



# SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION

## EXECUTIVE BOARD: REGULAR MEETING

### AGENDA: MAY 21, 2020

---

#### MEETING LOCATION:

City of Sierra Vista: City Hall  
City Manager's Conference Room  
1011 North Coronado Drive  
Sierra Vista, AZ 85635

#### MEETING DATE AND TIME:

May 21, 2020  
4:00 p.m.

#### To attend the meeting by telephone:

Call 1-415-655-0001. Meeting # 287 957 271.

Enter # for Attendee ID. For Arizona Relay  
Service use 1-800-367-8939, or dial 7-1-1.

#### FOR MORE INFORMATION OR TO REQUEST ACCOMMODATION FOR SPECIAL NEEDS:

Website: [www.svmmpo.org](http://www.svmmpo.org)  
Email: [SVMPO@SierraVistaAZ.gov](mailto:SVMPO@SierraVistaAZ.gov)  
Administrator Phone: 520-515-8525

---

#### SVMPO BOARD OF DIRECTORS

*One or more members may participate via teleconference*

Chair:	Rick Mueller, Mayor, City of Sierra Vista
Vice-Chair:	Tom Borer, Supervisor, Cochise County <i>Designated Alternate:</i> Peggy Judd, Supervisor, Cochise County
Member:	Rachel Gray, Councilmember, City of Sierra Vista
Member:	Sarah Pacheco, Councilmember, City of Sierra Vista
Member:	Joy Banks, Councilmember, Town of Huachuca City <i>Designated Alternate:</i> Cynthia Butterworth, Councilmember, Huachuca City
Member (Non-Voting)	Rod Lane, Arizona Department of Transportation

**STAFF:** SVMPO Administrator: Karen L. Lamberton, AICP

---

#### 1. CALL TO ORDER AND ROLL CALL

#### 2. ACCEPTANCE OF THE AGENDA

#### 3. CALL TO THE PUBLIC

This is the time set aside for the public to comment. Speakers are limited to a three-minute presentation and may also submit written comments for the Board files. Members of the Board may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01 (H) action taken as a result of public comment is limited to responding to any criticism, directing staff to review the matter, or scheduling the matter for discussion at a later date.

#### 4. APPROVAL OF MEETING MINUTES

**Action:** Approval of the Board of Directors Regular Meeting Minutes of March 19, 2020.

## **NEW BUSINESS: PRESENTATION/DISCUSSION/POSSIBLE ACTION**

### **5. FY21 TITLE VI UPDATE**

**Action:** The Administrator will provide a very brief update regarding the pending FY21 Title VI update. This plan must be updated annually, a draft for approval has been forwarded to the SVMPO Board from the SVMPO TAC. A conditional approval is being prepared by the ADOT Civil Rights Division after their completion of their preliminary review of an advance copy of the FY21 Title VI Plan.

This is an action item.

### **6. CITY OF SIERRA VISTA HOSTING AGREEMENT**

**Action:** The City of Sierra Vista will brief Board members on the proposed revised hosting agreement for hosting services for the regional MPO. This revised hosting agreement also includes a commitment to a cash match payment agreement.

This is an action item.

### **7. TOWN OF HUACHUCA CITY MATCH AGREEMENT**

**Action:** The Town of Huachuca City will brief Board members on their proposed agreement with the SVMPO on their match requirements. This new agreement includes a commitment to how match will be determined and paid each fiscal year to the MPO.

This is an action item.

### **8. COCHISE COUNTY MATCH AGREEMENT**

Cochise County will update Board members on the status of their proposed match agreement with the SVMPO. This new agreement will include language describing how the County's match will be determined and paid each fiscal year to the MPO.

This is an information item.

### **9. BY-LAW UPDATE TO SECTION IV: FINANCE**

**Action:** The Administrator will present potential language to clarify the timing for determining match requirements as a possible update to the SVMPO By-Laws. Action may be taken to update Section IV Finance: C: Jurisdiction Funding Match.

This is an action item.

## **INFORMATIONAL ITEMS/DIRECTION TO SVMPO ADMINISTRATOR MAY BE GIVEN**

### **10. SOUTHCENTRAL DISTRICT REPORT**

ADOT and/or the Administrator will report on the status of current and potential ADOT projects within the region. This item is the time for the Board to discuss issues or raise questions related to projects under the jurisdiction of ADOT. The Town of Huachuca City has raised an issue of concern regarding the speed limits and enforcement along the stretch of Highway go through the Town with the SVMPO.

This is an information item.

## **11. UPCOMING SCHEDULED MEETINGS and ADMINISTRATOR'S REPORT**

SVMPO TAC Mtg – June 3, 2020 at 10 a.m.

ADOT/FHWA Every Day Counts Stakeholder Mtg – June 11, 2020 10:00 a.m. Phx.

SVMPO Board Mtg – June 18, 2020 at 3:00 p.m.

BPAC Mtg – June 23, 2020 at 10 a.m.

- ❖ The Administrator will brief on the Board on the decision of the MPO Directors to consolidate FHWA and FTA funds for MPO planning activities: consolidated funding will begin in FY22.
- ❖ The Administrator will provide the Board with the most recent SVMPO Ledger and brief the Board on the drafted 2021-2025 Transportation Improvement Program, currently released for public comment and for possible adoption at the June Board meeting.
- ❖ The Administrator will brief the Board on the status of potential updates to the recently FHWA adopted Federal Functional Classified roadway system.
- ❖ The Administrator will brief the Board on Work Program Amendments and Budget Changes. These may include updates to FY21 potential match requirements.
- ❖ The Administrator will advise the Board on the results of the SVMPO On-Call Solicitation rankings.
- ❖ The Administrator will advise the Board on the tentative schedule for the selection of a consultant for the pending 2050 update to the SVMPO Long-Range Transportation Plan.

## **12. ANNOUNCEMENTS, UPDATES and FUTURE AGENDA ITEMS**

This is the time set aside for the SVMPO Board of Director members to share information and current events. Legislative items of interest may also be shared with the Board at this time.

The next Board of Directors meeting is tentatively set for **June 18, 2019 at 3:00 p.m.** The 2021-2025 Transportation Improvement Program will be brought forward for adoption. FY21 Work Program Amendments may also be brought forward for Board review and possible approval.

## **13. EXECUTIVE SESSION**

The SVMPO Board may vote to adjourn to Executive Session pursuant to A.R.S. §38.431.03 for purposes of evaluating the performance of the SVMPO Administrator and/or the SVMPO Administrator contract. The SVMPO Administrator's one-year anniversary in this position was August 27, 2019.

If authorized by the requisite vote of the SVMPO Board, the Executive Session will be held immediately after the vote, at the same location as the SVMPO Regular Board meeting, and will not be open to the public. Discussion and possible action may occur, as permitted under A.R.S. §38.431.03 (A) (1)-(7), related to the performance evaluation and/or contract language regarding her position responsibilities and delegated authority.

## **14. ADJOURNMENT of REGULAR SESSION**

The meeting room is accessible to those individuals with mobility impairments. Individuals with disabilities who require special accommodations or have limited English proficiency and are in need of an interpreter may contact Karen Lamberton at 520.515.8525 at least 72 hours before the meeting time to request accommodations.

Si necesita acomodaciones especiales o un interprete para esta conferencia, debe pnerse en contacto con Karen Lamberton al numero 520.515.8525 por lo menos setenta y dos (72) hora antes de la conferencia.



# SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION BOARD OF DIRECTORS MEETING MINUTES: MARCH 19, 2020

**DRAFT**

---

## MEETING LOCATION:

City of Sierra Vista, City Hall  
City Manager's Conference Room  
1011 North Coronado Drive  
Sierra Vista, AZ 85635

To attend the meeting by telephone:  
Call 1-415-655-0001. Meeting # 287 957 271.  
Enter # for Attendee ID. For Arizona Relay  
Service use 1-800-367-8939, or dial 7-1-1.

## MEETING DATE AND TIME:

March 19, 2020  
3:00 PM

## FOR MORE INFORMATION OR TO REQUEST ACCOMMODATION FOR SPECIAL NEEDS:

Website: [www.svmmpo.org](http://www.svmmpo.org)  
Email: [SVMPO@SierraVistaAZ.gov](mailto:SVMPO@SierraVistaAZ.gov)  
Administrator Phone: 520-515-8525

---

## EXECUTIVE BOARD MEMBERS IN ATTENDANCE:

Chair	Rick Mueller, Mayor, City of Sierra Vista
Vice-Chair	Tom Borer, County Supervisor, Cochise County
Member	Rachel Gray, Vice-Mayor, City of Sierra Vista <i>(telephonically)</i>
Member	Sarah Pacheco, Councilmember, City of Sierra Vista <i>(telephonically)</i>
Member	Joy Banks, Councilmember, Town of Huachuca City <i>(telephonically)</i>

## EXECUTIVE BOARD MEMBERS ABSENT:

Member (Non-Voting)	Jeremy Moore for Rod Lane, Arizona Department of Transportation
---------------------	---

## STAFF:

SVMPO Administrator: Karen L. Lamberton, AICP

## OTHERS PRESENT:

Cynthia Butterworth, Councilmember, Town of Huachuca City, *(alternate member/telephonically)*  
Ed Stilling, FHWA *(telephonically)*  
Kevin Adam, RTAC *(telephonically)*  
Mark Hoffman, ADOT *(telephonically)*

## 1. CALL TO ORDER AND ROLL CALL

Chair Mueller called the meeting to order at 3:08 p.m. Vice-Chair Borer was present. Members Gray, Pacheco, Banks were present via the telephone. A quorum was present. Town Councilmember Cynthia Butterworth, who is the designated alternate to Member Banks was also present by telephone. Chair Mueller welcomed Ed Stillings for FHWA, Kevin Adam for RAC and Mark Hoffman for ADOT who had joined the meeting by telephone.

## **2. ACCEPTANCE OF THE AGENDA**

Chair Mueller asked if the Board had any changes to the Agenda. Hearing none, the Chair asked for a motion to accept the agenda as presented. Member Gray made the motion, Member Banks seconded and the motion passed unanimously.

**MOTION:** Vice-Chair Borer

**SECOND:** Member Banks

**ACTION:** PASSED UNANIMOUSLY 5/0

## **3. CALL TO THE PUBLIC**

No member of the general public was present.

## **4. APPROVAL OF MEETING MINUTES**

Chair Mueller asked if the Board had any comments or questions on the Executive Board Regular Meeting Minutes of January 16, 2020. Board members took a few minutes to look them over and then Vice-Chair Borer moved to approve the January 16, 2020 meeting minutes as presented. Member Banks seconded. The motion passed unanimously.

**MOTION:** Vice-Chair Borer

**SECOND:** Member Gray

**ACTION:** PASSED 5/0

## **5. APPROVAL OF WORK SESSION MEETING SUMMARY**

Chair Mueller indicated that he didn't think that Work Session summaries required approval because there were no action item. The Board concurred and the Chair asked for a motion to accept the February 20, 2020 Work Session meeting summary. Board members indicated that they had no changes and Vice-Chair moved to accept the Work Session meeting summary. Member Gray seconded. The motion passed unanimously.

**MOTION:** Vice-Chair Borer

**SECOND:** Member Gray

**ACTION:** PASSED 5/0

## **CONTINUING BUSINESS: PRESENTATION/DISCUSSION/POSSIBLE ACTION**

### **6. FY20 Bicycle/Pedestrian Advisory Committee Appointments**

The SVMPO has one standing advisory subcommittee: the Bicycle/Pedestrian Advisory Subcommittee. The Board was presented with a recommendation for filling the Hereford/Palominos area citizen representative position with Mr. Mike Baltunis. Both Vice-Chair Borer and Member Gray spoke up in strong favor of appointing Mr. Baltunis citing to his positive involvement in the community and his co-ownership of one of the bike shops in the area. Vice-Chair Borer also stated he might have another interested applicant and the Board was encouraged to continue to recruit to fill all vacancies on this subcommittee.

**MOTION:** Member Gray

**SECOND:** Vice-Chair Borer

**ACTION:** PASSED 5/0

## **NEW BUSINESS: PRESENTATION/DISCUSSION/POSSIBLE ACTION**

### **7. FEDERAL FUNCTIONAL CLASSIFICATION ROADWAY REBALANCING**

The SVMPO staff updated the Board of Directors on the recently adopted FHWA Federally Functionally classified roadways within the SVMPO region. She noted that staff had identified potential discrepancies between submitted and approved roadway segments and what is now appearing on the preliminary December 2019 approved FHWA maps. These changes may affect the newly adopted member jurisdiction match formula calculations.

Chair Mueller indicated that the funding formula needed to set more specifically what measures were being used and when that data was being pulled to set the amounts for match. The statement was made that the Census data and the mid-decade population adjustments made sense for the population figures and that a date certain should be used for when the centerline miles were calculated. A number of dates were suggested but the Board seemed to feel that population is usually released at the end of each calendar year and maybe it made sense to bring those figures forward to the January Board meeting for approval. Member jurisdictions indicated that would be in enough time for their budget planning. The Administrator was directed to bring something forward to the Board for action on this topic at the next meeting.

This was an information item. No action was taken.

### **8. CITY OF SIERRA VISTA HOSTING AGREEMENT**

The Administrator advised that this document had been completed with the work of the City Manager's office and consultation with City departments. It now provides detail on what activities City staff would be undertaking in behalf of the MPO and how that would be invoiced or counted towards match. The City plans to go to a cash match and then invoice the MPO directly for specific office space and services. Commercial rates were determined with the assistance of Tony Boone, the City's economic development director, and agreed to be paid out as high level B Commercial space in terms of lease rates. Language has been reviewed and approved by ADOT as per comments made during contract compliance reviews held earlier this year. The Board had been provided with a final draft copy electronically.

Chari Mueller stated that he wanted to bring all agreements forward together for Board action and since it was known that the County was not yet ready he recommended holding this item for approval until the Board was able to review the final version in more details.

No action was taken.

### **9. TOWN OF HUACHUCA CITY MATCH AGREEMENT**

The Town of Huachuca City reported that they had completed their match agreement and the Town Council had signed off on it in January. This new agreement included a commitment to figure out how the Town would pay their match that fiscal year and provide

that information to the MPO each year. The three options to pay match - staff resources, services or cash contributions - could then be considered each year depending on what the Town's resources were projected to be at that time. The Town attorney drafted this document and also gave permission for that document to be transmitted over to the County for their use, if they so desired.

Member Banks indicated that although their Town Council had already signed off on their agreement she had no objection to bringing all three Agreements forward for action at once.

No action was taken.

**10. COCHISE COUNTY MATCH AGREEMENT**

Cochise County advised that they had not yet completed their agreement. Vice-Chair Borer advised that he had some questions about the formula and use of the funds. The Administrator advised that the requested match funds were for annual, ongoing operations of the MPO as set forth and approved by the Board in the annual Work Program. Project related match funds were agreed to and paid for per individual agreements by each jurisdiction as set forth and approved by the Board in the annual Transportation Improvement Program (TIP).

Vice-Chair Borer indicated his concern with the County's financial situation and likely significant losses of revenues in this next year. Chari Muller stated that match requirements to the SVMPO did not need paid all at once but could be paid on a payment plan. The Administrator noted that staff assistance or other services also could be used to help to make required match contributions and that a combination of options could be used as well depending what worked best for that given fiscal year.

No action was taken.

**INFORMATIONAL ITEMS**

**11. Title VI FY21 Report**

The Administrator stated that this plan must be updated annually and a preliminary draft will be presented for approval by the Board in May 2020. The final documents must include approved minutes so she would be looking for this to be an action item in May. The Administrator very briefly went over several demographic shifts that had occurred between the 2017 and 2018 released American Community Survey data with the Board. She stated this updated data will be incorporated into the FY21 update that the Board would be presented with in May.

This was an information item. No action was taken.

**12. FEDERAL HIGHWAY ADMINISTRATION (FHWA) REPORT**

Ed Stilling, the SVMPO FHWA Liaison, reported on the status of current and potential federal activities within the State and region. He advised that all federal agencies were placing their employees into tele-work options and limiting travel. He advised that FHWA staff were still

committed to keeping things going, in particular making sure that federal funds were paid out for ongoing reimbursement requests. He mentioned the availability of two grant funding sources – neither one has been applied for by the SVMPO at this time. The Administrator advised that this region is simply not competitive for those grants – they are targeted for large agencies and projects.

Federal transportation re-authorization bills are stalled at this time although there is a draft version from the transportation committee. It currently expires on Sept. 30<sup>th</sup>. Chair Muller advises that our own congressional delegation will need to be contacted as the reauthorization is a key thing that has to be addressed.

This was an information item. No action was taken.

**13. SOUTHCENTRAL DISTRICT REPORT**

The Administrator advised that ADOT's Jeremy Moore sends his regrets but was unable to call in. However, he had sent in information that the pedestrian signal project was underway and should be completed by the end of this month.

This was an information item. No action was taken.

**14. RURAL TRANSPORTATION ADVOCACY COUNCIL REPORT**

The RTAC Liaison, Kevin Adam, shared with the Board legislative highlights for this current legislative session. There are several bills directly related to transportation funding making their way through the Arizona legislature at this time but budget discussions have been delayed by the immediate need to turn the State's attention to the COVID potential impacts. A robust discussion occurred with Board members about current legislation and activities of both the House and Senate about pending bills. Member Gray noted that when Governor Dulcy visited Sierra Vista he was asked point blank about transportation funding via an increase in the gas tax and he was very clear that he would not sign off on any increase in taxes of any kind. Right now there are enough votes in the House to pass the bill but not enough to overcome a veto threat – the Speaker of the House and Senate President are working on some compromise language to see if a super-majority vote can be reached.

The issue with the COVID virus could have a significant and immediate impact on Arizona economy and the State legislature is attempting to quickly close their session or take a lengthy recess.

This was an information item. No action was taken.

**15. UPCOMING SCHEDULED MEETINGS and ADMINISTRATOR'S REPORT**

BPAC Mtg – March 31, 2020 at 10 a.m. The Administrator advised that this meeting will either be cancelled or held as a tele-conference.

COG/MPO Planning and Directors Mtg, AZTA Conference, April 13<sup>th</sup> 10 a.m. The Administrator advised that this meeting was being held with the AZTA conference,, which has been cancelled. It has not yet been re-set. She also advised that the pending APA Conference was also cancelled.



SVMPO Board of Directors Work Session – April 16, 2020 at 3:00 p.m.

- ❖ The Administrator stated that MAG has now formally agreed to the proposal to consolidate the FHWA and FTA planning funds. ADOT will begin to work with FHWA and FTA to set this option in place for the FY22 planning year.
- ❖ The Administrator briefly summarized potential changes to the STBG Ledger and the Transportation Improvement Program projects.
- ❖ The Administrator advised that legal counsel had completed review of the final draft On-Call Solicitation and this is expected to be released within this month.

**16. ANNOUNCEMENTS AND UPDATES**

Member Banks advised that the Town had just selected a new Town Manager but the interim Town Manager would assist with the transition for at least one more month.

Member Gray stated she would be getting out the Administrator's performance evaluation soon to all Board members.

Member Pacheco asked what the Hydrology Study was for and it was noted that this was a floodplain study for an eventual bridge for a roadway extension of Avenida Escuela. A development agreement is in place with Walmart to pay 50% of the roadway extension but there is a deadline on when Walmart has agreed to put in their share so this project needed to get started.

**17. FUTURE AGENDA ITEMS**

A Board of Directors Work Session is tentatively scheduled for **April 16<sup>th</sup> at 3:00 p.m.** One potential item is reviewing the current Administrator's contract for potential revisions pending the completion of the Administrator's annual review and discussion of contract renewal. The Administrator advised that materials had been sent to the Board's attention via e-mail just shortly before the meeting regarding the pending contract renewal and the matter might be able to be handled without a meeting if the SVMPO Board members were in agreement with the recommended changes. Chair Muller stated that he wanted the Administrator's performance evaluation completed first and would have the City's HR Dept. develop a Contract Renewal.

The Administrator also advised that the Board could expect to see the Title VI Report for approval, Work Program Amendments and all three jurisdiction Agreements at the next meeting.

The next Board of Directors meeting is tentatively set for **May 21, 2019 at 3:00 p.m.**

**18. ADJOURNMENT of REGULAR SESSION**

Chair Mueller adjourned the regular meeting at 4:20 p.m.



# Sierra Vista Metropolitan Planning Organization Memorandum

**To:** SVMPO Board of Directors  
**From:** Karen L. Lamberton, AICP, SVMPO Administrator  
**Date:** May 21, 2020  
**Subject:** FY21 Title VI Update

---

The SVMPO FY20 Title VI Plan was adopted on May 16, 2019 and accepted by ADOT's Civil Rights Division on August 13, 2019. In 2019, a Title VI Compliance review was held, the SVMPO completed an Action Plan and resolved outstanding deficiencies noted at that time. Several new best practices have then since been implemented, including demographic outreach boards and demographic data collection forms for Procurement activities that have been shared State-wide with other MPO's/COG's.

This FY21 follows the FY20 approved Title VI plan format and has the most current mandated Assurances, 2014-2018 American Community Survey demographic data and updated maps. Changes in the region include:

- Reduction of population by 201 people.
- Reduction of households by 69 occupied homes; with increased vacancies of 0.3%.
- Increase in 798 people reporting themselves as a minority; this increases the number of Hispanics by .05% in the region.
- An increase of 0.8% now report speaking English only in their household.
- An increase of 0.6% of married couples with children reporting poverty level incomes.
- A decline of 0.2% of those driving alone to work is mirrored by an increase of 0.2% of those reporting that they now work from home.
- Households reporting zero vehicles also increased by 0.1%.
- The region still has three Census Tracts indicating that they meet the threshold of over 5% of the population speaking Spanish; however, only one is now in the West End area. The other two are now showing up in Hereford and Palominas areas within the County.

A preliminary review of this draft was completed by ADOT's Civil Rights Division and all their suggested revisions have been made.

The FY21 Title VI Plan is due to the Civil Rights Division by June 30<sup>th</sup>, with approved Board minutes adopting the Plan as an attachment. Therefore, it is being presented for SVMPO Board approval at this May 21<sup>st</sup> Board meeting and then will be formally transmitted with approved minutes, and any changes the Board requests, after the June 18<sup>th</sup> Board meeting.

**Attachments:** The FY21 Title VI Plan (attachments and maps available on-line with the complete (10 MG) Title VI Plan; Limited English Proficiency (Spanish) map; North Garden/Fry Blvd Minority Project Map.

**Action Requested:** A motion to approve the FY21 Title VI Plan and forward to ADOT Civil Rights Division for approval.



## SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION TITLE VI PLAN: FY2021

---

# FY 2021 TITLE VI and ENVIRONMENTAL JUSTICE PLAN

Transportation Planning & Transportation Improvements

Sierra Vista Metropolitan Planning Region

Adopted on *Pending*

Sierra Vista MPO Board of Directors

Approved on *Pending*

ADOT Civil Rights Division

**DRAFT**

Prepared by the Sierra Vista MPO  
401 Giulio Cesare Ave  
Sierra Vista, AZ 85635  
[www.svmmpo.org](http://www.svmmpo.org)

## TABLE OF CONTENTS

Introduction.....	2
Federal Funding for SVMPO Planning and Programming .....	2
SVMPO Location.....	2
SVMPO Signed Policy Statement.....	4
General Assurances: Federal Aid Highway Program.....	4
Notice to the Public.....	7
Public Education of Title VI Information.....	8
SVMPO Organization and Staffing.....	8
Data Collection/Reporting and Analysis .....	10
SVMPO Program Areas .....	11
Demographic Profile for SVMPO Region.....	13
Limited English Proficiency.....	14
Environmental Justice.....	16
Disadvantaged Business Enterprises.....	17
Public Participation and Outreach.....	17
Complaint Procedures.....	19
Title VI Training .....	20
Compliance and Enforcement Procedures .....	21
Programs, Contracts and Sub-Recipient Reviews.....	21
Plan Timeframe and Update Schedule.....	22
Title VI Plan Goal.....	22
Attachments:	
Title VI Notice to the Public	
Title VI Non-Discrimination Complaint Procedures	
Title Complaint Form English & Spanish	
Signed Appendices A, B, C, D & E	
Demographic Maps of SVMPO Region	
SVMPO Demographic Report	
Approved Executive Board Meeting Minutes of May 21, 2020	

## INTRODUCTION

The Sierra Vista Metropolitan Planning Organization, known as SVMPO, was formed in 2013, after the area reached a Census designated urban population of 50,000. It is the Federal and State designated Regional Transportation Planning Organization for the southwestern portion of Cochise County, located in southeast Arizona.

The SVMPO is governed by an Executive Board consisting of elected officials from each of the three member jurisdictions. The Executive Board exercises the powers invested in it under 23 U.S.C. 104 (f) and 49 U.S.C. 5305 to carry out the provisions of 23 U.S.C. 134/49 U.S.C. 5303, which includes the power to enter into agreements with other governmental entities for accomplishing necessary duties and responsibilities described under law. In addition, SVMPO is guided by a Joint Project Agreement with the Arizona Department of Transportation and an annual Work Program that describes responsibilities and planned activities to providing continuing, coordinated and comprehensive regional transportation planning.

The SVMPO is committed to encouraging participation in regional planning activities by all area residents. This agency has a nondiscrimination policy that addresses Title VI, Environmental Justice (EJ) and other relevant federal and state statutes. No person, on the grounds of race, color, national origin, gender, age, disability, income status or Limited English Proficiency (LEP), shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any SVMPO sponsored program of activity. Public outreach and data analysis are two tools used to ensure that equal benefits and disproportionate burdens are assessed during project development. This Title VI Plan sets out the SVMPO policies and assurances in compliance with Title VI of the Civil Rights Act of 1964 and the 1994 Presidential Executive Order 12898.

### Title VI of the Civil Rights Act of 1964

**"No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination, under any program or activity receiving Federal financial assistance."**

## Federal Funding for SVMPO Planning and Programming

The SVMPO currently receives the following federal funding for planning and programming in the SVMPO region:

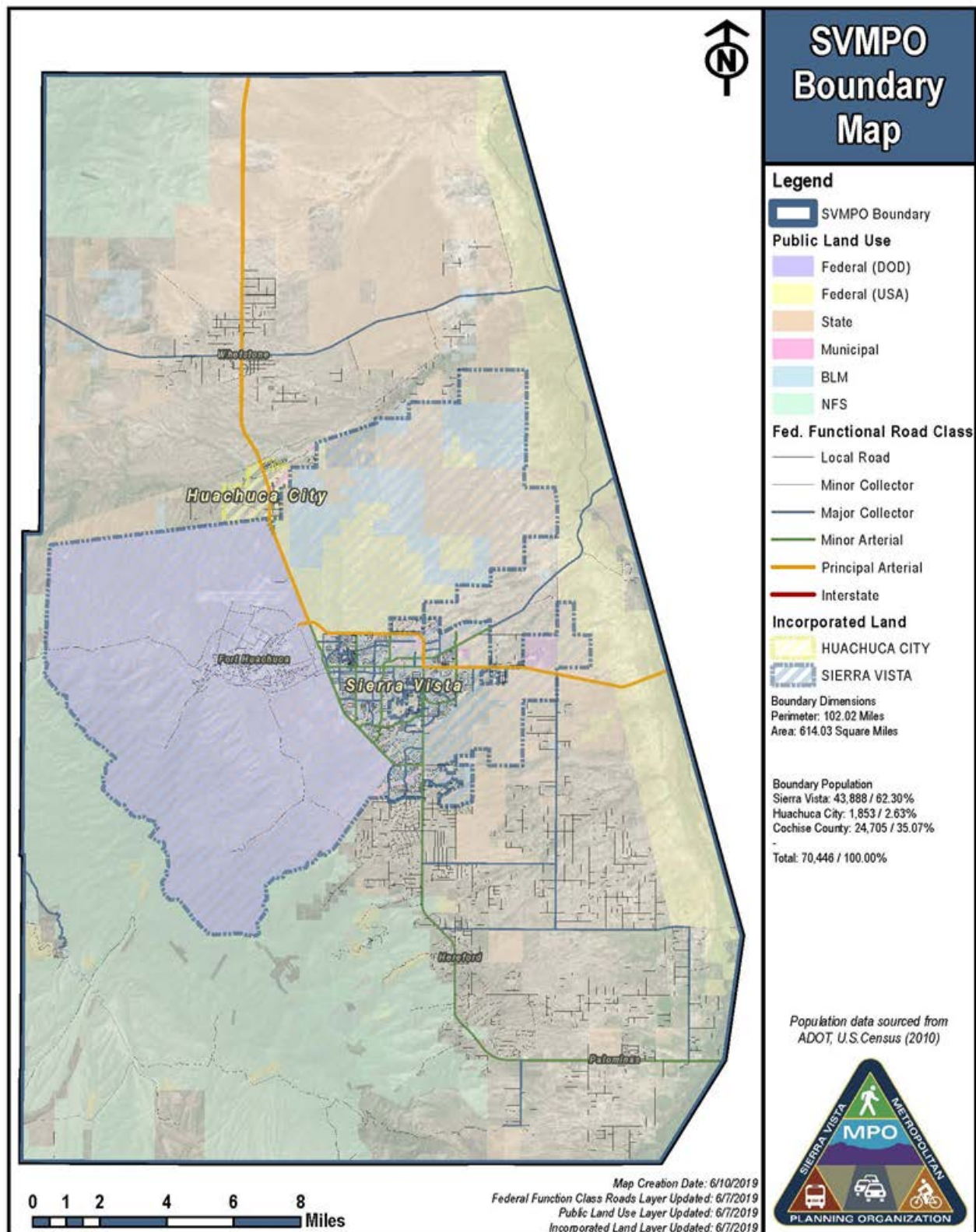
- ❖ State Planning and Research Funds (SPR)
- ❖ Metropolitan Planning Funds (PL)
- ❖ 5303 Transit Planning Funds

The SVMPO also coordinates, with their member jurisdictions, grant funding from public and private sources.

## SVMPO Location

SVMPO is located in the southeast corner of Arizona. There are currently two incorporated areas within the SVMPO; the City of Sierra Vista and the Town of Huachuca City. Portions of southwest unincorporated Cochise County are included within the SVMPO boundaries. The City Limits for Sierra Vista also includes Fort Huachuca, a United States Army Base. Other jurisdictions within Cochise County and key areas outside of Cochise County are frequently included in planning processes in order to help evaluate connectivity and outside impacts. On January 18, 2018, the SVMPO Executive Board approved an expansion of the MPO planning boundaries. This expansion increased the MPO area to 614.03 square miles, reaching to the international border with Mexico to the south, the Pima and Santa Cruz County boundaries to the west, to

the City of Benson jurisdiction boundary to the north and the San Pedro river corridor to the east. The MPO now includes federal and state owned lands, including the Coronado National Forest.



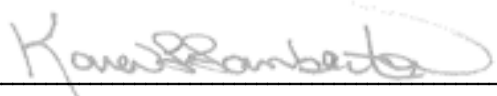


## SVMPO SIGNED POLICY STATEMENT

The SVMPO Title VI Policies have not been changed and are supported by the following policy statement:

The Sierra Vista Metropolitan Planning Organization (SVMPO) is committed to ensuring that no person is discriminated against on the grounds of color, race, or national origin as provided by Title VI of the Civil Rights Act of 1964 and related authorities. Specifically, Title VI asserts that, "No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance." Additional protections are provided in other federal and state authorities for individuals with Limited English Proficiency, income status, sex, disability, and age.

SVMPO strives to ensure nondiscrimination in all of its programs and activities, whether those programs and activities are federally funded or not. As a sub-recipient of federal funding, SVMPO is responsible for initiating and monitoring Title VI activities, preparing required reports, and other responsibilities. The U.S. Department of Transportation Title VI implementing regulations can be found at 49 CFR part 21.

  
\_\_\_\_\_  
Karen L. Lamberton, AICP, SVMPO Administrator

May 21, 2020  
Date

## ASSURANCES

The SVMPO has signed the following assurances in compliance with federal civil rights requirements:

### General Assurances: Federal Aid Highway Program

#### Sierra Vista Metropolitan Planning Organization Title VI Assurances: FHWA

The Sierra Vista Metropolitan Planning Organization (herein referred to as the "Recipient"), HEREBY AGREES THAT, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through *Federal Highway Administration and Arizona Department of Transportation*, is subject to and will comply with the following:

#### Statutory/Regulatory Authorities

- 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);
- 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation--Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.



## **General Assurances**

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda and/or guidance, the Recipient hereby gives assurances that it will promptly take any measures necessary to ensure that:

*"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the Federal Highway Administration.*

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

## **Specific Assurances**

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its *Federal Aid Highway Program*.

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.
2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with all *Federal Aid Highway Program* and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

*"The **Sierra Vista Metropolitan Planning Organization**, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252.42 U.S.C. §§ 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 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."*

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.
4. The Recipient will insert the clauses of Appendix B of this Assurance, 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 Recipient.
5. That where the Recipient receives Federal financial assistance to a construct a facility or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Recipient receives Federal financial assistance in the form, 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.

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient 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.

8. That this Assurance obligates the Recipient 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 Recipient, or any transferee for the longer of the following periods:

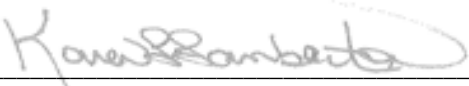
- a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
- b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official whom he/she delegates specific authority 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.

10. The Recipient 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.

By signing this ASSURANCE, **Sierra Vista Metropolitan Planning Organization** also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing *Federal Highway Administration or Arizona Department of Transportation* access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the *Federal Highway Administration or Arizona Department of Transportation*. You must keep records, reports, and submit the material for review upon request to *Federal Highway Administration, Arizona Department of Transportation*, or its designee in timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

**Sierra Vista Metropolitan Planning Organization** gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the *Federal Highway Administration and Arizona Department of Transportation*. This ASSURANCE is binding on Arizona, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors', transferees, successors in interest, and any other participants in the *Federal Aid Highway Program* the person(s) signing below is authorized to sign this ASSURANCE on behalf of the Recipient.

  
\_\_\_\_\_  
Karen L. Lamberton, AICP, SVMPO Administrator

May 21, 2020  
\_\_\_\_\_  
Date

## General Assurances: Federal Transit Administration

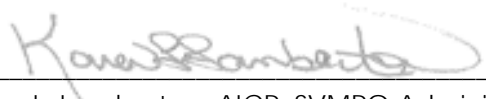
### Sierra Vista Metropolitan Planning Organization Title VI Assurances: FTA

The Sierra Vista Metropolitan Planning Organization HEREBY CERTIFIES THAT, as a condition of receiving Federal financial assistance under the Federal Transit Act of 1964, as amended, it will ensure that:

1. No person on the basis of race, color, or national origin will be subjected to discrimination in the level and quality of transportation services and transit-related benefits.
2. The Sierra Vista Metropolitan Planning Organization will compile, maintain, and submit in a timely manner Title VI information required by FTA Circular 47021B and in compliance with the Department of Transportation's Title VI regulation, 49 CFR Part 21.9(b).
3. The Sierra Vista Metropolitan Planning Organization will make it known to the public that those person or persons alleging discrimination on the basis of race, color, or national origin as it relates to the provision of transportation services and transit-related benefits may file a complaint with the Federal Transportation Administration and/or the U.S. Department of Transportation.

### Certification

THIS ASSURANCE is given in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property, discounts or other Federal financial assistance extended after the date hereof to the Sierra Vista Metropolitan Planning Organization by the Department of Transportation under the Federal-aid Highway Program/Federal Transit Grant Program and is binding on it, other recipients, subgrantees, contractors, subcontractors, transferees, successors in the interest and other participants in these same Federal-aid programs. The person whose signature appears below is authorized to sign this assurance on behalf of the Sierra Vista Metropolitan Planning Organization.

  
\_\_\_\_\_  
Karen L. Lamberton, AICP, SVMPO Administrator

May 21, 2020  
Date

APPENDICES A, B, C, D AND E are provided in the Attachments to this Plan.

## NOTICE TO THE PUBLIC

Continuing compliance with Title VI, EJ and LEP policies are an ongoing effort performed with every program and project activity. Information about non-discrimination policies and the rights of the public are provided at every meeting location, posted at the SVMPO Administrator's office and are on the SVMPO website.

Public Meeting Notices are posted at the SVMPO Office lobby, located at 401 Giulio Cesare Ave, Sierra Vista, Arizona, 85603; posted on the SVMPO Website at [www.svmppo.org](http://www.svmppo.org) and disseminated for additional courtesy posting to all member jurisdictions. These postings include:

- ❖ Cochise County Offices at 1415 Melody Lane, Bisbee, Arizona 85603
- ❖ City of Sierra Vista City Hall at 1011 N. Coronado Drive, Sierra Vista, AZ 85635
- ❖ Town of Huachuca City Town Hall at 500 N. Gonzales Blvd., Huachuca City, AZ 85616

The Title VI Notice to the Public is provided in the Attachments to this Plan.

## PUBLIC EDUCATION OF TITLE VI INFORMATION

Public education regarding Title VI, EJ and LEP programs and strategies is on-going. Inclusive public outreach strategies are identified in the SVMPO Public Participation Plan, last adopted January 17, 2019, and include:

- ❖ Use of local media through press releases, paid advertisements and legal notices;
- ❖ Maintaining a website to disseminate information and provide data, plans and studies to the public;
- ❖ Providing information about rights under Title VI, EJ and LEP along with opportunities for discussion at formal and information meetings with the public about issues of concern to these population groups;
- ❖ Posters regarding Title VI rights and processes to file complaints are posted at all member jurisdiction's offices

The SVMPO is committed to incorporating an effective public process into future planning efforts, project development and program activities.

## SVMPO ORGANIZATION & STAFFING

Regional planning activities of the SVMPO are supported by multiple partners and under the direction of the SVMPO Administrator. At the time of this Plan, SVMPO has one Full-Time-Equivalent (FTE) staff person, one part-time student intern, supported with in-kind staff support from all three member jurisdictions.

### Title VI Coordinator

The SVMPO Title VI Coordinator is Karen L. Lamberton, SVMPO Administrator, located at 401 Giulio Cesare Ave., Sierra Vista, Arizona, 85635-2411. Office Phone: 520-515-8525 E-Mail: [svmpo@SierraVistaAz.gov](mailto:svmpo@SierraVistaAz.gov)

Compliance for the SVMPO transportation planning program with Title VI and EJ requirements falls under the duties of the SVMPO Administrator, which includes activities such as project reporting, data collection, providing Title VI/EJ training and complaint response and resolution.

### Responsibilities of SVMPO Partners

Title VI and Environmental Justice (EJ) activities are undertaken by partners working closely together to ensure that all people in the region have a voice in, and benefit from, investments made in transportation. These agencies include:

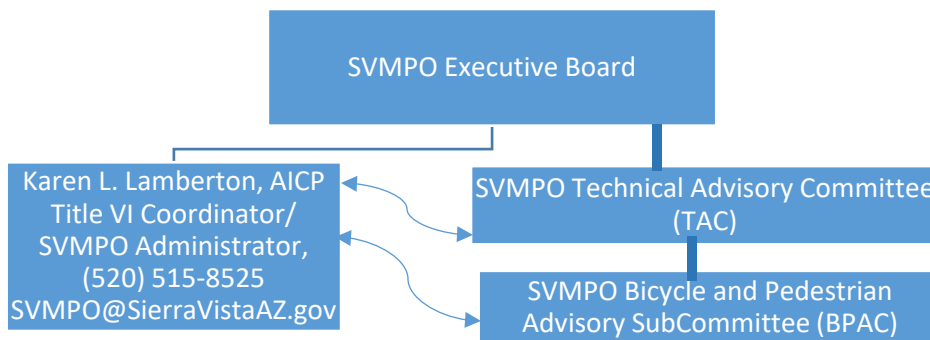
- ❖ The SVMPO member jurisdictions have primary responsibility for Title VI and EJ analysis under the National Environmental Policy Act (NEPA) for local construction projects, funded through the SVMPO.
- ❖ The Arizona Department of Transportation has primary responsibility for providing guidance and oversight on regional construction projects as well as conducting Title VI and EJ analysis for highway projects within the SVMPO region.
- ❖ Vista Transit, as the designated recipient for Federal Transit Administration (FTA) funds, transit operators and sub-recipients of FTA funds have the primary responsibility for Title VI and EJ analysis for transit service and transit projects subject to the National Environmental Policy Act (NEPA).

The SVMPO Long-Range Transportation Plan, and subsequent updates, assesses the impacts of proposed transportation benefits and impacts on vulnerable population groups. Agreements and contracts are reviewed by the SVMPO fiscal agent (City of Sierra Vista) to ensure compliance with Title VI requirements. Project sponsors also consider targeted outreach strategies appropriate to the project area, in keeping with the adopted SVMPO Public Participation Plan.

### Executive Board and Committees

It is the function of the Executive Board to act as a policy body, coordinating all SVMPO activities, programs and projects. The Executive Board must approve all agreements and contracts, and authorizes the SVMPO Administrator or other designated staff to sign all appropriate documents related to agreements and contracts. **The SVMPO Executive Board must also review and approve the Title VI Plan and Public Participation Plan.**

The Executive Board consists of elected officials from all the member jurisdictions and a representative from the Arizona Department of Transportation, SouthCentral District. The District representative participates on behalf of the State Transportation Board and is a non-voting member, per the SVMPO By-Laws.



It is acknowledged that there is an over-representation of white, non-Hispanic on the SVMPO Executive Board and committees. However, it is also acknowledged that the Executive Board is made of elected officials, the committee members are appointed by virtue of their position or expertise (e.g. City or County engineers) and that those positions are recruited by the member jurisdictions through non-discriminative and open processes. The process to select members of the SVMPO Executive Board and all SVMPO committees (currently two: Technical Advisory Committee (TAC) and the Bicycle/Pedestrian Advisory Subcommittee BPAC) is set out in the adopted SVMPO By-Laws, Section III, B1 & C3.

Given the limited number of committees and membership on those committees, changes in even one member's ethnicity, race or national origin significantly adjusts the demographic percentages. For example, the recent hiring of Ms. Jing Luo as the Sierra Vista City Engineer, adjusted the percent of representation by Asian's to 12.5 percent of committee representation in contrast to the 2.6 percent within the region. Nevertheless, proactive recruitment of Hispanic or non-white representatives to subcommittees is desired to more equally represent the SVMPO population as a whole.

## Ethnicity and Gender Statistics for SVMPO Region, Executive Board, Committees and Staff

	RACE/ETHNICITY						GENDER	
SVMPO	White Non-Hispanic	Hispanic	Black Non-Hispanic	Asian Non-Hispanic	Native American Non-Hispanic	Multi-Racial Non-Hispanic	Male	Female
SVMPO	63.0%	24.4%	4.8%	2.6%	0.8%	3.7%	47.7%	52.2%
Executive Board	100%	0	0	0	0	0	40.0%	60.0%
SVMPO TAC Committee	87.5%	0	0	12.5%	0	0	62.5%	37.5%
SVMPO BPAC	100%	0	0	0	0	0	57.1%	42.9%
SVMPO Staff	100%	0	0	0	0	0	50%	50%

Chart does not include 0.3% Pacific Islander or 0.1% Some Other Race/Non-Hispanic Categories

## DATA COLLECTION/REPORTING AND ANALYSIS

Title VI reporting is typically completed and reported to Arizona Department of Transportation's Civil Rights Division on an annual basis. Data is retrieved from the Bureau of the Census (decennial Census data and American Community Survey/ACS data) as well as from other sources that compile and report this data such as the Maricopa Association of Governments Demographic Viewers (<https://maps.asmag.gov>), University of Arizona and Cochise College economic departments. The Executive Board and Committee members are offered the opportunity to self-report demographic data for the purposes of Title VI reporting. Additional surveys and neighborhood scaled outreach efforts supplement collected data with self-reported or real-time observed data. The SVMPO is developing strategies to collect and compare demographic data during outreach events and activities for inclusion in the upcoming FY21 Long-Range Transportation Plan effort.

The U.S. Census Bureau is the source of data used for determining the environmental justice communities of concern. The unit of analysis is typically Census Tracts: small, fixed boundaries that are updated every ten years as part of the Census Bureau's Participant Statistical Areas Program. Census tracts have an average population size of 4,000 people, but may range in size from 1,200 to 8,000 people. Census Tracts are defined to provide a standard geographical unit for presentation of statistical data. Boundaries tend to follow visible and identifiable features and allow for statistical comparisons over time. Data collected includes information about ethnicity, race, socio-economic factors, demographic profile and quality of life measures (such as housing and rental costs). Data may be analyzed on a region-wide basis or narrowed to a specific project or planning area by the SVMPO Administrator with the assistance of GIS and Planning staff of the member jurisdictions, academic and economic development professionals and consultants.

The SVMPO plans to gather demographic data, specifically related to ethnicity/race but when appropriate also gender, age and income at meetings, public outreach events, and associated with SVMPO internal program areas. Survey forms have been developed: the SVMPO is also in the process of developing a standardized visual survey form for use. The SVMPO Title VI Coordinator will be the lead staff member to ensure the following assessment steps are undertaken.

1. With the use of survey tools (visual, written, electronic) demographic data, will be collected.
2. This data, once collected, would be assessed and compared to regional and project area data.
3. An analysis of trends would be completed.
4. Outreach strategies and materials could be adjusted, if needed, to improve outreach into protected population groups that are not being adequately reached.
5. Recommendations and revised activities/strategies would be included in annual Title VI Plan updates and in amendments or updates of the SVMPO Public Participation Plan.

The SVMPO boundary does not follow precisely along Census Tract boundaries. All tracts within the SVMPO Planning Boundary are used but, in some cases, may also include portions of Tracts located outside of the SVMPO boundaries. Analysis often compares the SVMPO region to other geographic units such as individual member jurisdictions, other MPO's or the State.

### SVMPO Program Areas

Title VI and EJ Issues are communicated, and considered, as planning activities move through the SVMPO committee process. This generally begins with the technical and advisory committees and concludes with the final deliberations and decisions of the Executive Board. Data is used to inform decision makers of the implications of project or planning decisions on these protected population groups, to develop projects or planning activities that mitigate or enhance transportation services to protected population groups and to target specific outreach mechanisms to engage these groups. An example of this process was the identification of hearing impaired transit riders and potential riders throughout the Vista Transit route system, which led to the development of a funded project to place monitors on buses to provide visual notification of arrival at bus stops. Demographic data on bidders and selected consultants are also collected on a voluntary basis potentially allowing comparative data to be tracked over time. Staff are working with their Fiscal Agent to obtain provided demographic data for all previously issued contracts for future analysis and reporting. Internal program area information will be compiled and reviewed on an annual basis.

The adopted SVMPO Work Program and Budget defines the activities of the internal programs that are overseen by the SVMPO. The SVMPO Technical Advisory Committee provides direction to the SVMPO Administrator on implementing the Board approved work program tasks. Work program elements for FY20/FY21 consists of nine categories described in the following Table:

WORK PROGRAM ELEMENT			PUBLIC Interaction LEVEL	DATA COLLECTION STRATEGIES
1	Administration	Administer the MPO, support, participate and attend MPO, jurisdiction and regional meetings, administrative tasks.	Low	Rare contact with the public on this work element. Track Title VI demographics at SVMPO meetings via self-reporting, observation, survey tools; log data related to inquiries to the SVMPO office to the extent provided; Collect data from bidders and selected consultants for MPO contracts.

WORK PROGRAM ELEMENT			PUBLIC Interaction LEVEL	DATA COLLECTION STRATEGIES
2	Transportation Systems Data and Monitoring	Collect, analyze and report on data for federal and state mandates, e.g. traffic data, performance measures, GIS land and infrastructure records.	Low	Rare contact with the public on this work element; technical; supports the GIS mapping for Title VI analysis of regional or project specific for ethnicity, race and/or gender factors.
3	Long-Range Transportation Plan	Develop and implement a long-range vision for the regional transportation system.	High	Proactive outreach to reach vulnerable population groups and solicit feedback from underserved areas. Track Title VI factors in outreach activities, meetings: feedback via self-reporting, observation, map analysis.
4	Transportation Improvement Program	Prepare the short-range, 4-5 year project list for available funding.	Medium	Outreach primarily broad web-based and press releases providing opportunity to comment on short-range plan selection. Track Title VI factors for feedback, sensitivity to ensure coverage of areas with high percentages of vulnerable population groups. Provide language assistance for documents upon request.
5	Coordinated Public Transit Planning	Coordinate transit planning activities, promoting effective mobility and system efficiencies, coordinating funding options for local transit agencies.	Medium	Coordination with transit agencies for Title VI outreach during any transit oriented planning activities. Rely on transit agencies for on-board surveys on ridership demographics. Inclusion of transit mode riders in outreach for regional programs, plans and projects.
6	Alternative Transportation Systems Planning	Support development of alternative modes e.g. bicycling, pedestrian, aviation, freight.	Medium	Involve advocacy groups and agency specific expertise related to alternative mode activities. Target educational activities by mode, use web-based tools and special events to inform, involve and engage local residents.
7	Regional Planning	Integration of land use with the transportation planning processes, identify gaps, needs and opportunities, including bike and pedestrian activities.	Medium	Track with self-reporting, observation and map analysis membership and attendees to advisory sub-committees, special focus group targeted to specific modes; proactively target underserved areas and vulnerable population groups in regional planning activities; provide language assistance, when appropriate for regional planning documents or response forms.
8	Special Project Planning	Special focused planning activities, including addressing safety, environmental, storm water-issues.	Medium	On a project specific basis, outreach may be extensive or may only be dissemination of information.
9	Public Involvement and Outreach	Outreach activities including the development of a Public Participation Plan and a Title VI/EJ/LEP Plan.	High	This work program element is specifically targeted to providing outreach to all population groups of the SVMPO region; includes activities specific to Title VI population groups; includes tracking Title VI data of participants through self-reporting, observation, map analysis. Development of the Title VI Plan and targeted outreach strategies in this work program element.

FY20&21 Work Program and Budget: Adopted May 2019/Approved FHWA June 2019



## DEMOGRAPHIC PROFILE FOR SVMPO REGION

Communities of concern are defined as those Census Tracts where the identified groups represent a percentage of the population equal to or greater than that of the county average. The threshold for the population of Limited English Proficiency (LEP) population follows federal guidance at five percent or 1,000 people within a census tract, whichever is less. Based on the 2014-2018 American Community Survey five-year estimates, the threshold for each mandated community of concern for census tracts within the SVMPO are as follows:

- ❖ **Minority Population: 38.5 percent or higher**
- ❖ **Limited English Proficiency: Five (5) percent or higher**
- ❖ **Elderly/Over 65: 20.0 percent or higher**
- ❖ **Population in poverty: 13.6 percent or higher**
- ❖ **Disability: 16.5 percent or higher**

Maps illustrating the SVMPO areas with communities of concern are provided in the Attachments of this Plan. Maps providing information about fixed route transit in the SVMPO region and a project location map for the one regionally funded design and construction project in the SVMPO five-year Transportation Improvement Program are also included in the Attachments to this Plan. One other federally funded projects: an adaptive signal project is not site specific but provide transportation benefits throughout the most densely populated areas of the SVMPO region.

Title VI Data for Sierra Vista MPO						
Population and Households			Census Block Groups			
Category	Total	Percent	Number of block groups >= Area Percentage	% Block Groups	Affected Population	% of Affected Population Captured in Census Block Groups
Population Base	69,350	N/A	53	100.0%	N/A	N/A
Minority	26,723	38.5%	26	49.1%	19,309	72.3%
Age 65+	13,860	20.0%	21	39.6%	9,177	66.2%
Below Poverty Level	9,027	13.6%	22	41.5%	7,191	79.7%
Population with a Disability	10,545	16.2%	21	39.6%	4,572	43.4%
Limited English Proficient Persons (LEP)	3,683	5.70%	26	49.1%	2,832	76.9%
<p><i>Source: United States Census Bureau, American Community Survey 2014-2018 5yr Estimates</i>  <i>Prepared by: Maricopa Association of Governments, www.azmag.gov, (602) 254-6300.</i></p> <p>Source: U.S. Census Bureau, 2014-2018 American Community Survey (ACS) 5-Year Estimates. ACS data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate is represented through the use of a margin of error (MOE). In addition to sampling variability, the ACS estimates are subject to nonsampling error. The MOE and effect of nonsampling error is not represented in these tables. Supporting documentation on subject definitions, data accuracy, and statistical testing can be found on the American Community Survey website (<a href="http://www.census.gov/acs">www.census.gov/acs</a>) in the Data and Documentation section. Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the Census Bureau website (<a href="https://data.census.gov/cedsci/">https://data.census.gov/cedsci/</a>) in the Methodology section. The MOE for individual data elements can be found on the Census Bureau Data Site. Note: Although the ACS produces population, demographic and housing unit estimates, the decade Census provides the official counts of the population and housing units for the nation, states, counties, cities and towns.</p> <ol style="list-style-type: none"> <li>1. Poverty Status does not include institutionalized persons or persons under five years of age. In the defined MPO area the total population universe is 66,514 persons.</li> <li>2. Disability is determined for the noninstitutionalized civilian population based on six reported types of difficulty: hearing, vision, cognitive, ambulatory, self-care and independent living difficulties.</li> <li>3. Limited English Proficiency does not include institutionalized persons or persons under five years of age. In the defined MPO area the total population universe is 64,696 persons.</li> </ol>						

## Ethnicity & Race

According to the 2014-2018 ACS data, Hispanics constituted 25.0 percent of the SVMPO's total population compared to 31.1 percent for the State and 17.8 percent for the nation. African American's accounted for 5.0 percent of the SVMPO's population, Asians for 3.0 percent, Native American's for 1.0 percent and Native Hawaiian/Pacific Islander for 0.4 percent. Multi-racial, that is persons indicating two or more races, were indicated by 3.9 percent of the population. 0.2% identified themselves as Other Race/Non-Hispanic.

The dominate European ethnicity identifies with either a German or Irish ancestry. It is also notable that a dramatic shift in ethnicity is seen among the youth of this area: almost half of all those under the age of 18 are Hispanic. This mirrors the demographic profile in Arizona, which had the largest age gap between race/ethnicity in the Nation at the time of the 2010 Census.

## Age, Gender & Disability

The median age of the SVMPO population was 39.6 years – a few years older than the State median age of 37.4 but now slightly less than the Cochise County median age of 40.6. 20.0 percent of the population is over the age of 65 and 8.7 percent over the age of 75. Older population groups are a higher percentage of residents on the southeastern corner and across the northern border of the SVMPO region. The gender split in 2014-2018 ACS data was 51.1 percent female and 48.9 percent male.

Over 16.2 percent of the population indicated a disability that interferes with normal life function which may include a sensory, physical, mental or self-care disability in the 2014-2018 ACS results. For those aging in the Cochise County population 2018 ACS data indicates that for those over 65 to 74, disability rates rise to 24.3 percent and for those older than 75, the rate of disability is 48.4 percent. Given the higher than average number of elders in the SVMPO region this data indicates a higher than normal level of life function disabilities within the population group.

Member jurisdictions worked with the Bureau of the Census to encourage participation in this year's Census 2020 population count and continue to collect, review, analyze and update socio-economic data. Up-to-date data on vulnerable population groups and communities of concern will be included as part of the assessment of program and project development and implementation.

## Limited English Proficiency

Persons with Limited English Proficiency (LEP) in SVMPO Region	Persons 5 yrs or over	Percent of Persons 5 yrs or over	Percent of Persons 5 yrs and over with LEP
Total Persons 5 years and over	64,696	100%	
English Speaking Only	52,191	80.7%	
Speak Other Languages	12,505	19.3%	
Limited English Proficiency	3,683	6.7%	100%

*Source: U.S. Census Bureau, 2014-2018 American Community Survey 5 year Estimates. ACS Data are based on a sample and are subject to sample variability.*

An area is defined as having a Limited English Proficient (LEP) community of concern when five percent (5%) or 1,000 people or more of the population within any given Census Tract reports limited English proficiency. Limited English Proficient (LEP) persons refer to people who are age 5 years or older for whom English is not

their primary language and have a limited ability read, write, speak or understand English. It includes those people who have reported to the Census that they speak English less than very well, not well or not at all.

Guidance from the U.S. Department of Transportation sets out a four-factor analysis to determine need for translation services in order to provide meaningful access for those with Limited English Proficiency (LEP) to engage with regional planning programs and activities. Reasonable steps should be in place to ensure that interested members of the public can receive information and communicate their perspectives in the language most comfortable to them. These four factors are as follows:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee.
2. The frequency with which LEP individuals come in contact with the program.
3. The nature and importance of the program, activity, or service provided to people's lives.
4. The resources available to the recipient and costs.

**LEP Persons to be Served:** According to the 2014-2018 ACS five-year estimates, 5.7 percent of the population over five years of age was identified as persons with LEP; however, of these only 1,166 or 1.8 percent indicated that they speak English "not well" or "not at all." The predominate language for the SVMPO LEP group is Spanish. The federal standard is to translate materials when 5 percent or more people in an area speak English less than "very well". Of those that speak a second language, Spanish is the most common, followed by German and Tagalog. Korean and Vietnamese, while less than 1 percent of other language spoken, are represented in the region. The majority of the LEP identified persons in the SVMPO reside in the Town of Huachuca City, along the Fry Blvd Corridor in the City of Sierra Vista and along the southern border.

**Frequency of LEP Persons in Contact:** Unlike direct services agencies, like transit or health programs, this regional planning agency encounters people with language barriers less frequently. Broad outreach programs lend itself to reaching out to groups of people where the likelihood of accompanying family and friends that can translate is high. The most frequent contact by this agency is with individuals that speak English.

**Importance of Program to LEP Persons:** Transportation is an essential aspect of people's ability to travel where they need and want to go safely. Providing equitable services and communicating effectively with everyone using the transportation system is desired. It is important to consider how "vital" the information being solicited is or the planning activities are to the LEP population groups. Awareness of rights to obtain information in a language comfortable to them is considered vital; however, all informational materials in behalf of long-range regional wide planning activities may not reach the level of importance as materials on evacuation routes or emergency services. Reasonable judgment must be used to determine if a specific project or activity is vitally important to a LEP individual or group such that professional translation services are deemed appropriate.

**Resources Available to LEP Persons:** Resources to provide translation of materials and translation for individuals is available but finite. The SVMPO has the ability to obtain alternative formats, such as Braille or large print, upon request. Staffing is very small (one to two persons) and the annual operating budget less than \$250,000.

Based on this four-factor test, it is reasonable for the SVMPO to provide translation and alternative formats upon request, to rely on bi-lingual staff and attendees for translation and proactively prepare Spanish language materials when the subject matter or location indicates that the potential for this need may arise. Mapping analysis indicates that of the three largest language groups within the SVMPO area (Spanish, German and Tagalog) there are only three Census tracts that reach the mandated threshold for LEP Spanish speakers. It is noted that even within those three Census Tracts that most speak English "well". It is also

noted that one of these Census tracts are within the project area of one of the SVMPO design and construction projects: additional funds were provide for enhanced public outreach, with Spanish materials and translation, for the public outreach for that project (North Garden/Fry Blvd). The SVMPO website includes a link to language translation for ease of translation of web-based materials.

The provisions of a Safe Harbor, as defined by a rigorous four step analysis of the level of contact and type of services provided to limited English speakers, state that a reasonable effort should be made to provide translation services but that there is no mandate for those groups under the thresholds. The SVMPO will coordinate appropriate outreach strategies with their member jurisdiction's staff and Public Information Officers on a project by project basis using data compiled for this report and local knowledge to evaluate potential LEP specific assistance that may be needed. Best practices encourage innovative outreach to those that do indicate a dual language or limited English language skills even if regulatory thresholds are not met. The policy of the SVMPO is to provide alternative formats, when appropriate, and within finite resources available.

### Environmental Justice (EJ)

Average median household income for the SVMPO region for 2018 is estimated to be just about \$56,262. County-wide poverty rates for individuals was 15.7 percent at the time of the Census in 2010, but for families with young children the rates went up to 19.5 percent and for single women with children under 5 the poverty rates were 59.3 percent. In 2018, the overall poverty rate for individuals within the SVMPO boundaries was 13.6 percent. The Town of Huachuca City, the West End area of Sierra Vista and along Highway 92 north of Ramsey Road have the largest clusters of persons in poverty in the SVMPO region.

Following the Office of Management and Budget's (OMB) Statistical Policy Directive 14, the Census Bureau uses a set of money income thresholds that vary by family size and composition to determine who is living in poverty. If a family's total income is less than the family's threshold, then that family and every individual in it is considered in poverty. The official poverty thresholds do not vary geographically, but they are updated for inflation using Consumer Price Index (CPI-U). The official poverty definition uses money income before taxes and does not include capital gains or noncash benefits (such as public housing, Medicaid, and food stamps).

For example, for a four-person family unit with two children, the 2018 poverty threshold was \$25,100. For one- or two-person family units, the poverty thresholds differ by age; the 2018 Health & Human Services Department thresholds for one individual is \$12,140. In 2018, for a two-bedroom rental, the median average was \$760 dollars in the SVMPO region. For a family of four living at the poverty threshold, who are paying the median rent amount, have over 36.3 percent of their income dedicated to housing costs. One and two person households either must expend a substantive portion of their income on housing and/or find the lowest rental units possible within the region.

Of the 27,733 households in the SVMPO region, 4.1 percent (1,149 households) report having no vehicles available. 32.7 percent have one vehicle available; 38.7 percent have two vehicles available and 24.4 percent have three or more vehicles available.

#### *Environmental Justice Provisions of 1994*

*"Identify and address disproportionately high and adverse human health or environmental effects of federal policies, programs, and activities on minority and low income populations."*

Although other aspects of Title VI reach to the ethnicity, race and national origin, the Environmental Justice (EJ) provisions specifically require consideration of persons who are defined as low income/in poverty. In the SVMPO region, poverty among those with young children is a matter of concern. Typically, single parent

households or grand-parent caregiver households with young children are not easily reached by typical open houses or public meetings held during daytime hours. Transportation options that include transit vouchers, safe routes to schools and information transmitted through preschools/daycares or churches are examples of SVMPO strategies for addressing EJ population groups. Elderly persons or non-vehicle households who are unable to attend meetings or visit the SVMPO offices for information may request materials to be mailed to their home by phone or e-mail.

## Disadvantaged Business Enterprises (DBE)

Disadvantaged Business Enterprises (DBE), are for-profit small businesses that meet both of the following requirements:

1. Is at least 51 percent owned by one or more socially and economically disadvantaged individuals or, in the case of any publically owned business, at least 51 percent of the stock is owned by one or more such individuals; and,
2. Whose management and daily business operations are controlled by one or more of the socially and economically disadvantaged individuals who own it.

An individual may be found to be socially and economically disadvantaged on a case-by-case basis or have been designated as such by the Small Business Administration. Individuals in Title VI protected groups are presumed to be socially and economically disadvantaged.

Contractors, subrecipients or subcontractors are required to carry out all applicable requirements to not discriminate on the basis of race, color, sex or national origin. These policies extend to the solicitation and participation in contracts; in particular those contracts through the U.S. Department of Transportation and/or the Arizona Department of Transportation in accordance with 49 CFR Part 26. In order to ensure that DBEs have an equal opportunity to receive and participate in federally assisted contracts the following policies should govern procurement activities of regional governments and their member jurisdictions (local public agencies).

- ❖ Ensure nondiscrimination in the award and administration of federal assisted contracts;
- ❖ Create a level playing field on which DBEs can compete fairly for federal assisted contracts;
- ❖ Ensure that the DBE program is tailored in accordance with applicable law;
- ❖ Ensure that DBE eligibility standards are adhered to;
- ❖ Remove barriers to the participation of DBEs in federal assisted contracts; and
- ❖ Assist in the development of firms that can compete successfully in the market place outside the DBE program.

SVMPO solicits contracts using state approved DBE lists and includes requirements, when applicable, upon contractors to comply with all applicable laws and regulations, including those related to Title VI and Environmental Justice.

## PUBLIC PARTICIPATION AND OUTREACH

The SVMPO Public Participation Plan was updated and adopted by the SVMPO Board of Directors on January 17, 2019. The adopted plan is available on the SVMPO website at [www.svmppo.org](http://www.svmppo.org). The SVMPO Public Participation Plan commits to:

- ❖ Inclusive and meaningful public involvement;
- ❖ Open and honest communication with individuals and entities;

- ❖ Timely public notification of meetings and pending plans, studies and projects;
- ❖ Easily accessible access to information and opportunities to comment on key decisions;
- ❖ Forming partnerships between member entities, public and private sectors, state and federal agencies to plan and implement transportation programs and projects.

Welcoming public participation and providing opportunities to comment are the foundation of effective public outreach. Specific strategies to reach low income (EJ populations) and those with limited English skills (LEP populations) include providing translation services both accessible directly by the individual, such as google translate on the SVMPO website, or by having informal or professional translators at meetings; providing materials in different languages and/or in Braille and identifying sites where lower income or ethnic groups might congregate. An example of targeted LEP outreach would be reaching out to first generation German immigrants to the area by distributing materials at the three Sierra Vista area German restaurants and visiting the monthly meeting of the German club. Other examples include advertising in ethnic media outlets, use of illustrations/pictogram cards, engaging multilingual staff and volunteers and providing support services like bus passes and child care to facilitate lower income/single parent participation.

A selection of strategies described in the Public Participation Plan that can be used to reach out to protected, and vulnerable, population groups include:

Activity	Description	Comments
Brochures	Written material to distribute that generally contains more information than a flyer. It is often folded to create a small piece for distribution.	Translation into different languages or provided in alternative formats may be desired for targeted outreach to Title VI protected groups.
Charrettes	An intensive brainstorming session using visual methods to define alternatives.	These can last anywhere from a few hours to a few days. The use of visual aids and hands-on activities can cross the language barriers as well as engage inter-generational or cross-cultural groups.
Displays/Open Houses	Information and materials are displayed in an informal setting where people are free to move about and consider whatever is of interest to them. Informed people are typically available to answer questions and take comments and suggestions.	These are typically held in various public locations, like regional malls and government buildings, but the use of locations or events frequented by specific ethnic groups or targeted groups e.g. soup kitchens may increase outreach to protected population groups;  Events like the annual Juneteenth Festival may engage the African-American population.; Octoberfest the German population; Cinco de Mayor the Hispanic population.
E-mails	Using the Internet to contact people that have shared electronic mail addresses.	This is very inexpensive and a quick way to contact people. It is, however, important to find other ways to communicate with people who do not have access to computers. Libraries and Senior Centers are locations in the SVMPO region that provide public access to computers and could be a source providing electronic connections to protected population groups.
Flyers	A written communication piece that provides basic information. Could be mailed, inserted into other communications e.g. utility bills, schools handouts.	Multiple flyers can be produced for one event, plan or project with each flyer designed to communicate with different groups. These can also be produced in various languages or alternative formats.

Activity	Description	Comments
Focus Groups	A small selected group of individuals meet together, either formally or informally, to give feedback to the organizer on a specific topic.	Because this is a selected group, people who are not selected may be suspicious of the information gathered. Alternative points of view may be left out by those too shy to assert themselves into a selected group or have time constraints.
Forums	A public meeting that is designed to help attendees better understand a subject by hearing different points of view. Usually several people with differing opinions, each make a short presentation and then answer questions. This format is not designed for decision making.	It is often helpful if a disinterested party moderates. It is also helpful, especially in some communities, if some of the "experts" are local and trusted by the community. If a forum is used, it may need to be in Spanish for Spanish speaking community members (or other language formats depending upon the community group).
Meetings or Presentations	These are opportunities for larger groups of people to get together for a multitude of purposes. The general intent is to allow people to interact on a person-to-person basis. Meetings can be held for a wide variety of reasons from working on an issue, to making a presentation and allows for interactive Questions and Answers.	To be most effective, a meeting should inform the participant prior to coming: what type of meeting it will be, what their role will be, and the expected outcome of the meeting. Weakness is that the meeting format typically focuses solely on the presenter's point of view.
Newsletters	A regular communication for a predetermined, or self-selected, group of individuals/groups.	These can be mailed or sent electronically. This is a standard way to keep interested individuals and entities informed on a regular basis. Newsletters are also a source of regular information to those that cannot or do not want to travel to meetings.
Public Hearings	This is a legal meeting that is often required to make sure there is some opportunity for public comment. It is normally conducted with elected officials sitting at the front and allowing community members very specific conditions, and limited timeframes, to speak to the issue at hand.	These are often the last opportunity for getting input as they generally occur late in the process. The primary intent of a public hearing is to provide decision makers with input prior to making their final decision. It can also result in contentious and emotional presentations that have little basis in fact.

## COMPLAINT PROCEDURES

SVMPO provides a complaint process for people who believe they have been discriminated against or feel that they have not been adequately accommodated. The information about this process is provided at public meetings and is posted on the SVMPO website. The complaint form is available in both English and Spanish: translation into other language available via google translator on the web or by request to the SVMPO offices.

Complaint procedures and processes for both FHWA and FTA related Title VI complaints are also posted on the SVMPO Website and will be kept up to date with any future changes made by federal or state agencies regarding required procedures for addressing alleged discrimination complaints. The SVMPO Non-Discrimination Complaint Procedures are incorporated into this Plan, by reference, and included in the Attachments to this Title VI and Environmental Justice Plan.

Staff likely to be the first contact for a potential Title VI complaint receive training on what forms to provide and advised of the rights of individuals to file complaints with the SVMPO. A complaint log, sample shown

below, will be used to track any submitted complaints, investigations or lawsuits.

Title VI Complaints, Investigations and Lawsuits: FY 21 Log					
Description/Name	Date Month, Day & Year	Funding Source (FHWA or FTA)	Summary (Basis of Complaint)*	Status	Actions / Final Findings
<b>Complaints</b>					
1)					
2)					
<b>Investigations</b>					
1)					
2)					
<b>Lawsuits</b>					
1)					
2)					

*\*Specific category, i.e. Race, Color or National Origin  
Report to be Submitted Annually to ADOT Civil Rights Division*

## TITLE VI TRAINING

The ADOT Title VI Liaisons notify SVMPO of various Title VI training opportunities as they become available. These opportunities are then made known to staff of the member jurisdictions and, when appropriate, to members of the public. The SVMPO Administrator will be involved with either seminars, conference sessions or webinar's on this topic on an annual basis. On a regular basis, but no less than annually, the SVMPO committee's and Board of Directors will be briefed on updated Title VI data, analysis and outreach strategies. In addition, the SVMPO subscribes to a number of professional organizations and journals that provide information regarding best practices throughout the nation on public outreach and non-discrimination practices for transportation programming and projects.

At the time of this plan, the SVMPO consists of one staff member and one part-time Civil Engineer: any new hires, interns or volunteers will be given training on this topic during their employee orientation. Training will be tracked and reported annually to ADOT's Civil Rights Division. A sample tracking form is shown below:

Title VI FY21 TRAINING					
Name/Title	Month, Day & Year	Type of Training	Provided By	Cost	Comments
<b>Staff</b>					
1) Karen Lamberton/SVMPO Administrator					
2)Dennis Donovan,/Civil Engineer					
<b>Boards &amp; Committees</b>					
1)					
2)					
<b>Others</b>					
1)					
2)					

*Report to be Submitted Annually to ADOT Civil Rights Division*



## COMPLIANCE AND ENFORCEMENT PROCEDURES

Compliance is an on-going effort to go beyond the regulatory requirements to ensure that fair and equitable engagement with all the users of the transportation system are included in decisions regarding investment of available funds. Data will be collected and reported throughout the year regarding SVMPO outreach activities. SVMPO will also develop and implement an approved Public Participation Plan and the SVMPO will report annually on targeted Title VI/EJ/LEP efforts.

Program areas, as set forth in the SVMPO adopted Work Program, are reviewed no less than annually by the SVMPO Administrator, Technical Advisory Committee and the Executive Board for compliance with relevant federal and state requirements. An annual report of Title VI activities is prepared for ADOT's Civil Rights Division review and comment.

As potential projects are proposed, consideration is given to Title VI, EJ and DBE factors. Projects, plans and studies also generated as an outcome of analysis of Title VI data. For example, the SVMPO North Garden/Fry Blvd. project is located in the City of Sierra Vista's West End: shown by Title VI data analysis has having a higher minority and higher poverty rates than other parts of the City and investment in this area to connect these residents to services and enhanced walkable spaces highly desired. During development of project public outreach, review of Title VI data for the project area led to the translation of materials and outreach surveys into Spanish for public outreach efforts.

Any complaints filed will be given the highest priority for timely resolution with the applicable state and federal agencies. Data will be kept on these complaints or any lawsuits that might be filed and the SVMPO will report on the status and outcomes of those actions. **Discriminatory trends and patterns, if identified, will be brought forward, with recommendations on how to address these developing issues, to the SVMPO TAC committee and Executive Board for remedial action.** The SVMPO Administrator/Title VI Coordinator is responsible for implementing remedial measures as directed by the Executive Board.

## PROGRAMS, CONTRACTS AND SUB-RECIPIENT REVIEWS

Each program area and any sub-recipients would be reviewed by the SVMPO's fiscal agent (City of Sierra Vista) staff, the SVMPO Administrator and the SVMPO contract attorney as contracts and planning agreements are developed. Two key steps included in every contract issued for the SVMPO: prior to issuing any contract the contract will be reviewed by the SVMPO Administrator to ensure inclusion of the required, and most current, Title VI Assurance documents. Secondly, all final draft contracts will be reviewed by ADOT's Multimodal Planning Division in advance of being issued. The SVMPO Administrator will then review completed contract documents and verify the receipt of signed Assurances in advance of approving a Notice to Proceed to any contractor or vender. Small contracts (sole source through the SVMPO offices) now include a requirement to provide signed acknowledgement of Assurances and a standardized process is being developed between the SVMPO and the Sierra Vista Procurement Office for both small and larger contracts issued by the SVMPO Fiscal Agent in behalf of the SVMPO.

Although contracts are anticipated in the upcoming fiscal year, at the time of this Plan there are no active Procurement activities underway. The SVMPO averages one contract per year and, since its inception in 2013, has only issued a total of 12 contracts. By FY21, the SVMPO will have an approved Professional Planning Services On-Call list in place and all selected contractors will have completed mandated and current Title VI Assurance Agreements and provided demographic data on their companies.

It is the SVMPO Administrator's responsibility to ensure that current versions of required Assurances are on file with their Fiscal Agent.

At the time of this plan, the SVMPO is working to developing appropriate Agreements or Memorandums of Understanding with member jurisdictions that will be receiving pass through federal funds from the SVMPO for future projects. Vista Transit is a partner with the SVMPO but is a direct recipient of FTA funds and reports independently on their Title VI activities and compliance. Should the relationship of the SVMPO change in respect to any member jurisdiction, other agency or non-profit and funds be passed through, additional oversight would be developed and implemented. E.g. Agreements for compliance with this Title VI Plan and signed Assurances, as appropriate and required, provided.

## **PLAN TIMEFRAME AND UPDATE SCHEDULE**

This Title VI plan updates the May 15, 2019 adopted Title VI Plan (approved by ADOT's Civil Rights Division on August 13, 2019) and covers the time-period of July 1, 2020 through June 30, 2021. The SVMPO will continue to implement the goals submitted in their FY20 Title VI Annual Report and will report on those accomplishments by August 2021 to the ADOT Civil Rights Division. The FY22 update to this Title VI and Environmental Justice Plan will be undertaken in early spring of 2021.

## **TITLE VI PLAN GOAL**

The goal of the SVMPO Title VI Plan is to identify and better understand vulnerable population areas within the region so that opportunities can be enhanced to allow these population groups to be engaged in the regional planning process in meaningful ways. All persons within the SVMPO region should receive equal benefits from planning activities without shouldering a disproportionate share of the burdens. This effort is a continual work in progress that will evolve to reflect the changing demographics and transportation infrastructure needs of the SVMPO area residents.

For more information, please contact Karen L. Lamberton, AICP, Title VI Coordinator, at 520-515-8525.

## **ATTACHMENTS (Referenced Documents within this Title VI Plan)**

Title VI Notice to the Public

Title VI Non-Discrimination Complaint Procedures

Title VI Complaint Form English & Spanish

Appendices A, B, C, D & E

Demographic Maps of SVMPO Region

Minority Populations; Limited English Proficiency; Limited English Proficiency Census Tracts of Interest (Spanish, German, Tagalog; Persons over 65; Persons in Poverty; Persons with Disabilities;; Zero Vehicle Households; Fixed Route Transit and Bus Stops; SVMPO Area Project Location and Minority Populations within Project Area.

Sierra Vista MPO Demographic Report/Drawn from the 2014-2018 American Community Survey as compiled and reported by Maricopa Association of Governments

Certification of Minutes/Approved Executive Board Meeting Minutes for May 21, 2020





# Limited English Proficiency by Census Tract: Spanish

## Legend

### SVMPO Boundary



### Spanish LEP by Tract

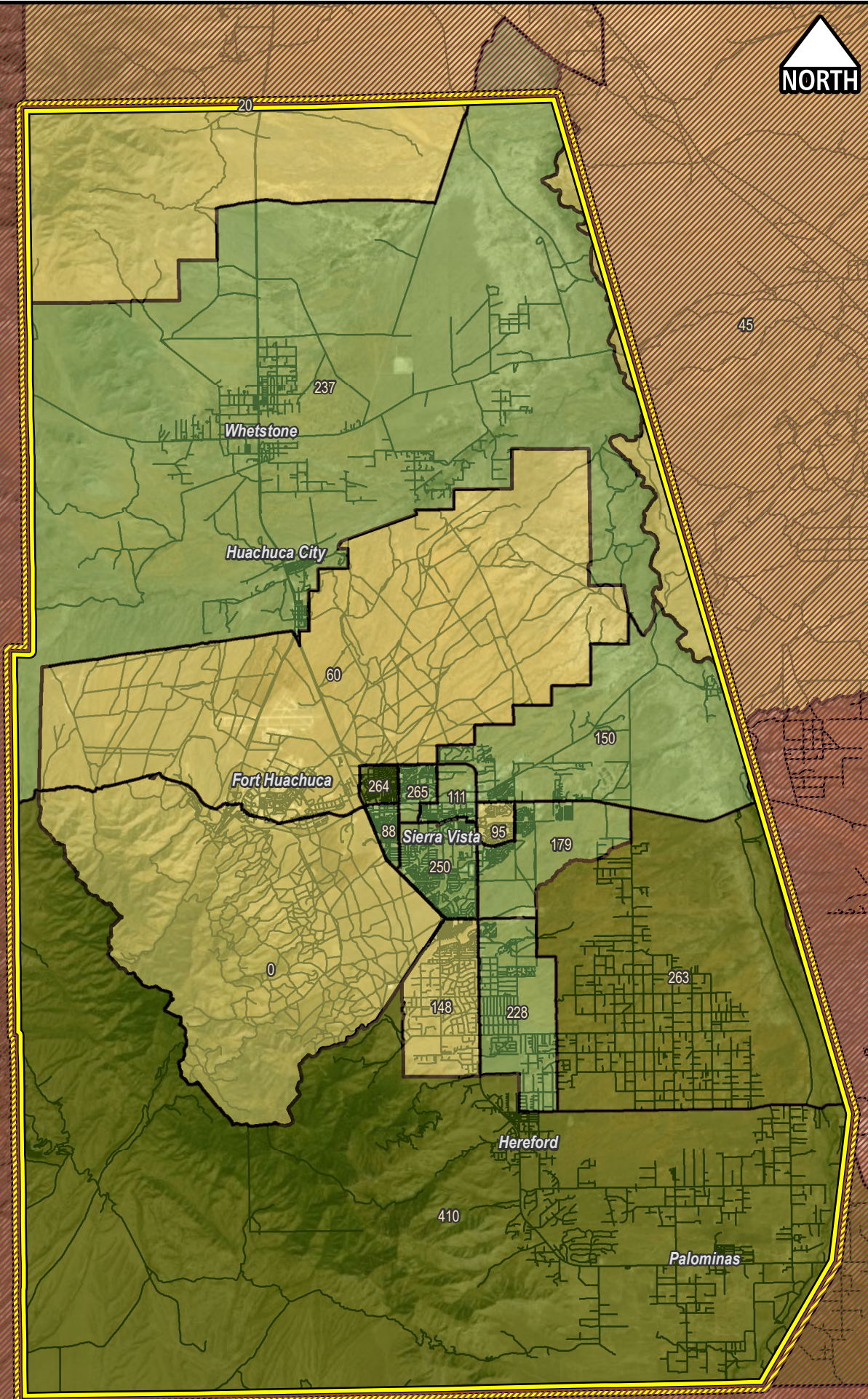
0% - 2.49%

2.5% - 4.99%

5% - 32.91%

# Number of LEP Persons

*Note: No census tract within SVMPO bounds contains more than 1000 individuals classified as LEP. Also note that the counts/percentages of tracts intersected by the SVMPO boundary are representative of the tract as a whole, not just the portion within SVMPO boundaries.*



0 1 2 4 6 8 Miles

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Demographic data sourced from 5-year American Community Survey (2014-2018)






# West End Project Corridor: Surrounding Non- Minority Population


## Legend


 1 Mile Project Buffer Area


 West End Project Corridor


## Race/Ethnic Minorities


 0% - 20%

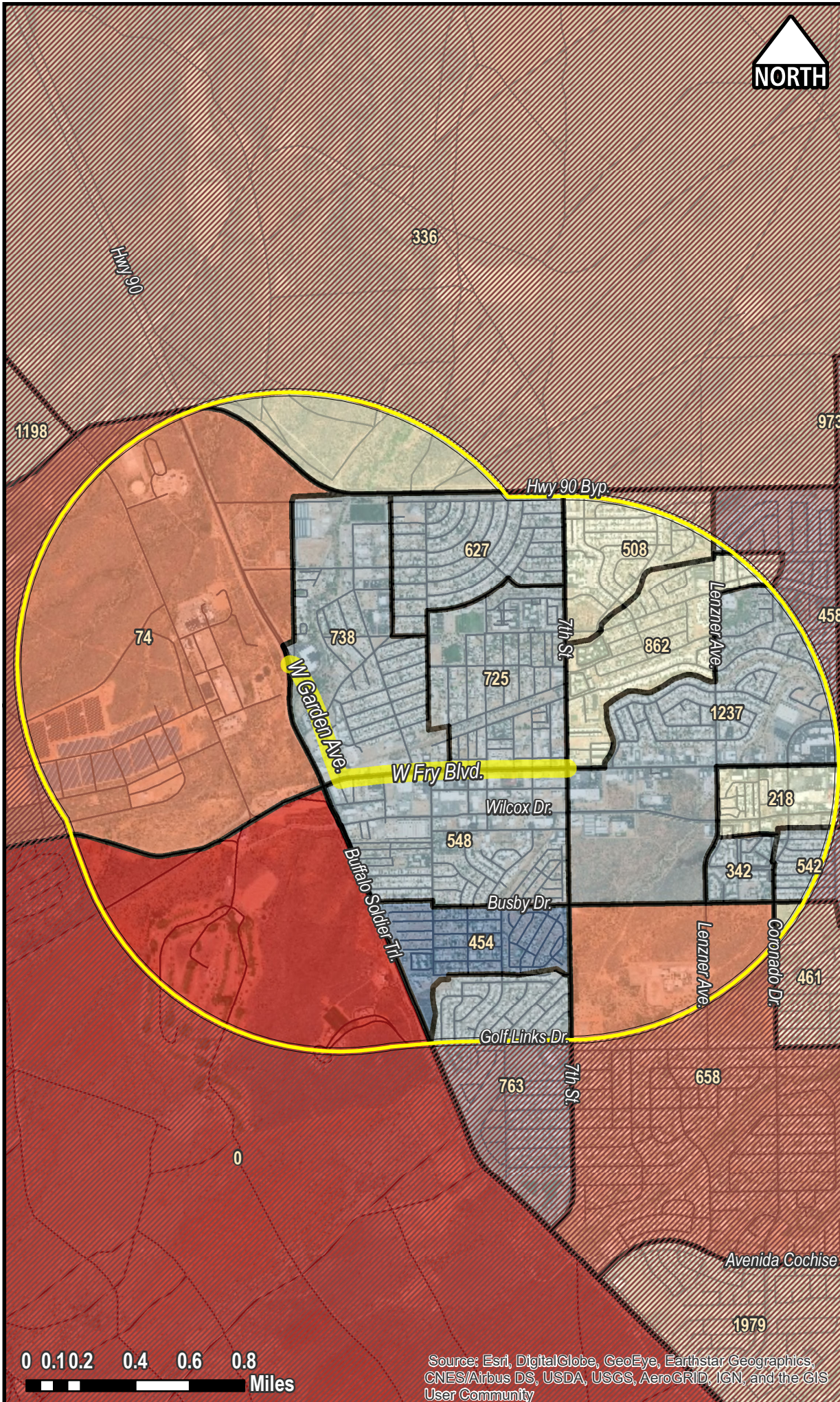
 21% - 36%

 37% - 47%

 48% - 65%

 66% - 100%

 Number of Minorities



Demographic data sourced from  
American Community Survey 5  
Year Estimate (2014-2018)

0 0.1 0.2 0.4 0.6 0.8  
Miles

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics,  
CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS  
User Community







# Sierra Vista Metropolitan Planning Organization Memorandum

**To:** SVMPO Board of Directors  
**From:** Karen L. Lamberton, AICP, SVMPO Administrator  
**Date:** May 21, 2020  
**Subject:** City of Sierra Vista Hosting Agreement

---

The City of Sierra Vista City Manager's and Finance office have been working closely with the SVMPO Administrator to revise the originating 2014 Hosting Agreement with the SVMPO. Sierra Vista plans to move to providing a cash match, based on the formula agreed upon by the SVMPO Board of Directors. In-Kind Match will continue to be provided by appropriate staff (e.g. TAC members).

Office space and services have been detailed out in the revised Hosting Agreement and is now compliant with recommendations that were presented to the SVMPO during recent contract compliance reviews. Costs for office space and site services provided by the City of Sierra Vista to the SVMPO will be charged to the SVMPO at least once quarterly.

## Appendix D

1. **Office Space and Site Services:** The City shall provide SVMPO Staff with office and site services as described in Section 2.5 and item #3 below of the Intergovernmental Agreement between the City of Sierra Vista and the Sierra Vista Metropolitan Planning Organization (SVMPO). The office for the SVMPO Administrator shall be located at 401 Giulio Cesare Avenue, Sierra Vista, AZ 85635.
2. **Cost:** The SVMPO agrees to pay the City for the value of office rental which shall be calculated at the cost of square footage used by the SVMPO at the average lease rate of commercial space in Sierra Vista per year. As of the date of this Agreement, this amount is at a rate of \$14.00 per square foot per year. For a total of 340 square footage of dedicated SVMPO space, the annual rate is \$4,760. The City shall bill the SVMPO on a schedule mutually agreed upon by both parties. This cost shall be reevaluated every other year, beginning in 2022.
3. The cost of the site services is allowable 10% Indirect Cost-De Minimis. The calculation will be based on the actual monthly expenditures, excluding rental cost. Below are the site services with the summary of service scope of each City Department or Division.

- a. Finance-financial services such as quarterly expenditure reports, DBE & No-DBE reports, reimbursement requests, requisition entries, invoice payments, general billing, cash receipts and other accounting services.
- b. Procurement- prepares bid and contract documents, Purchase Orders
- c. IT-provides telephone line, computer and other technical support
- d. HR-recruitment, hiring, bi-weekly payroll and other payroll services
- e. Public works-janitorial, use of copier, utilities, etc.
- f. Other site services- legal, audit, mail, website hosting, etc.

**Attachments:** Final Draft Sierra Vista –SVMPO Hosting Agreement

**Action Requested:** Motion to Approve the revised Hosting Agreement and Match Agreement with the City of Sierra Vista.

RESOLUTION 2020-XX

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; APPROVING AN AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN THE SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION, AND THE CITY OF SIERRA VISTA TO HOST THE SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION.

**WHEREAS**, the City of Sierra Vista is authorized to enter into intergovernmental agreements with other agencies pursuant to Arizona Revised Statutes Section 951, *et seq.*; and

**WHEREAS**, the City of Sierra Vista and the Sierra Vista Metropolitan Planning Organization agree that it is mutually beneficial for the City to Host the Sierra Vista Metropolitan Planning Organization and in 2014, entered into an Intergovernmental Agreement to formalize that relationship; and

**WHEREAS**, the City agrees that continuing to Host the Sierra Vista Metropolitan Planning Organization is in the best interest of the public; and

WHEREAS, the Intergovernmental Agreement as adopted in 2014, and amended in 2015, now requires updating.

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 entering into Intergovernmental Agreements, most recently affirmed by Resolution 2015-052, be, and hereby is, reaffirmed.

SECTION 2

That the City of Sierra Vista approves the attached Second Amended Intergovernmental Agreement between the City of Sierra Vista and the Sierra Vista Metropolitan Planning Organization.

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 XX DAY OF XXX, 2020.

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

ATTEST:

APPROVED AS TO FORM:

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

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

**SECOND AMENDED INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE CITY OF SIERRA VISTA  
AND  
THE SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION**

THIS INTERGOVERNMENTAL AGREEMENT (Agreement), is made and entered into by and between the **City of Sierra Vista (City)**, a municipal corporation duly organized and existing under the laws of the State of Arizona, located at 1011 N. Coronado Drive, Sierra Vista, Arizona, and the **Sierra Vista Metropolitan Planning Organization (SVMPO)**, a statutory legal entity established pursuant to the laws of the State of Arizona. The entities are referred to jointly herein as Parties. This Agreement constitutes the entire understanding and agreement of the Parties.

**RECITALS**

**WHEREAS**, Arizona Revised Statutes (A.R.S.) §11-951 through §11-954, provide that public agencies may enter into intergovernmental agreements for the provisions of services or for joint or cooperative action; and

**WHEREAS**, The City authorized the establishment of a Metropolitan Planning Organization by Resolution No. 2013-010, adopted on February 14, 2013; and

**WHEREAS**, The Governor designated the SVMPO on May 6, 2013; and

**WHEREAS**, the SVMPO is administered by a Board of Directors, composed of designees from member agencies, which is responsible for planning, program implementation and control, budgeting, and SVMPO staff; and

**WHEREAS**, in order to carry out its functions the SVMPO requires certain support services including, but not limited to, employment/human resources, finance/accounting, purchasing, and information technology; and

**WHEREAS**, both the City and the SVMPO are in favor of maximizing the public benefit that can be derived from such cooperative efforts; and

**WHEREAS**, the parties wish to amend its Agreement whereby the City hosts the SVMPO and provides support services to the SVMPO.

**NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:**

## AGREEMENT

1. Purpose. The purpose of this Agreement is to carry out metropolitan transportation planning for the SVMPO planning area as described in Attachment A. The SVMPO Board of Directors ("Board") will serve as the policy body for cooperative decision-making that will be implemented by the members of the SVMPO, and will follow the SVMPO By-Laws attached as Attachment B, or as formally amended. The SVMPO Board holds all signatory authority for the SVMPO.
2. Host Agency's Services. The parties agree that the City will serve as a host organization ("Host Agency") and Fiscal Agent for the SVMPO. The Host Agency provides employees, office space and office equipment for SVMPO transportation planning activities. The Host Agency pays employee salaries before federal reimbursement. While the Host Agency does not direct or influence employees working for or on behalf of the SVMPO in policy matters, the Host Agency provides administrative services in the form of employment of personnel, financial, procurement, and legal services as described below. As Fiscal Agent, the City agrees to provide human resources, fiscal, and staff support services as described below, and all appropriate funding, as identified by fiscal year in the SVMPO approved Work Program, to allow the SVMPO staff to fulfill its obligations and responsibilities under the SVMPO Work Program and as designated in the associated Work Program Agreement.
  - 2.1 Employment of Personnel. The City shall establish within its personnel system positions to be occupied by SVMPO staff (hereinafter "SVMPO Staff"), who, for the purposes of this Agreement, are considered City employees assigned to the SVMPO and are subject to City Employment Policies and Procedures and are entitled to City benefits as more fully described in Attachment C. The SVMPO Board provides policy direction to Staff and holds authority for executing SVMPO Work Program Agreements or Amendments to the Agreement, and may delegate such authority to SVMPO staff, with the consent of the MPO.
  - 2.2 Financial Services. The City shall provide financial, grant administration, and accounting services to the SVMPO in the same manner as provided by the City to its own departments. This is part of the site services as stated in section 2.5. The specific scope for financial services is located in Attachment D. The City shall assure that the financial management system complies with 2 CFR 200.302. The City shall be responsible for audit of the SVMPO in compliance with federal requirements in 2 CFR 200 Subpart F, 2 CFR 200.501, .507, .508, .512 and in compliance with the ADOT / SVMPO Grant Agreement Section titled "Audit" and shall forward the annual single audit report to the SVMPO Board of Directors.
  - 2.3 In order to ensure auditability and to facilitate integration with the City's financial and accounting systems, the SVMPO agrees to adhere to the City's financial and accounting procedures. The City shall track the SVMPO's financial information using Generally Accepted Accounting Principles. All accounting for state and federal funds shall be maintained consistent with current state and federal requirements and in compliance with the Arizona Dept. of Transportation (ADOT) / SVMPO Grant Agreement Sections titled "Accounting Records" and "Requisitions and Payments" and federal requirements as referenced in 2 CFR 200.302, .306, .333, .336, .402-.415, .420-.475, .501, .507, .512, 2 CFR 200 Subparts E, and 2 CFR 200 Appendices II and VII.

- 2.4 Procurement Services. The City shall provide assistance to the SVMPO as required for the SVMPO's procurement of goods and services for its operations and planning. Policies and procedures for procurement and purchasing shall be established in compliance with the annual Work Program and executed ADOT/SVMPO Grant Agreement section titled "Procurement". The City agrees to use federal or state thresholds, where applicable, for the procurement of professional services and where not otherwise specified in this Agreement, the SVMPO agrees to comply with the City's purchasing policies and procedures. All federal requirements of 2 CFR 200.317 through 200.326 and Appendix II shall be followed when using federal funds and state procurement requirements shall be followed when using state funds.
- 2.5 Legal Services. The City will provide legal services for the SVMPO unless the City Attorney's Office or Board determines that the City has a conflict of interest with the SVMPO that cannot be waived with regard to a particular issue. In the event that the City Attorney's Office has a conflict of interest, the parties will select other legal counsel at the expense of the SVMPO to address that item.
- 2.6 Office and Site Services. The City will provide office space, including meeting and conference space, site services from Finance, IT, HR, Procurement, Public Works, and other site services to conduct SVMPO business (local and out of town). The City can provide for the hosting of a website for the SVMPO, if needed. The City will provide a telephone line with a listing as the telephone number for the SVMPO. The City and the SVMPO agree that the cost of the Office will be billed at least once quarterly to the SVMPO as a direct expense and the Site Services described in this Agreement and in Attachment D is part of the 10% Indirect Cost De Minimus, which the SVMPO shall pay to the City in a reasonable period of time upon receipt of invoice.
- 2.7 Legal Notices. The Host Agency will arrange for the posting of legal and other notices required by law or otherwise for SVMPO Staff.
3. Matching funds. The City of Sierra Vista will contribute a yearly cash match contribution based on the yearly SVMPO Work Program Budget at the beginning of each fiscal year. This cash match will be used for administration, operating/direct expenses, indirect expenses and project services. The biannual work program shall contain the estimated match amounts for each SVMPO member jurisdiction and these estimated amounts, based on the most currently available data at that time, be transmitted to each member jurisdiction by the end of each calendar year for their next year's budget cycle planning. It is acknowledged that the SVMPO Board may make adjustments to yearly match contribution throughout the year and the SVMPO agrees to notify the City of any adjustments made to requested contributions upon adoption. Eligible In-Kind staff services may continue to be submitted to enhance available resources to the regional work program.
4. Compliance with State and Federal Requirements. The Parties agree that, notwithstanding provisions 2.2 & 2.3 (Financial Services) and 2.4 (Procurement Services) of the Agreement, each shall comply with all Federal and State Statutes, rules, or regulations governing accounting and/or procurement as necessary to satisfy conditions for the receipt of federal or state funding.

Each Party also agrees to comply with the terms and conditions of the executed ADOT/SVMPO Joint Project Agreement. The City shall ensure adequate and appropriate funding, as identified by fiscal year in the Work Program, to allow the SVMPO staff to effectively and efficiently execute the biannual Work Program.

5. Consideration for City Services. During the annual budget formulation by each of the parties, the SVMPO Board will determine personnel, facilities, and other services needed for the upcoming fiscal year. The SVMPO Administrator will calculate 10% Indirect Cost De Minimis from the total budget of all work programs except for the rental cost. The rental cost to be paid to the City will be added as a direct expense to the SVMPO and will be excluded from the 10% Indirect Cost calculation. The City will provide to the SVMPO Board the cost of providing services as described in this Agreement for inclusion in the SVMPO Budget. The City will also include these costs in its own budget as necessary to provide the personnel, facilities and other services as described in this Agreement.
6. Reimbursement. The City will invoice the SVMPO 10% Indirect Cost De Minimis (2 CFR §200.68 & §414 (f) from the actual direct expenditures for all tasks except for the rental cost associated to the Metropolitan Planning (PL), Statewide Planning and Research (SPR), FTA 5305 and STBG Funds. The 10% indirect cost invoice to the SVMPO will compensate the City for site services as stated in section 2.5 and in Attachment D provided for SVMPO purposes. The City shall also invoice the SVMPO a rental cost as stated in Attachment D. The calculation of the 10% indirect cost De Minimis will be done during the preparation of regular reimbursement requests but no less than on a quarterly basis. The final invoice of the year, covering the period through the end of June of each year, is due to the SVMPO no later than July 15.
7. Indemnification. The parties understand and agree that notwithstanding the technical status of SVMPO Staff as City employees, the work activities of SVMPO Staff will be solely subject to direction by the SVMPO and will be carried out on behalf of the SVMPO rather than the City. Accordingly, it is further agreed that, to the maximum extent permitted by law, the SVMPO shall defend, indemnify and hold harmless the City, its agents, officers, officials, and employees from and against all claims, damages, losses and expenses, related to, arising out of, the acts or omissions of the SVMPO Staff pursuant to this Agreement or otherwise on behalf of the SVMPO.
8. Non-Discrimination. To the extent applicable, the parties shall comply with all laws and regulations, including, but not limited to, Title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act and State Executive Order 75-5 which mandated all persons, regardless of race, religion, handicap, color, age, sex, political affiliation or national origin shall have equal access to employment opportunities. All parties shall comply with the Rehabilitation Act of 1973, as amended, which prohibits discrimination in the employment or advancement in employment of qualified persons because of physical or mental handicap, with all federal regulations regarding equal employment opportunity, with relevant orders issued by the U.S. Secretary of Labor and with all applicable provisions of the Americans with Disabilities Act, Public Act 101-336, 42 U.S.C. Sections 12101-12213 and all applicable Federal Regulations under the Act, including 28 C.F.R. Parts 35 & 36.

9. Conflict of Interest. This Agreement is subject to cancellation pursuant to the provisions of A.R.S. § 38-511 regarding Conflict of Interest.
10. No Boycott of Israel. In accordance with A.R.S. § 35-393.01, the parties certify that they are not currently engaged in, and for the duration of this Agreement agree not to engage in, a boycott of Israel, and will not adopt a procurement, investment, or other policy that has the effect of inducing or requiring a person or company to boycott Israel.
11. Compliance With Immigration Laws. The parties hereby warrant that they will at all times during the term of this Agreement comply with all federal immigration laws applicable to the parties' employment of its employees, and with the requirements of A.R.S. § 23-214(A) (together the "State and Federal Immigration Laws"). The parties shall further ensure that each sub-consultant who performs any work for the party under this Agreement likewise complies with the State and Federal Immigration Laws.
12. Terms of the Agreement
  - 12.1 This Agreement shall become effective following its approval by each Party and upon its recording in the Office of the Cochise County Recorder.
  - 12.2 The Agreement shall expire each June 30 at 11:59 p.m. and will automatically renew each July 1 at 12:00 a.m. (midnight Arizona time) unless the Agreement is terminated as provided for in this Agreement.
13. Termination of Agreement. This Agreement may be terminated, with or without cause, by either Party, upon written notification not less than 60 days prior to the effective date of termination.
14. Governing Law and Venue. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Arizona. The exclusive venue for any litigation, arbitration, administrative hearing or the like regarding this Agreement, or any matter arising from this Agreement, shall be in Cochise County, Arizona.
15. Inspection and Audit. The City and SVMPO shall make all books, accounts, reports, files, and other records relating to this Agreement subject to inspection and audit. Inspections and audits will be performed at reasonable times and in such offices to which both Parties may mutually agree.
16. Severability. If any provision of this Agreement is found to be invalid or unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall not be affected and shall remain in effect and be valid and enforceable to the fullest extent permitted by law.
17. Amendment. This Agreement shall not be amended except by written instrument mutually agreed upon and executed by the Parties.

18. Notices. Any notice, consent, or other communication required or permitted under this Agreement shall be in writing and shall be deemed received at the time it is personally delivered, on the second day after it is deposited with any commercial air courier or express service, or mailed, three days after the Notice is deposited in the United States mail addressed as follows:

City of Sierra Vista  
Attn: City Manager  
1011 N. Coronado Drive  
Sierra Vista, Arizona 85635-9610

Sierra Vista Metropolitan Planning Organization  
Attn: SVMPO Administrator  
401 Giulio Cesare Ave  
Sierra Vista, Arizona 85635

19. Authority. The City and the SVMPO each represent, warrant, and covenant to the other that they have the right to enter into and make this Agreement.
20. Entire Agreement. This Agreement and Attachments constitutes the entire Agreement between the Parties and includes all prior oral and written agreements of the Parties.

IN WITNESS WHEREOF, the parties have executed this Intergovernmental Agreement on the dates indicated below.

**CITY OF SIERRA VISTA**  
**A municipal corporation**

By: \_\_\_\_\_  
Frederick W. Mueller, Mayor

Date: \_\_\_\_\_

*Attested to:*

By: \_\_\_\_\_  
Jill Adams, City Clerk

**Sierra Vista Metropolitan Planning  
Organization**

By: \_\_\_\_\_  
Tom Borer, Vice-Chair, SVMPO Board of Directors

Date: \_\_\_\_\_

*Attested to:*

By: \_\_\_\_\_  
Karen L. Lamberton, AICP, SVMPO Administrator

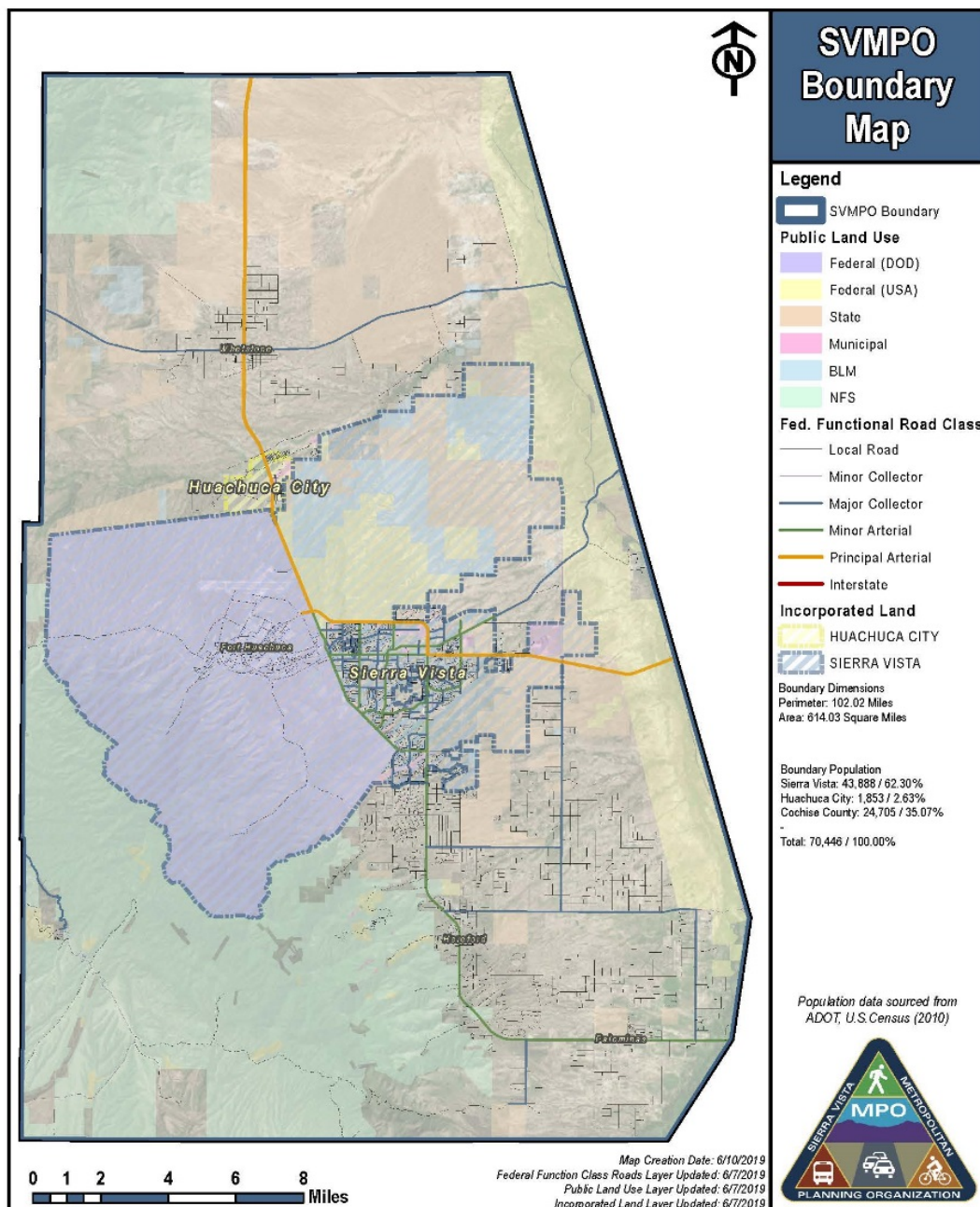
*Approved as to form:*

By: \_\_\_\_\_  
Nathan Williams, City Attorney

## ATTACHMENT A: PLANNING AREA

The Sierra Vista Metropolitan Planning Organization (SVMPO), is the federally designated metropolitan planning organization for the southwestern area of Cochise County, including the urbanized areas of the City of Sierra Vista and the Town of Huachuca City. The SVMPO planning area encompasses an area of approximately 614 square miles and its regional boundaries reach to the international border with Mexico to the south, the Pima County boundary to the west, to the City of Benson jurisdiction boundary to the north and the San Pedro river corridor to the east. There are currently two incorporated areas within the SVMPO; the City of Sierra Vista and the Town of Huachuca City.

The MPO planning area includes federal and state-owned lands, including the Coronado National Forest and the U.S. Military installation at Fort Huachuca. Other jurisdictions within Cochise County, and key areas outside of Cochise County, are included in planning processes in order to help evaluate connectivity and outside impacts.





ATTACHMENT B

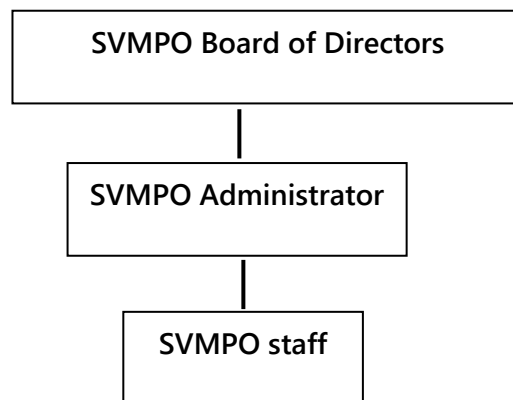
SVMPO ByLaws

## ATTACHMENT C

### Employment of SVMPO Personnel by Host Agency City of Sierra Vista

The City of Sierra shall integrate SVMPO staff into its personnel system in the manner set forth in this attachment.

- 1. Employee Status:** For the Purpose of this Agreement, unless otherwise expressly provided herein, SVMPO Staff are employees of the SVMPO, but shall in every respect otherwise be considered employees of the City of Sierra Vista directly assigned to SVMPO per the Intergovernmental Agreement between the City of Sierra Vista and the SVMPO, and shall be subject to applicable City Employment Policies, Directives, and Procedures and entitled to City employee benefits, including, but not limited to health and other insurance, leave accrual, Workers' Compensation Insurance and participation in the Arizona State Retirement System.
- 2. Form of Organization:** For the purposes of organization, the SVMPO Staff shall be deemed to comprise a separate operating unit as follows:



- 3. Administration:** All decisions with respect to operations, employment/retention, annual performance evaluation, employee compensation and work assignments shall be reserved to the discretion of the SVMPO Board.
- 4. Employees:** In the event of a vacancy in the SVMPO Administrator position, the City of Sierra Vista, Human Resource Division and SVMPO Technical Advisory Committee will screen and interview applicants, and recommend its top candidates to the SVMPO Board for interview and final selection. The SVMPO Board will approve the successful candidate for employment. Upon acceptance by the candidate, the City shall process the person selected as a City contract employee. Unless otherwise agreed to by the Parties, termination and/or replacement of a current employee may be handled by City administrative staff upon receipt of a request by the SVMPO Board.

## ATTACHMENT D

### COST OF OFFICE AND SITE SERVICES

The City of Sierra shall provide Office and Site Services to SVMPO Staff in the manner set forth in this attachment.

1. **Office Space and Site Services:** The City shall provide SVMPO Staff with office and site services as described in Section 2 and item #3 below of the Intergovernmental Agreement between the City of Sierra Vista and the Sierra Vista Metropolitan Planning Organization (SVMPO). The office for the SVMPO Administrator shall be located at 401 Giulio Cesare Avenue, Sierra Vista, AZ 85635.
2. **Office Cost:** The SVMPO agrees to pay the City for the value of office rental which shall be calculated at the cost of square footage used by the SVMPO at the average lease rate of commercial space in Sierra Vista per year. As of the date of this Agreement, this amount is at a rate of \$14.00 per square foot per year. For a total of 340 square footage of dedicated SVMPO space, the annual rate is \$4,760.00. The City shall bill the SVMPO on a schedule mutually agreed upon by both parties. This cost shall be reevaluated every other year, beginning in 2022.
3. **De Minimis Site Service Cost:** The cost of the site services will be allowable 10% Indirect Cost De Minimis. The calculation will be based on the actual monthly expenditures, excluding rental cost. Below are the site services with the summary of service scope by each City Department or Division.
  - a. Finance-financial services such as quarterly expenditure reports, DBE & No-DBE reports, reimbursement requests, requisition entries, invoice payments, general billing, cash receipts and other accounting services
  - b. Procurement- prepares bid and contract documents, Purchase Orders
  - c. IT-provides telephone line, computer and other technical support
  - d. HR-recruitment, hiring, bi-weekly payroll and other payroll services
  - e. Public works-janitorial, use of copier, utilities, etc.
  - f. Other site services- legal review and counsel, audit, mail, website hosting, etc.



# Sierra Vista Metropolitan Planning Organization Memorandum

**To:** SVMPO Board of Directors  
**From:** Karen L. Lamberton, AICP, SVMPO Administrator  
**Date:** May 21, 2020  
**Subject:** Town of Huachuca City MOU Agreement

---

The Town of Huachuca City worked with SVMPO staff and their legal counsel to complete a Memorandum of Agreement (MOU) with the SVMPO. This MOU has been approved by the Town of Huachuca City's Town Council on January 24, 2020.

The Town has agreed to the SVMPO Board approved funding formula. Town Council will make a determination on if they will provide cash, services or in-kind match (or combination of those options) each budget cycle and notify the SVMPO Administrator, in writing of the Town's budget decision each year.

The Town acknowledges limitations in staff resources but also desires to be prudent with their limited funding revenues. Town Council felt it best to provide an opportunity to discuss the match amounts required each year and commit to the best mix of match options each budget cycle.

In addition, the MOU allows the SVMPO to request documentation of staff labor rates from their Human Resources staff, as needed and appropriate for audit purposes.

**Attachments:** Town Approved MOU with SVMPO

**Action Requested:** Motion to Approve the MOU Match Agreement with the Town of Huachuca City.

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION [SVMPO]  
AND THE TOWN OF HUACHUCA CITY  
FOR CONTRIBUTION OF LOCAL MATCHING FUNDS TO SUPPORT THE  
SVMPO'S ANNUAL WORK PROGRAM**

This Memorandum of Understanding (this "MOU") is entered into by and between SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION ("SVMPO"), a state and federally recognized metropolitan planning organization, and the TOWN OF HUACHUCA CITY ("Town"), an Arizona municipal corporation. SVMPO and the Lead Agency are sometimes collectively referred to as the "Parties," either of which is sometimes individually referred to as a "Party."

**RECITALS**

- A. Metropolitan Planning Organizations (MPOs) are established by Title 23 United States Code section 134 (b) (23 U.S.C. § 134 (b)) in urban areas over 50,000 population.
- B. SVMPO is the designated MPO for southeastern Cochise County, Arizona.
- C. The Board of Directors of SVMPO is composed of elected officials from each member jurisdiction, plus one appointed official from the Arizona Department of Transportation (ADOT) State Transportation Board.
- D. On January 18, 2018, the Town became a member jurisdiction of SVMPO per the Town of Huachuca City Resolution 2017-13 and SVMPO Resolution 2018-002
- E. In accordance with state and federal regulations, the SVMPO Board of Directors is required to develop and adopt an annual work program and budget.
- F. In accordance with state and federal regulations, the SVMPO is responsible for contributing its share of the local match required for the SVMPO to receive various forms of state and federal funding to implement the approved annual work program.
- G. Pursuant to the SVMPO Bylaws, local match funding contributions from member jurisdictions will be apportioned annually by the Board of Directors based upon population (50%) and the number of federally classified functional lane miles (50%) within each member jurisdiction.
- H. Jurisdiction match requirements will be included for approval in the annual work program and budget, and may be amended from time to time.
- I. Matching funds may be contributed to the SVMPO by the member jurisdictions through cash payment, staff support and other "in-kind" contributions in the form of hosted office space, supplies and equipment for operation of the SVMPO as well as project and meeting support.
- J. Through this MOU, the Parties wish to establish and memorialize their understanding regarding the Town's share of the local match.

## **UNDERSTANDING**

NOW, THEREFORE, the Town of Huachuca City and SVMPO, pursuant to the above and in consideration of the matters and things set forth in this MOU, do mutually understand as follows:

- 1. Determination of Local Match Share.** Each fiscal year, the Board of Directors shall be responsible for determining the Town's share of the local match. The Town acknowledges that this amount may change after initial approval of the annual work program based upon state and federal review, changes in funding allocations after the state fiscal year reconciliation in July and the federal fiscal year adjustments in October as well as work program amendments.
- 2. Town Budget.** SVMPO understands that the Town must receive from SVMPO an estimate each year of Town's local match share in time for Town's Council to plan and budget for Town's contribution. SVMPO understands that Town's ability to contribute to SVMPO is dependent upon, and subject to, Council's budget process and authority.
- 3. Form of Contribution.** Town may contribute its local match share through any combination of cash payment, staff support and other "in-kind" contributions in the form of hosted office space, supplies and equipment for operation of the SVMPO as well as project and meeting support. The Town will determine the type(s) of match contribution which will be made towards SVMPO operating expenses during its annual budget discussions each year and submit a written confirmation to the SVMPO of which form(s) of contribution will be made for the next fiscal year upon adoption of the Town's annual budget.
- 4. Documentation of Contribution:** The Town agrees to provide, upon SVMPO request, documentation of fully loaded labor rates used to determine in-kind staff contributions and formal documentation to satisfy state and federal audit requirements of other in-kind contributions or services.
- 5. Effective Date; Term.** This MOU shall become effective upon approval by the SVMPO Board of Directors and the Town's Council and shall continue in effect until terminated or amended, as provided below.
- 6. Amendment.**
  - 6.1.** This MOU may be modified, amended, altered or changed only by written agreement signed by both Parties.
- 7. Termination.** Either Party may terminate this MOU for convenience by providing 90 days advance written notice to the other Party.
- 8. No Joint Venture.** It is not intended by this MOU to, and nothing contained in this MOU shall be construed to, create any partnership, joint venture or employment relationship between the Parties or create any employer-employee relationship between the Town and any SVMPO employees, or between SVMPO and any Town employees. Neither Party shall be liable for any debts, accounts, obligations or other liabilities whatsoever of the other, including (without limitation) the other Party's obligation to withhold Social Security and income taxes for itself or any of its employees.
- 9. No Third Party Beneficiaries.** Nothing in the provisions of this MOU is intended to create duties or obligations to or rights in third parties not parties to this MOU or to affect the legal liability of either Party by imposing any standard of care different from the standard of care imposed by law.

**10. Compliance with Laws.** The Parties shall comply with all applicable federal, state and local laws, rules, regulations, standards and executive orders, without limitation to those designated within this MOU.

**10.1. Anti-Discrimination.** Neither party shall discriminate against any employee or client of either party or any other individual in any way because of that person's age, race, creed, color, religion, sex, disability or national origin in the course of carrying out the duties pursuant to this MOU. The provisions of A.R.S. § 41-1463 and Executive Order 75-5 as amended by Executive Order 2009-09 issued by the Governor of the State of Arizona are incorporated by this reference as a part of this MOU.

**10.2. Americans with Disabilities Act.** This MOU is subject to all applicable provisions of the Americans with Disabilities Act (Public Law 101-336, 42 U.S.C. §§ 12101-12213) and all applicable federal regulations under the Act, including 28 CFR Parts 35 and 36.

**11. Notification.** All notices or demands upon any Party to this MOU shall be in writing, unless other forms are designated elsewhere, and shall be delivered in person or sent by mail addressed as follows:

To SVMPO:

Ms. Karen Lamberton, Administrator  
Sierra Vista MPO  
401 Giulio Cesare Ave.  
Sierra Vista, Arizona 85635

To the Town:

Town Manager  
TOWN OF HUACHUCA CITY  
500 N. Gonzales Blvd.  
Huachuca City, Arizona 85616

IN WITNESS WHEREOF, the Town of Huachuca City has caused this MOU to be executed by the Mayor, attested to by the Town Clerk, and SVMPO has caused this MOU to be executed by its Chair of the Board of Directors.

SIERRA VISTA MPO

\_\_\_\_\_  
Rick Mueller, Chair

Date: \_\_\_\_\_

TOWN OF HUACHUCA CITY

  
Johann Wallace, Mayor

Date: 24 JAN 2020

ATTEST:

  
Janine Rustine, Town Clerk

Date: 1-24-2020

The foregoing MOU between the Town of Huachuca City and SVMPO has been approved as to content and is hereby recommended by the undersigned.

---

Ms. Karen Lamberton, Administrator



Eric Duthie, Interim Town Manager





# Sierra Vista Metropolitan Planning Organization Memorandum

**To:** SVMPO Board of Directors  
**From:** Karen L. Lamberton, AICP, SVMPO Administrator  
**Date:** May 21, 2020  
**Subject:** Cochise County Match Agreement

---

The Cochise County Administrator and the SVMPO Vice-Chair Tom Borer met with the SVMPO Administrator several months ago about the County's requirements for match contributions. Information has been exchanged with the County's legal counsel and the need for a MOU or other form of agreement regarding the financial commitments of the Cochise County to the regional work of the SVMPO.

At the time of this memo, a draft is not yet prepared for consideration by the SVMPO Board. The Vice-Chair Borer will update the Board of any actions planned or taken by Cochise County regarding the need for this agreement. Cochise County may also discuss with the Board any questions they might have about the requirements for member jurisdiction match and options for covering the County's share of regional operating activities as described in the SVMPO approved Work Program.

**Attachments:** *PENDING*

**Action Requested:**



# Sierra Vista Metropolitan Planning Organization Memorandum

**To:** SVMPO Board of Directors  
**From:** Karen L. Lamberton, AICP, SVMPO Administrator  
**Date:** May 21, 2020  
**Subject:** SVMPO By-Laws Revision: Match Formula Clarification

---

On March 19, 2020, the SVMPO Board of Directors directed the Administrator to bring forward a revision to the SVMPO By-Laws to clarify set dates and sources for formula driven data for the determination of match amounts. The Board of Directors selected two factors: population and federal functionally classified roadways as the measures for determining annual match amounts for each member jurisdiction.

However, these data points change over time and the Board of Directors discussed the frequency of these changes and the uncertainty this could cause in budgeting each year. It was also recognized that changes, while occurring frequently, were not substantive given the projected growth rates within the SVMPO region. Therefore, it was determined that making changes consistent with the decennial census and the mid-decade population adjustments were reasonable and that matching the best available data at that time for the classified roadway system would also be consistent and reasonable.

It is recommended to change the By-Laws in Section IV: Finances C: Jurisdiction Match Funds by adding the following language:

C. Jurisdiction Funding Match: Funding from member jurisdictions will be apportioned annually based upon population (50%) and the number of federally classified centerline miles (50%) within each jurisdiction. The division of jurisdiction match requirements will be included for approval in the annual Work Program and Budget. **Population shall be determined in December of the decennial Census year, as released by the Bureau of the Census, and in December as determined by the mid-decade population estimate as released by the Dept. of Commerce or State agency charged with setting population estimates and projections; Federal Functional Classified Centerline Miles shall also be set every five years as above as shown by the approved Federal Highway Administration maps, and described by the Arizona Dept. of Transportation for state-wide planning purposes, or as otherwise directed by the SVMPO**

**Board in response to changes in SVMPO boundaries, annexations or additions to Centerline Miles within the SVMPO boundaries.**

This proposed change does not change the underlying implications for setting the match requirements formulas but does slightly impact the previously described match amounts as earlier versions were using the most recent American Community Survey (2013-2017) population estimates instead of the mid-decade estimated population figures. In addition, corrections were identified to the FHWA approved classified roadway system and these revised figures, consistent with the proposed By-Law changes are noted in the table below. The expanded boundaries came into being in 2018, these are the first SVMPO population numbers for comparison that can be used until the 2020 Census numbers are released in December of 2020.

The most significant change in the formula driven match requirements is that the FY21 Work Program reflects a significant carry forward of FY20 funds due to unanticipated delays in contracting for the Long-Range Transportation Plan update (which is the most significant cost item in our current Work Program).

<b>SVMPO Region</b>	<b>Population Dept. of Commerce (as of Jan 2018 Expanded Boundaries)</b>	<b>Fed Functionally Classified Roadways (Dec 2019)</b>	<b>Combined Factor Percent Totals (Rounded)</b>	<b>Formula Driven FY20 Match (Projected Expenditures)</b>	<b>Formula Driven FY21 Match with Estimated Carry Forward</b>
Cochise County	23,296	73.45	<b>42.5%</b>	<b>\$14,568.51</b>	<b>\$36,999.99</b>
Sierra Vista	45,359	64.9	<b>55.0%</b>	<b>\$20,760.12</b>	<b>\$52,724.99</b>
Huachuca City	1,791	2.73	<b>2.5%</b>	<b>\$1,092.64</b>	<b>\$2,775.00</b>
<b>TOTALS</b>	70,446.00	141.08		<b>\$36,421.27</b>	<b>\$92,499.98</b>
Cochise County	33.07%	52.06%	<b>42.566%</b>	<b>\$15,503.07</b>	<b>\$39,373.52</b>
Sierra Vista	64.39%	46.00%	<b>55.195%</b>	<b>\$20,102.83</b>	<b>\$51,055.64</b>
Huachuca City	2.54%	1.94%	<b>2.239%</b>	<b>\$815.37</b>	<b>\$2,070.82</b>
	100.00%	100.00%	100.00%	\$36,421.27	\$92,499.98

Dues for the Rural Transportation Advocacy Council are paid through a separate invoicing process. The SVMPO covers 70% of those costs and each member jurisdictions is invoiced for the remaining 30%. Dues for the AZ Transit Association are paid at 100% for each member jurisdiction. In addition, the SVMPO provides training support for member jurisdiction TAC and Board members for registration for relevant in-state conferences.

**Attachments:** SVMPO By-Laws with proposed May 2020 changes in yellow highlighting.

**Action Requested:** A motion to approve revising the SVMPO By-Laws to add a new section under Section IV: Finances that states the dates and sources of data used to calculate match requirement formulas for SVMPO operating costs.



# SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION

401 Giulio Cesare Ave, Sierra Vista, Az 85635-2411

## ADMINISTRATOR'S REPORT: ITEM 11

---

### Board of Directors Meeting, May 2020

#### Consolidating Planning with FHWA and FTA Funds

All MPO's in the State of Arizona have now formally agreed to using the option of consolidating federal planning funds. This pending funding consolidation will only include planning funds, not any other federal highway or transit funds. The combined federal awards will begin in FY22.

#### Potential changes to STBG Ledger and TIP project status.

At this time the SVMPO Surface Transportation Block Grant ledger is balanced and our Transportation Improvement Program (TIP) is programmed through Fiscal Year 2021. The drafted 2020-2025 TIP is now posted on the svmopo.org website for public comment. Limited public outreach will be done given that there are no new projects being proposed in the TIP. This will come to the Board for approval at your June Board meeting.

#### Federal Functional Classified Roadway Updates

The SVMPO staff continue to work with ADOT, Works Consulting and member jurisdictions on identifying potential changes and/or corrections needed to the FHWA December 2019 approved Federal Functional Classified (FFC) Maps. Works Consulting is making geocoding error corrections and a training is scheduled with the SVMPO TAC in June on a new electronic program (AzGeo Change Request) for requesting additions or deletions to the federal classified roadways. SVMPO staff have identified multiple revisions that are needed – including placement of roadways within the correct MPO or COG regional boundaries. It is anticipated that Board members will receive a revised FCC list for their jurisdictions at the June Board meeting.

#### Pending Work Program Amendments and Budget Changes

An update to the approved Work Program will be brought forward for Board consideration before the end of this fiscal year. The unexpected delay in being able to secure consulting services will result in a much higher than anticipated carry-forward into next fiscal year of the Work Program budget. This will impact match amounts and project delivery dates. The last Work Program was developed for two years (both for FY20 and FY21), so changes will be brought forward as an Amendment. The SVMPO Technical Advisory Committee have identified several specific project amendments that they would like to recommend to the Board to add or replace within the Work Program for Fiscal Year 2021. These include a joint City/County planning project for Theater Drive and/or on Moson Rd.

#### SVMPO On-Call Request for Proposals

In an effort to streamline the requirements of federal, state and the SVMPO Fiscal Agent for procurement, an On-Call Request for Proposals has been developed with extensive coordination with our federal, state and fiscal agent partners. This request for Solicitations was released, 26 Proposals were received and a ranking committee that included all member jurisdictions (plus Vista Transit for the transit category), ADOT, two COG's and two MPO's completed their reviews and a tentative list prepared for Sierra Vista Procurement, as the SVMPO Fiscal Agent. Contracting is underway. Once fully executed contracts are completed, the final On-Call List will be transmitted to all member jurisdictions and task orders may be issued. This was the first attempt at developing a state-wide On-Call for professional planning services, with reciprocal language for all MPO's and COG's. CYMPO completed a similar effort concurrently for professional engineering services.

#### SVMPO Long-Range Transportation Plan Update

A scope of work has been fully developed for the 2050 Long-Range Transportation Plan Update. As soon as the On-Call contracts are fully executed, a request for Cost Proposals will be issued and interviews scheduled with the firms selected for the Long-Range Transportation Plan category. Eight firms are anticipated to be given the opportunity to bid on this project. It is expected to be under contract in July of 2020 for this project. Much of the early work will be the development of a full demographic dataset and transportation model for the expanded SVMPO boundaries.

---

*The Sierra Vista Metropolitan Planning Organization is a regional policy and planning agency serving the City of Sierra Vista, the Town of Huachuca City and Cochise County in partnership with the Arizona State Department of Transportation. We share information and build consensus among our member jurisdictions on regional transportation plans and projects.*

**SVMPO STBG Ledger FY 2021-2025**  
**5/3/2020 STBG LEDGER**  
**SVMPO REVISIONS 2021-2025 TIP**

	A	B	C	D	E	F	G	H
1								
2	<b>SVMPO STBG Ledger</b>				<b>Projected Fed Funds</b>		<b>Cumulative Balance</b>	
3	<b>Action</b>	<b>OA Rate</b>	<b>Apportionment</b>	<b>OA</b>			<b>Apportionment</b>	<b>OA</b>
31	<b>FY 2020 Balance</b>						<b>\$53,458</b>	<b>\$0</b>
32								
33	<b>FY 2021 Allocation</b>	<b>94.9% *</b>	\$398,555	\$378,229			\$452,013	\$378,229
34	Work Program OA Transfer		\$0	-\$12,806			\$452,013	\$365,423
35	Repayment from MPO/ADOT Pending		\$2,297,268	\$2,297,268			\$2,749,281	\$2,662,691
36	North Garden Ave/Fry Blvd Phase 1		-\$123,405	-\$123,405			\$2,625,876	\$2,539,286
37	North Garden Ave/Fry Blvd Phase 1		-\$2,539,285	-\$2,539,285			\$86,591	\$0.69
39	<b>FY 2021 Balance</b>						<b>\$86,591</b>	<b>\$0.69</b>
40								
41	<b>FY 2022 Allocation</b>	<b>94.9% *</b>	\$398,555	\$378,229			\$485,146	\$378,229
42								
43	<b>FY 2022 Balance</b>						<b>\$485,146</b>	<b>\$378,229</b>
44								
45	<b>FY 2023 Allocation</b>	<b>94.9% *</b>	\$398,555	\$378,229			\$883,701	\$756,458
46	Repayment in from SEAGO		\$395,617	\$395,617			\$1,279,318	\$1,152,075
47								
48	<b>FY 2023 Balance</b>						<b>\$1,279,318</b>	<b>\$1,152,075</b>
49								
50	<b>FY 2024 Allocation</b>	<b>94.9% *</b>	\$398,555	\$378,229			\$1,677,873	\$1,530,304
51								
52								
53	<b>FY 2024 Balance</b>						<b>\$1,677,873</b>	<b>\$1,530,304</b>
54								
55	<b>FY 2025 Allocation</b>	<b>94.9% *</b>	\$398,555	\$378,229			\$2,076,428	\$1,908,532
56								
57								
58	<b>FY 2025 Balance</b>						<b>\$2,076,428</b>	<b>\$1,908,532</b>
59								
60								
61								
62								
63								
64								



# Sierra Vista Metropolitan Planning Organization Memorandum

**To:** SVMPO Executive Board

**From:** Karen L. Lamberton, AICP, SVMPO Administrator

**Date:** May 21, 2020

**Subject:** Executive Session – SVMPO Administrator Annual Review

---

The SVMPO Board may vote to adjourn to Executive Session pursuant to A.R.S. §38.431.03 for purposes of evaluating the performance of the SVMPO Administrator. The SVMPO Administrator's one-year anniversary in this position was August 27, 2019.

If authorized by the requisite vote of the SVMPO Board, the Executive Session will be held immediately after the vote, at the same location as the SVMPO Regular Board meeting, and will not be open to the public. Discussion and possible action may occur, as permitted under A.R.S. §38.431.03 (A) (1)-(7), related to the performance evaluation and/or contract language regarding her position responsibilities and delegated authority.

The SVMPO Administrator is advised, under A.R.S. §431.03A.(1) of this notice of the intent to provide her with an annual review of her performance and discussion of her contract with the SVMPO Board within a closed executive session and of her right to request that this discussion or consideration occur in an open meeting. Such notice, if desired, shall be conveyed in writing not less than twenty-four of hours of the scheduled public meeting.