



# SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION BOARD of DIRECTORS: REGULAR MEETING AGENDA: October 15, 2020

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## 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:

October 15, 2020  
**3:00 p.m.**

## To attend the meeting by telephone:

Call 1-415-655-0001. Meeting No. 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.svmppo.org](http://www.svmppo.org)  
Email: [SVMPO@SierraVistaAZ.gov](mailto:SVMPO@SierraVistaAZ.gov)  
Administrator Phone: 520-515-8525

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## 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:	Richard Searle, State Transportation Board <i>Designated Alternate:</i> Rod Lane, Arizona Department of Transportation

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

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## 1. CALL TO ORDER AND ROLL CALL

## 2. ACCEPTANCE OF THE AGENDA

## NEW BUSINESS: PRESENTATION/DISCUSSION/POSSIBLE ACTION

### 3. COCHISE COUNTY/SVMPO MOU FOR LIDAR PROJECT TRANSFER OF FUNDS

**Action:** The Board of Directors took action earlier this year to transfer \$120,000 from the State Transportation Block Grant funds (from the Transportation Improvement Program) to the SVMPO Work Program, Task Two: Transportation Systems Data and Monitoring, to partner with Cochise County for their LIDAR flight. This action was approved by ADOT and FHWA on July 30, 2020.

This flight data provides critical transportation and stormwater information needed for all member jurisdictions, the SVMPO and our state and federal partners. This joint Memorandum of Understanding (MOU) sets out the agreements for making this transfer of federal funds and assures that required federal requirements for the use of these funds has, or will be, met.

The Cochise County Board of Supervisors will be considering this MOU for approval in their regular Board meeting on October 13, 2020. If accepted, this MOU would come to the SVMPO for their concurrence, and direction to the SVMPO Chair for signature. Once completed, copies would be sent to ADOT and, following the guidelines of the MOU, Cochise County will invoice the SVMPO once work and invoicing has occurred on this project, and funds will then be transferred.

Sufficient set-aside of carry forward in-kind match has been identified by the SVMPO Administrator to cover this expenditure and 100% of these funds will be reimbursed back to the MPO from our federal partners.

This is an action item.

#### **4. FUTURE AGENDA ITEMS**

The next Board of Directors meeting is tentatively set for **November 19, 2020 at 3:00 p.m.** A Work Session on the Long-Range Transportation Plan Update is scheduled immediately after this regular Board Meeting.

#### **5. 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.

#### **6. 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 Memorandum

**To:** SVMPO Board of Directors  
**From:** Karen L. Lamberton, AICP, SVMPO Administrator  
**Date:** October 20, 2020  
**Subject:** Approved LIDAR Flight Project: Fund Transfer to Cochise County MOU

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The SVMPO Board of Directors took action earlier this year to transfer \$120,000 from the State Transportation Block Grant funds (from the Transportation Improvement Program) to the SVMPO Work Program, Task Two: Transportation Systems Data and Monitoring, in order to partner with Cochise County for a LIDAR flight. This action was approved by ADOT and FHWA on July 30, 2020.

Light Detection and Ranging, more commonly known by its LIDAR acronym, is an active laser scanning technique allowing for digital 3-D representations of the area. It is critical technical data used for land development, including transportation and drainage structures.

The total estimated cost of this flight, which will be flown by a USGS contractor, is \$766,525. The SVMPO is contributing about 15 percent of this flight cost. The remaining balance is being funded by the Cochise County Flood Control District (these funds have already been dedicated to this project in a separate action of the Cochise County Board of Supervisors). Sufficient set-aside of carry forward in-kind match has been identified by the SVMPO Administrator to cover the required match for this expenditure. 100% of these funds will be reimbursed back to the MPO from our federal partners.

The first transfer of flight data will occur by the end of this calendar year and all data is expected to be received by this time next year. Flight data is also being compiled for Graham, Santa Cruz and Pima Counties.

The Cochise County Board of Supervisors is expected to consider the joint MOU at their regular Board of Supervisors meeting on October 13, 2020. If approved, it will be then brought to the SVMPO Board to fully execute the Agreement. Once the project is completed, Cochise County will provide project documentation and proof of USGS invoicing to the SVMPO for reimbursement up to the approved amount of \$120,000.

**Attachments:** Draft MOU between SVMPO and Cochise County (*pending County Board action on Oct. 13<sup>th</sup>*)

**Action Requested:** Approval of MOU with Cochise County for contribution of regional funds for the LIDAR flight within the SVMPO area, as per the approved SVMPO FY21 Work Program.

OCT 13 10 BOARD MEETING  
LIDAR FUND TRANSFER

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
SIERRA VISTA METROPOLITAN PLANNING ORGANIZATION [SVMPO]  
AND COCHISE COUNTY  
FOR CONTRIBUTION OF FEDERAL FUNDS TO LIDAR FLIGHT PROJECT**

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 COCHISE COUNTY ("County"), a political subdivision of the state of Arizona. 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 was designated the MPO for southeastern Cochise County, Arizona on May 6, 2013;
- 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 December 18, 2013, the County became a member jurisdiction of SVMPO. County Resolution 13-34 approved on October 22, 2013;
- 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 and a Transportation Improvement Program (TIP);
- 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 Transportation Improvement Program (TIP) projects awarded to their jurisdiction; and
- G. In accordance with state and federal regulations, the SVMPO may transfer funds from the State Transportation Block Grants programmed in their TIP to local agencies for approved Work Program activities.

**UNDERSTANDING**

NOW, THEREFORE, COCHISE COUNTY and SVMPO, pursuant to the above and in consideration of the matters and things set forth in this MOU, and in compliance with 2 CFR 200 do mutually understand as follows:

1. **Subrecipient Name:** The Subrecipient shall be Cochise County, a local agency who is a member of the SVMPO;

2. **Subrecipient's Entity Identifier Number:** Cochise County's Entity Identification Number is: 86-6000398
3. **Subrecipient Federal Award Identification Number:** Cochise County's FAIN is: 639JJ22030000M24EAZSVMT020
4. **Federal Award Date of Award to Recipient:** The SVMPO approved the LIDAR project to Cochise County in their FY20-21 Work Program and Budget on May 16, 2019; approved the transfer from the TIP to the Work Program in the amount of \$120,000 on November 21, 2019. Award letter authorizing this transfer transmitted to the Arizona Dept. of Transportation (ADOT) on December 2, 2019; obligation for transfer of STBG funds into Work Program approved by ADOT on December 13, 2019.
5. **Subaward Period of Performance Start and End Date:** This award is to support a LIDAR (Light Detection and Ranging) flight, contracted with the US Dept. for Geological Survey, to be flown in the Summer of 2020, with the final product map deliver date of Fall 2021.
6. **Amount of Federal Funds Obligated by this Action by the SVMPO:** The amount of approved federal funds through the SVMPO to the County is \$120,000 to be paid upon invoicing by Cochise County with attached documentation showing an invoice equal to or exceeding this amount from the contracted vendor:
7. **Project Description:** The project is to conduct an aerial flight of Cochise County to produce a LIDAR map at 2 feet intervals to include the entirety of the SVMPO region. This update in data will support transportation and hydrology planning, community development planning and coincide with the decennial census data collection effort. This project meets the federal, state and SVMPO performance goals to expedite project delivery timeframes and support environmental sustainability.
8. **Federal Awarding Agency:** The source of federal funds for this action is the Federal Highway Administration (FHWA) through the State Transportation Block Grants (STBG). The current contract is GRT-19-0007317-T; Federal Aid # SVM-T-020 for ADOT Project # PSV2003P.
9. **Pass-Through Entity:** The federal funds will pass through the Sierra Vista MPO and the contact information for the SVMPO is the Chair of the SVMPO: 401 Giulio Cesare Ave, Sierra Vista, AZ 85635
10. **CFDA Number:** 15.817
11. **Award Type:** These federal funds are not for Research and Development project.
12. **Indirect Cost Rate:** These federal funds are subject to the de-minimus indirect rate to the limits allowed under 2 CFR 200.414 and these additional indirect costs will be covered as per the adopted Work Program for this funding transfer as described by the Work Program and County match agreements.
13. **Match Amounts:** The County is responsible to show documentation of providing the local match of \$7,253 as per the adopted Work Program for this funding transfer within FY20.
14. **Federal Award Conditions:** The County will provide the SVMPO with status reports of the project upon request and when the project is completed in a format provided to the County by the SVMPO. Final project flight data will be shared with the SVMPO and member jurisdictions.

15. **AZUTRACS:** The project will be registered in AZUTRACS and the documentation that this has been done will be provided to the SVMPO and the County agrees to ensure that the project invoices and payments are recorded in a timely manner.
16. **DBE goal:** The project is contracted with the U.S. Department of Geological Survey.
17. **Effective Date; Term.** This MOU shall become effective upon approval by the SVMPO Board of Directors and the Cochise County Board of Supervisors and shall continue in effect until terminated or amended, as provided below.
18. **Compliance with Federal, State and Local Award 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.
  - 18.1. **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.
  - 18.2. **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.
19. **Access to Records:** The County agrees to allow the SVMPO and auditors to have access to applicable records and financial statements to support the audit requirements of the SVMPO and their fiscal Agent, the City of Sierra Vista.
20. **Amendment.** This MOU may be modified, amended, altered or changed only by written agreement signed by both Parties.
21. **Termination.** Either Party may terminate this MOU for convenience by providing 90 days advance written notice to the other Party.
22. **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.
23. **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.
24. **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  
SVMPO Administrator  
Sierra Vista MPO  
401 Giulio Cesare Ave.  
Sierra Vista, Arizona 85635

To Cochise County:

Mr. Richard Karwaczka  
County Administrator  
COCHISE COUNTY  
1415 Melody Lane, Bld G  
Bisbee, Arizona 85635

IN WITNESS WHEREOF, Cochise County has caused this MOU to be executed by the Chair of the Board of Supervisors, attested to by the County Clerk of Court, and SVMPO has caused this MOU to be executed by its Chair of the Board of Directors.

**SIERRA VISTA MPO**

**COCHISE COUNTY BOARD OF SUPERVISORS**

\_\_\_\_\_  
Fredrich W. Mueller, Chair

\_\_\_\_\_  
Thomas E. Borer, Chairman

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

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

ATTEST:

\_\_\_\_\_  
Kim Lemons, County Clerk

The foregoing MOU between the Cochise County and SVMPO has been approved as to content and is hereby recommended by the undersigned.

\_\_\_\_\_  
Karen Lamberton, SVMPO Administrator

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Richard Karwaczka, County Administrator