wishes to dissolve the aforementioned Council Advisory Commissions to be re-established as City department affiliated Non-Regulatory Commissions.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the Airport Commission, Arts & Humanities Commission, Commission on Disability Issues, Commission on Cultural Diversity, Environmental Affairs Commission, Library Advisory Commission, Tourism Commission, West End Commission, and the Youth Commission are hereby dissolved.

SECTION 2

That the City Manager, with Council guidance, is hereby authorized and directed to issue an administrative directive establishing new Non-Regulatory Commissions, taking into consideration the City's then-existing needs and requirements; and

SECTION 3

That the staff, City Clerk, City Attorney, or their duly authorized officers and agents, are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA THIS 28th DAY OF MAY 2020.

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FREDERICK W. MUELLER  
MAYOR

ATTEST:

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JILL ADAMS  
CITY CLERK

APPROVED AS TO FORM:

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NATHAN J. WILLIAMS  
CITY ATTORNEY

PREPARED BY:  
Jill Adams, City Clerk



Administrative Directive

<b>Responsible Supervisor –</b> City Manager	<b>Dept. of Origin –</b> City Manager	<b>Guideline Code</b> CM-CM	<b>No. of Pgs</b> 4
<b>Guidelines Replaced/Revised –</b>		<b>Origination Date – 02/21/2020</b>	
<b>City Manager Approval:</b>		<b>Date:</b>	

**Title: City of Sierra Vista Non-Regulatory Commissions**

**I. Purpose**

The purpose of a commission is to provide a detailed review of specific issues and to increase public input and citizen participation in the determination of city policies and procedures.

The purpose of this directive is to establish certain commissions and provide policy to describe the method of appointing members to the commission, rules of procedure, attendance requirements, how vacancies on the commission are filled, terms of office for members, and assignment of City staff to provide support.

**II. Definitions**

In Arizona Revised Statutes, the state government authorizes the creation of the Planning and Zoning Commission (A.R.S. 9-461.02). Other commissions are either created by municipal ordinance or resolution, or through administrative directive.

Commissions will be guided by the City Code of Ordinances, Resolutions, administrative directives, and the Boards and Commissions Booklet in carrying out its responsibilities.

The role of a staff liaison is to facilitate and enhance the commission’s operation and effectiveness while acting as the link between the commission and the City Council. Responsibilities of the liaison include providing technical expertise, assistance with research, answering questions related to City policies and procedures, and coordinating the involvement of other departments or commissions as needed. An appropriate designee may be assigned, from time to time, in place of a Division Manager or Department Director. Staff liaisons are

responsible for reporting recommendations and concerns of the commission to their Department Director for proper follow up with the City Manager and/or City Council.

### **III. Operational Guidelines and Functional Structure**

Airport Commission, Arts & Humanities Commission, Cultural Diversity Commission, Commission on Disability Issues, Environmental Affairs Commission, Library Advisory Commission, Tourism Commission, Youth Commission, and the West End Commission are advisory bodies and authorized by this administrative directive. The Department Director or appropriate designee will serve as liaison to the correlating commission.

The structure of the commissions shall be as follows:

1. Commissions will consist of 5 members. Membership will be determined by the location of an individual's residence within the Greater Sierra Vista Community Metropolitan Area.
2. Commission members are appointed by the City Manager.
3. A commission member shall not be absent for more than three consecutive scheduled meeting times without a reasonable excuse. After the third absence during a one-year period, the remaining members of the commission shall vote to retain or recommend that the absentee member be relieved of his or her duties on the commission.
4. Vacancies on commissions are filled by recommendation from the Department Director.
5. The term of office for commission members shall be two years.
6. Commissions will elect a chair and vice-chair. Commission votes will only take place if a quorum is present.
7. Commission will meet not less than for times per year.

### **IV. Agendas and Meetings**

Non-regulatory departmental commissions are not subject to the provisions of the State Open Meeting Laws and are not required to post agendas, record meetings, or prepare minutes. To encourage public involvement in the process, meetings and agendas will be posted on the City website and public attendance will be allowed at the meetings.

### **V. Mission Statements and Duties**

Commissions should have a clearly written mission statement which describes the function the City expects the commission to perform, goals, responsibilities, and any legal obligations. The mission statement for each commission is included in this administrative directive.

#### **Airport Commission**

The mission of the Airport Commission is to provide public input and citizen participation on the policies and procedures that affect the operation and use of the Sierra Vita Municipal Airport; and assist City staff to promote growth and expansion of airport services to the general public.

### **Arts & Humanities Commission**

The purpose of the Arts & Humanities Commission is to assist and advise the Leisure and Library Services Director on matters relating to arts and humanities in the community; advise on art in public places; foster the acquisition and maintenance of facilities relating to arts and humanities; foster programs that promote the cultural community of Sierra Vista; foster the development of short and long term plans relating to arts and humanities activities and facilities in the community; foster the City as a strong supporter of cultural activities for the community; and foster applications for grants and volunteer donors to assist in the development of arts and humanities activities or support for implementing planned activities.

### **Cultural Diversity Commission**

The purpose of the Cultural Diversity Commission is to promote and improve relations and understanding amongst the many diverse ethnic and cultural segments of the City of Sierra Vista through advising and making recommendations to the Leisure and Library Services Director and City management on diversity issues; providing a forum for the community to address matter of concern or interest relating to cultural diversity and awareness; sponsoring educational activities to raise awareness and understanding of the communities diverse cultures; studying, developing, and implementing programs that enhance support, understanding, and community awareness; assisting in fund raising through grants and other resources that will support City programs and activities; and recommending membership to the commission that reflects the broadest levels of diversity in the community.

### **Commission on Disability Issues**

The purpose of the Commission on Disability Issues is to act as a liaison between the City and disabled population of the City by assisting and advising the Community Development Director in the establishment of policies, procedures, rules, regulations, programs, and identifying the needs of the disabled; requesting the City to apply for grants on behalf of the disabled population; recognizing and promoting businesses and individuals that go above and beyond ADA requirements in support of the disabled population; providing input on review processes and public infrastructure improvements; providing information on disability and accessibility issues to the community; and advising the City in considering disability issues on decision-making processes affecting the disabled community.

### **Environmental Affairs Commission**

The purpose of the Environmental Affairs Commission is to advise the Public Works Director on environmental issues, programs, and procedures relating to the following general categories: reduction, reuse, and recycling; energy conservation; environmental stewardship; waste management; community environmental education/outreach; environmental demonstration projects; and water conservation.

### **Library Advisory Commission**

The purpose of the Library Advisory Commission is to advise the Leisure and Library Services Director on matters relating to library services and requirements; and assist the City in promoting library services to the public.

### **Tourism Commission**

The purpose of the Tourism Commission is to advise the Marketing & Communications Manager on policies and strategies related to tourism marketing and visitor services.

**West End Commission**

The purpose of the West End Commission is to assist and advise the Community Development Director in the establishment of plans, policies, activities, and strategies relating to the revitalization and enhancement of the west side of Sierra Vista.

**Youth Commission**

The purpose of the Youth Commission is to advise the Leisure and Library Services Director and City Manager on matters of concern to the youth of Sierra Vista; to recommend and encourage action programs beneficial to the youth of the community; promote a better understanding and integration of youth and the local government; assist in the planning, operation, and evaluation of the local service delivery system for youth related services as consumers of these services; develop and encourage participation by youth in the communities in matters of interest to them and to foster community understanding and support of the projects, aims, and goals of the Youth Commission; and provide a common forum for discussion and coordination of youth activities.