

PLEASE NOTE SPECIAL MEETING TIME

CHEHALIS CITY COUNCIL AGENDA
CITY HALL
350 N MARKET BOULEVARD, CHEHALIS, WA 98532

Dennis L. Dawes, Position at Large Mayor		
Terry F. Harris, District 1, Mayor Pro Tem Daryl J. Lund, District 2 Dr. Isaac S. Pope, District 4		Anthony E. Ketchum Sr., District 3 Chad E. Taylor, Position at Large Bob Spahr, Position at Large

August 10, 2015

4:30 p.m.

EXECUTIVE SESSION		
1. <u>Executive Session Pursuant to RCW 42.30.110 (1)(i) – Potential Litigation.</u> (City Manager, City Attorney, Community Development Director)	---	

Regular Meeting of Monday, August 10, 2015

5:00 p.m.

ITEM	ADMINISTRATION RECOMMENDATION	PAGE
2. <u>Call to Order.</u> (Mayor)		
3. <u>Pledge of Allegiance.</u> (Mayor)		

CITIZENS BUSINESS

This is an opportunity for members of the audience to address the council on matters not listed elsewhere on the agenda. Speaker identification forms are available at the door and may be given to the city clerk prior to the beginning of the meeting.

SPECIAL BUSINESS

4. <u>Interview Applicant for Consideration of Appointment to the Historic Preservation Commission.</u> (City Manager, Community Development Director)	---	1
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CONSENT CALENDAR

5. <u>Minutes of the Regular Meeting of July 27, 2015.</u> (City Clerk)	APPROVE	3
6. <u>Vouchers and Transfers.</u> (Finance Manager)	APPROVE	8
7. <u>Resolution No. 7-2015, First and Final Reading – Amending Title 17 Appendix Chapter “A” (Schedule of Fees and Charges) of the Uniform Development Regulations.</u> (City Manager, Community Development Director)	ADOPT	10

ADMINISTRATION AND CITY COUNCIL REPORTS

8. <u>Administration Reports.</u>		
a. Update on activities at the Chehalis-Centralia Airport. (Airport Manager)	INFORMATION ONLY	
9. <u>Council Reports.</u>		
a. Councilor reports. (City Council)	INFORMATION ONLY	
b. Council committee reports. (City Council)	INFORMATION ONLY	

UNFINISHED BUSINESS

10. <u>Ordinance No. 943-B, Second and Final Reading – Amending the 2015 Budget.</u> (City Manager, Finance Manager)	PASS	18
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NEW BUSINESS

11. <u>Resolution No. 8-2015, First and Final Reading - Authorizing the City Manager to Apply for and Accept the Washington State Department of Transportation Grant Supplementing AIP Project Number: 3-53-0012-016 in the amount of \$10,550.</u> (City Manager, Airport Manager)	ADOPT	26
12. <u>Resolution No. 9-2015, First and Final Reading - Authorizing City Manager to Execute FAA Grant Offer for AIP Project Number: 3-53-0012-016 in the amount of \$189,900.</u> (City Manager, Airport Manager)	ADOPT	33
13. <u>Ordinance No. 944-B, Final Reading – Addressing Panhandling in the City of Chehalis.</u> (City Manager, Police Chief)	PASS	62

**THE CITY COUNCIL MAY ADD AND TAKE ACTION ON
OTHER ITEMS NOT LISTED ON THIS AGENDA**

NEXT REGULAR CITY COUNCIL MEETING WILL BE ON MONDAY, AUGUST 24, 2015

**CITY OF CHEHALIS
AGENDA REPORT**

DATE: July 29, 2015
TO: The Honorable Mayor and City Council
FROM: Dennis Osborn, Community Development Director
SUBJECT: Interview Applicant for Consideration of Appointment to the Chehalis Historic Preservation Commission

ISSUE

The city currently had three vacancies on the Chehalis Historic Preservation Commission (HPC).

DISCUSSION

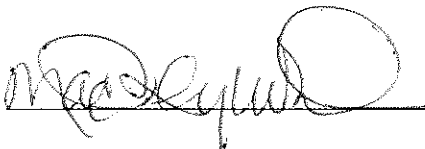
The city recently received an application from Heather Beard who wishes to be consideration for appointment to the HPC. Appointment to this Commission is made by the city council. The application for Ms. Beard is attached for review.

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration would ask that the council interview the applicant to see if she demonstrates the qualities and competence desired by the council to fill one of the current vacancies on the HPC.

SUGGESTED MOTION

For interview purposes only.

Reviewed:  _____, City Manager

City of Chehalis APPLICATION FOR APPOINTMENT

Date July 11, 2015

(The city of Chehalis accepts applications from anyone residing in the city limits of Chehalis, who meet the required criteria for each Board, Commission or Committee. Please see below the corresponding RCW, CMC, or Resolution for appointment criteria. For more information contact city clerk at 360-345-3225)

I wish to be considered for appointment to the following board, commission, or committee:

- Sister City Committee (CMC 2.80)
- Lodging Tax Advisory Committee (Resolution 1-98)
- Historic Preservation Commission (CMC 2.66)
- Civil Service Commission CMC 2.56 and RCW 4.108-Fire, RCW 41.12-Police
- Chehalis River Basin Flood Authority
- Planning Commission (CMC 2.48)

Please print

Name Heather Beard

Present employer N/A

Employer address N/A Phone No. _____

Fax No. N/A E-mail heather-beard@yahoo.com

Home address 311 SW William Ave, Chehalis Home Phone No. 360.920.8993

Have you previously or are you now serving on any of the above mentioned? Yes No

If yes, please explain _____

Date available for appointment immediately

Available to attend Evening meetings? Yes No Daytime meetings? Yes No

Approximately how many hours each month can you devote to city business? 20

Brief statement of qualifications for position and reason for requesting appointment.

Lead research & written portions of the Historic Lewis County Courthouse application to the WA DHP. Serve as Secretary of the Lewis County Historical Society. I have performed extensive research on Chehalis and Lewis County history. I am organized, an excellent oral and written communicator. I am also involved with Chehalis schools as the PTA Legislative Advocate.

Signature Heather Beard

Please return completed form to: Office of the City Clerk
350 N Market Blvd Rm 101, Chehalis WA 98532

Please indicate where you wish meeting information to be mailed and how you would like to be reminded of meetings (e.g., phone, e-mail, cell phone) email: heather-beard@yahoo.com

July 27, 2015

The Chehalis city council met in regular session on Monday, July 27, 2015, in the Chehalis city hall. Mayor Dawes called the meeting to order at 5:00 p.m. with the following council members present: Terry Harris, Dr. Isaac Pope, Bob Spahr, Chad Taylor, and Tony Ketchum. Councilor Lund was absent (excused). Staff present included: Merlin MacReynold, City Manager; Bill Hillier, City Attorney; Judy Schave, City Clerk; Glenn Schaffer, Police Chief; Ken Cardinale, Fire Chief; Dennis Osborn, Community Development Director; Judy Pectol, Finance Manager; and Peggy Hammer, Human Resources Administrator. Members of the media included Dameon Pesanti from *The Chronicle*.

1. **Breastfeeding Coalition of Lewis County**. Health Educator Ellen Kim Cho reported August 1-7 is "World Breastfeeding Week," and this year's theme is, "Let's Make It Work." She noted the Coalition is encouraging businesses to support breastfeeding in the workplace.

2. **Adopt-A-Block Program and Update on Lewis County Historical Museum**. Lewis County Historical Museum Executive Director Andy Skinner talked briefly about the Adopt-A-Block Program that started in the city of Centralia, adding their next launch is August 1 and they already have 21 blocks adopted. Mr. Skinner reported he would like to see this grassroots program started here in Chehalis. He noted the program involves small work parties that get together three times a year to pick up trash, weeds and clean up graffiti around their adopted block.

Mr. Skinner reported the Historical Museum and Virgil R. Lee have offered to adopt blocks in the downtown area. He noted it doesn't cost anything, all they ask is that you have the heart and desire to help clean up the city.

Mr. Skinner reported on the museum's annual pie social and pancake breakfast, noting the pie social raised \$3,475.75 and the breakfast brought in just over \$1,500. He thanked Mayor Dawes and Councilor Ketchum for helping out at the breakfast.

3. **Choose Local First Campaign**. Annalee Tobey, Vice Chair of the Chehalis Community Renaissance Team and Chair of the Marketing Committee, provided a brief overview of the "Choose Local First" campaign that kicked off earlier this year. Ms. Tobey reported the Marketing Committee meets weekly and they never fall short of ideas or ways to promote the city. Other committee members include: Andy Skinner, Courtney Williams, David Hartz, Lisa Guerrero, Caryn Foley, Allison Fischer, Jan Nontell, and Julie Balmelli-Powe.

Ms. Tobey reported, at the end of 2014, the committee started working on a "Shop Local" campaign. She noted once they started talking about it they decided they needed to involve the city of Centralia. So they pulled in the Centralia Downtown Association and got together with The Chamber and came up with a campaign to promote "Choose Local First."

Ms. Tobey reported on the importance of keeping tax dollars local and supporting local businesses. She noted the unique flavor the businesses give our downtown is what shapes us and makes us different from every other community.

Ms. Tobey reported the first step in reaching people was to talk with the businesses. She noted they've had a lot of success with the local media, and they also put together some spotlights on Facebook, created an "Experience Chehalis" e-newsletter that goes out once a month, and worked with various businesses on their reader boards. Ms. Tobey stated they plan to have a "Choose Local First" day in September and as the holidays come around they plan to put a holiday spin on it, as well.

Mayor Dawes stated it was good to see the two communities working together.

4. **Discover! Children's Museum Update**. Board President Corine Aiken reported many people have been working on this project for a lot of years. She stated they are in the process of creating a capital campaign plan to raise \$3.75 million for the project. Ms. Aiken noted they applied for money from the State Capital Fund, but unfortunately, they were not one of the recipients. She stated they still believe they will be able to raise the money, adding they've increased the number and types of foundations they will be submitting applications to.

Ms. Aiken reported they are looking at locating in Chehalis because it gives them the very best location. She noted over one-third of the visitors for the pilot program never left home thinking they were going to stop in at the museum, adding they were just out shopping, or driving by.

July 27, 2015

Larry McGee reported they could wait two years and go back to the Legislature to apply for funding, but they decided to charge ahead. He noted they are going to try to find \$1.25 million they need to raise from within the community. Mr. McGee indicated \$450,000 is firmly committed by the Shaw, Lockerby, Lintott, and Smith Foundations, adding they have all voluntarily extended that funding for two years.

Mr. McGee reported they plan on submitting at least 23 grants for the project, noting the largest one so far is with the National Endowment for Humanities for \$500,000. He stated the project seems to fit exactly what they say they want to do, which is to build permanent, sustainable facilities that impact children and education. Mr. McGee reported they've also requested some grants for as little as \$10,000 because they need to show momentum. He indicated they've received confirmation from Twin Star Credit Union and the Washington State Employee's Credit Union that they each want to be involved in an exhibit. Mr. McGee stated they also submitted a grant for \$50,000 to Walmart, noting they're getting good support from Walmart's manager and former manager. They also plan to apply for a grant through the Community Foundation of South Puget Sound.

Mr. McGee stated it's going to be lot of work for the next year and a half, but that's what they're going to do. He noted once they reach \$1,000,000 of external commitment they will turn on a public campaign to close the gap between the \$450,000 that's currently committed and the million and a quarter that they would like to raise in the community. Mr. McGee suggested the one thing the council can do is reinforce how important the project is.

Mayor Dawes asked if the Board took a look at the type of grants the Children's Museum in Olympia had success with.

Mr. McGee reported they reviewed everybody who contributed to that project, adding a number of those foundations do not leave King or Snohomish Counties. He noted one of their biggest supporters was the Gates Foundation, but they no longer have this type of project as a priority, adding they're about global health now.

Mayor Dawes asked if the support of the community for the library and pool projects would be taken into account when applying for grants.

Mr. McGee stated the track record in Chehalis is simply amazing and the fact that we can say we have \$450,000 firmly committed is huge.

Mayor Dawes thanked Mr. McGee and Ms. Aiken for their work on the project, noting it's very worthwhile.

5. **Consent Calendar.** Councilor Spahr moved to approve the consent calendar comprised of the following:

- a. Minutes of the regular meeting of July 13, 2015;
- b. Claim Vouchers No. 112984-113161 and Electronic Funds Transfer No. 62015 in the amount of \$420,538.29 dated July 15, 2015; and
- c. Authorize City Manager to execute the agreement between the city and the Lewis County Economic Development Council to provide economic development and recruitment services.

The motion was seconded by Councilor Taylor and carried unanimously.

6. **Administration Reports.**

a. **Quarterly and June Financial Reports and Quarterly Sales and Use Tax Report.** Finance Manager Judy Pectol stated things are looking good, noting most of the funds are on track and there are few that are ahead of where they expected them to be.

Ms. Pectol reported the water fund revenues are a little low for both commercial and residential. She noted the lower commercial revenue has to do with one 'alternative' energy company that has been out of commission to make repairs but is now back up and running. Ms. Pectol indicated she would need to look further to find out why the residential revenue is lower.

July 27, 2015

Ms. Pectol reported on the sales and use tax receipts, noting this is the highest they've been mid-year since 2008. She stated the general fund finally includes some pool revenue, which totaled \$30,955 for the month of June. Ms. Pectol reported to date they've had 17,000 visits to the pool.

Councilor Ketchum suggested this may be the first time we don't have to subsidize the pool.

Councilor Pope asked if they were keeping track of where people are coming from to use the pool.

Ms. Pectol stated she didn't know, but she could find out.

7. Council Reports.

a. Update From Councilor Harris. Councilor Harris reported he attended the Chehalis River Basin Partnership meeting on Friday, July 24. He noted a lot of the small water users are going to be shut off pretty soon, adding a report from the Department of Ecology and the Department of Fish and Wildlife shows lower river levels and higher temperatures. Councilor Harris suggested this is a good example of what's going to happen as population grows and commercial use increases. He stated we have a finite resource and we have to be logical about how we're going to use it, adding water is the most important element of that.

b. Councilor Pope – Poplar Tree Plantation. Councilor Pope stated he had a couple of citizens ask him about the poplar trees, wanting to know what the expectation is for harvesting.

City Manager MacReynold reported, based on the most recent information provided by Wastewater Superintendent Patrick Wiltzius, he believed they are looking at three to five years out. He noted, based on the size of the trees and the market, it's better for us to wait a few years.

c. Update From Councilor Ketchum. Councilor Ketchum reported he had a good time flipping blueberry pancakes at the Lewis County Historical Museum, noting they had a lot of people come out for the event. Councilor Ketchum stated he also attended Music in the Park on Friday the 24th, adding they had great attendance and the band did a good job, as well.

d. Update From Mayor Dawes. Mayor Dawes reported he attended the Business After Hours event on July 16 for the Visiting Nurses. He also made it to two of the Music in the Park concerts, adding both were well attended. Mayor Dawes noted when the band takes a break Jeremy Wildhaber will get up and perform an opera song, adding he has a very good voice.

Mayor Dawes reported on a few of the ChehalisFest events, noting they had another successful year at the pancake breakfast and he saw a lot of people moving around town and at the car show. He also saw several planes going up and down, adding they must have had a number of kids take advantage of the free flights.

e. Agreement for Economic Development Services. Mayor Dawes asked Mr. Matayoshi if he had any comments on the Economic Development and Recruitment Services Agreement approved earlier in the meeting.

Mr. Matayoshi reported it's a pleasure to work with the city staff, as well as having Councilor Spahr serve on the Board of Directors. He stated over the past year the EDC has done a lot of industrial improvements. Mr. Matayoshi noted they also work with Lewis County to manage the .09 Distressed Counties funding process, noting the city was successful in receiving significant funds to expand Arkansas Way, which has led to landing a couple of retail companies and restaurants. Mr. Matayoshi stated the EDC understands that retail sales tax is a big part of the city's economic development.

Mr. Matayoshi reported he has someone starting in August that will work full-time on recruitment and retention of business and industry throughout Lewis County. He stated he appreciated the opportunity to serve the city and all of Lewis County.

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8. Ordinance No. 943-B, First Reading – Amending the 2015 Budget. Ms. Pectol reported most of the line items in the budget amendment are related to how we record the receipt of funds that we're not allowed to keep. She stated the State Auditor's Office is getting stricter and no longer accepts our current practice. Ms. Pectol noted the line items will not have an impact on the ending fund balance, but will certainly have an impact on some of the budgets.

Ms. Pectol reported the general fund revenues are being reduced by \$30,000 because we will not be receiving any brokered natural gas payments from the state until the \$36,000 is recovered for prior year payments the city received directly for one of the local businesses in the Port of Chehalis. She noted once the money is paid back we'll begin to see revenue in that area again.

Ms. Pectol reported the \$38,500 line item for the Office 365 project was approved by the city's IT Committee. She noted even though it's a pretty big expenditure it will lower future expenses. Ms. Pectol reported the city is moving to the 'Cloud' for email service, which will cut down on spam filtering costs and eliminate the city-wide server in the future.

Councilor Ketchum inquired about the payback for switching over.

Ms. Pectol stated she didn't have any numbers on the payback, but knew it would be a much faster system.

City Manager MacReynold suggested they could email that information to the council.

Ms. Pectol reported the State Auditor's Office is adapting a new financial information tool that will compare financial ability, debt service, and other statistical information with other cities. She noted, in order for the comparison to be realistic, cities need to be doing things the same way whether it's on a cash basis, or accrual basis.

Councilor Taylor moved to pass Ordinance No. 943-B on first reading.

The motion was seconded by Councilor Pope and carried unanimously.

9. Authorize City Manager to Execute Contract with Pierce Manufacturing, Inc., for the Manufacturing of a 2016 Pierce Dash Fire Apparatus. City Manager MacReynold commended the committee who worked on this project, noting they did an exceptional job in putting this package together. He reported they will be requesting the council to financially support the purchase of a new fire apparatus through a loan with one of our local banks.

Fire Chief Ken Cardinale reported, prior to his arrival, a committee was formed to start looking at replacing their first out apparatus. He stated the committee was led by Captain Rob Gebhart, noting they visited numerous departments in the area to look at the different apparatus.

Chief Cardinale reported one of the problems with their current first out engine (48-1) is that it has a long wheel span and is wider than other apparatus available today. He noted the city has some narrow streets and tight turns, which makes it difficult for the crews to articulate. Chief Cardinale stated the new apparatus will address those concerns because it has a shorter wheelbase and it's narrower.

Chief Cardinale reported, additionally, this will allow the department to make some movement to their current apparatus. He noted they plan to convert their oldest apparatus, Engine 48-4, to a Class "B" (flammable liquids) apparatus. Chief Cardinale reported the city does not have any Class "B" foam capabilities to deal with large or small incidents. He noted in the short-term they purchased some inductors and equipment to deal with smaller scale Class "B" type fires.

Chief Cardinale reported, as City Manager MacReynold stated earlier, they contacted some local banks and went out to bid and are able to secure a loan for the new apparatus.

Chief Cardinale reported briefly on the history of the departments current apparatus. He stated, based on the terrific job that the Centralia-Chehalis Pupil Transportation Cooperative does with the maintenance, they've been able to keep their apparatus in service way longer than the normal recommended lifespan.

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Mayor Dawes reported the money for the apparatus was included in the 2015 budget and this is more of a request to take action to work with Pierce Manufacturing, Inc.

Councilor Ketchum asked what it would take to retrofit Engine 48-4.

Chief Cardinale reported 48-4 already has the capability for foam, noting they plan to replace the old poly tank with a larger tank that will allow them to carry about 300 gallons of foam. He stated it's a very economical way for them to retrofit the apparatus.

Chief Cardinale reported they're also considering going to the airport to ask if there's a possibility to house the apparatus there, so it's available if they ever need it.

Councilor Spahr asked if the airport budget would help pay to retrofit the engine.

City Manager MacReynold stated they certainly should.

Councilor Spahr inquired about the capacity of the foam engine to deal with putting out a tanker car fire.

Chief Cardinale reported it would give them the capability to start an initial attack and maybe keep it from spreading to other tanker cars until they can call in Burlington Northern Santa Fe, who has caches of foam along the rail lines to bring in. He suggested any type of rail event like that will not be mitigated in a short period of time, adding they're talking about an incident that will most likely take at least 24 to 72 hours to mitigate. Chief Cardinale stated apparatus from outside the area would also be called in as soon as they set up command.

Chief Cardinale stated this is the first step in making an effort to deal with something they can't currently deal with.

Councilor Spahr moved that the council authorize the city manager to execute a contract with Pierce Manufacturing, Inc., for the manufacturing of a 2016 Pierce Dash fire apparatus.

The motion was seconded by Councilor Harris and carried unanimously.

There being no further business to come before the council, the meeting adjourned at 5:53 p.m.

Mayor



Attest:

City Clerk

SUGGESTED MOTION

I move that the council approve the minutes of the regular city council meeting of July 27, 2015.

CITY OF CHEHALIS
AGENDA REPORT

DATE: July 31, 2015
TO: The Honorable Mayor and City Council
FROM: Judy Pectol, Finance Manager 
PREPARED BY: Michelle White, Accounting Tech II 
SUBJECT: Vouchers and Transfers

ISSUE

Council approval is requested of the following:

Claim Vouchers No. 113162 through 113299 in the amount of \$206,066.91 dated July 31, 2015 and the transfer of \$72,593.59 from the General Fund, \$7,504.16 from the Dedicated Street Fund - 4% Sales Tax, \$22,641.02 from the Arterial Street Fund, \$7,359.53 from the Tourism Fund, \$78.24 from the Automotive Equipment Reserve Fund, \$24,666.09 from the Wastewater Fund, \$35,979.47 from the Water Fund, \$294.75 from the Storm & Surface Water Utility Fund, \$34,037.38 from the Airport Fund and \$912.68 from the Firemen's Pension Fund.

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends that the council approve the July 31, 2015 Claim Vouchers No. 113162 through 113299 in the amount of \$206,066.91.

SUGGESTED MOTION

I move to approve the July 31, 2015 Claim Vouchers No. 113162 through 113299 in the amount of \$206,066.91.

Reviewed by: , City Manager

CITY OF CHEHALIS
AGENDA REPORT

DATE: July 31, 2015
TO: The Honorable Mayor and City Council
FROM: Judy Pectol, Finance Manager
PREPARED BY: Michelle White, Accounting Technician *JP MW*
SUBJECT: Payroll Vouchers and Transfers

ISSUE

Council approval is requested of the following financial transactions:

Payroll Vouchers No. 38229 through 38318, Direct Deposit Payroll Vouchers No. 6234 through 6322 and Electronic Federal Tax Payment No. 150 dated July 31, 2015 in the amount of \$745,231.45 and the transfer of \$520,988.61 from the General Fund, \$19,646.31 from the Arterial Street Fund, \$83,218.29 from the Wastewater Fund, \$85,595.98 from the Water Fund, \$12,605.56 from the Storm & Surface Water Utility Fund, \$21,630.71 from the Airport Fund and \$1,545.99 from the Firemen's Pension Fund.

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends that the council approve the July 31, 2015 Payroll Vouchers No. 38229 through 38318, Direct Deposit Payroll Vouchers No. 6234 through 6322, and Electronic Federal Tax Payment No. 150 in the amount of \$745,231.45.

SUGGESTED MOTION

I move to approve the July 31, 2015, Payroll Vouchers No. 38229 through 38318, Direct Deposit Payroll Vouchers No. 6234 through 6322, and Electronic Federal Tax Payment No. 150 in the amount of \$745,231.45.

Reviewed by: , City Manager

**CITY OF CHEHALIS
AGENDA REPORT**

TO: The Honorable Mayor and City Council
FROM: Dennis Osborn, Community Development Director
DATE: August 10, 2015
SUBJECT: Resolution No. 07-2015 – Revising Title 17 Appendix Chapter “A”
(Schedule of Fees and Charges) of the Uniform Development Regulations

ISSUE

The plan review fee to Title 17 Appendix Chapter “A” (Schedule of Fees and Charges) was omitted from the schedule effective January 1, 2015. Attached for council consideration is Resolution No. 07-2015, revising the schedule to include the plan review fee.

DISCUSSION

On December 8, 2014, the council adopted Resolution No. 11-2014, revising the schedule of fees and charges with an effective date of January 1, 2015. Upon review, it was noted that the city needs to include the plan review fee in the schedule. It is set to automatically apply in our permit system at 25% for residential, and 65% for commercial and industrial; however, those percentages were omitted from the previous update as an oversight. This is not an increase from previous years, but clarifying our fee schedule.

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends that council adopt Resolution No. 07-2015 on first and final reading.

SUGGESTED MOTION

I move that the council adopt Resolution No. 07-2015 on first and final reading.

Reviewed:  _____, City Manager

RESOLUTION 07-2015

**A RESOLUTION OF THE CITY OF CHEHALIS,
WASHINGTON, REVISING APPENDIX CHAPTER
'A' OF THE CHEHALIS UNIFORM DEVELOPMENT
REGULATIONS, CODIFIED AS CHEHALIS
MUNICIPAL CODE TITLE 17 AND PROVIDING FOR
AN EFFECTIVE DATE HEREOF.**

WHEREAS, Appendix Chapter 'A' of the Uniform Development Regulations establishes the listing of fees and charges for services provided by the City of Chehalis; and

WHEREAS, Chehalis Municipal Code section 17.09.170.C provides that amendments and revisions to Appendix Chapter 'A' may be made by Resolution, and

WHEREAS, If inconsistencies are identified between Appendix Chapter 'A' and other applicable local, state, or federal requirements, said Appendix Chapter 'A' must be altered to reflect such requirements; and

**THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DO
HEREBY RESOLVE AS FOLLOWS:**

Section 1. Appendix Chapter 'A' (Schedule of fees and charges) of the Uniform Development Regulations, codified in the Chehalis Municipal Code as Title 17, shall be, and the same hereby is, revised to reflect the established fees and charges listed in the attached Schedule.

Section 2. The effective date of the Resolution shall be August 10, 2015.

ADOPTED by the City Council of the City of Chehalis, Washington, and **APPROVED** by its Mayor, at a regularly scheduled open public meeting thereof this 10th day of August 2015.

Mayor

ATTEST:

City Clerk

Approved as to form and content:

City Attorney

Uniform Development Regulations
Appendix Chapter "A"
Schedule of Fees and Charges

Community Development Fees

Most plans for which a development permit is required will be assessed a plan review fee in addition to any permit fees. The plan review fee is based on the construction cost or value of the development project, or projected staff review time; and may be a percentage of the development permit fee from the applicable code. Generally, the following formulas are used for the identified type of plan review.

- **Manufactured structure** – \$200 (per assembled structure)
- **Land Use/Zoning Plan Review**
No plan review fee, unless variance or conditional use permit is required
Variance permit fee \$200.00 deposit plus up to \$500 in pass-through costs
Conditional Use permit fee \$200.00 deposit plus up to \$500 in pass-through costs
- **Public Works Variance** – \$50.00
- **Fee to restore water service** - \$50.00
- **Civil Plan Review associated with Development – 1st review** - \$50.00
- **Civil Plan Review associated with Development – each additional review** - \$25.00
- **Joint Aquatic Resource Permit Application (JARPA)**
If Shorelines Management Act permit \$200.00 deposit plus up to \$500 in pass-through costs
Otherwise \$200

Plan review fees must be submitted with the application before any city plan review or approval process will be initiated. Other county, state, and federal agencies with jurisdiction may charge additional review or permitting fees.

- **Building Permit Fee**

Value	'97 UBC Table 1-A	Fee
1 million+1 and up	\$5,608.75/1 st million	\$4.22 per thousand
500k+1 - 1 mill	\$3,233.75/1 st \$500k	\$5.50 per thousand
100k+1 - 500k	\$993.75/1 st \$100k	\$6.48 per thousand
50k+1 - 100k	\$643.75/1 st \$50k	\$7.00 per thousand + \$215.00
25k+1 - 50k	\$391.25/1 st \$25k	\$10.10 per thousand + \$197.00
2k + 1 - 25k	\$69.25/1 st \$2k	\$14.00 per thousand + \$33.00
500 + 1 - 2k	\$23.50/1 st \$500	Same fee as '97 UBC
1 - 500	\$23.50	Same fee as '97 UBC

Plan Review Fee:

25% of Building Permit Fee for Residential

65% of Building Permit Fee for Commercial and Industrial

- **State surcharge fee** - \$4.50 plus \$2.00 per residential unit

- **Demolition Permit** - \$28.00
- **Fire Permit**
Occupancy - \$15.00 initial application
Annual Inspection - \$25.00
- **Fireworks Stand** - \$100 annual fee plus \$100 deposit
- **Underground Storage Tank** - \$25.00 per tank installed or removed
- **Sign Permit - For Project Cost**
\$1 through \$2,000 \$20.00
\$ 2,001 or more \$75.00
- **Earth Disturbing Permit (Stormwater)** -1997 UBC Table A-33-B 'Grading Permit Fees unless associated with a building permit, then no fee.
- **Right-of-Way Permit**
For construction activity - \$50.00
For temporary (less than 30 days) occupancy - \$50.00
For permanent occupancy associated w/adjacent business - \$100.00 annual fee
- **House Moving Permit Plan Review Fee** - \$50.00
- **House Moving Permit** - \$200.00 plus performance bond or damage deposit of \$5,000
- **Mechanical Permit** - \$35.00
- **Plumbing Permit** - \$26.00
- **Occupancy Permit** - \$30.00
- **Occupancy Permit (No construction or R/W)** \$50.00
- **Joint Aquatic Resources Permit**
If Shoreline Management Act permit, flood hazard zone-permit, local wetland development permit; or slope/slide/unstable soil permit - no permit fee
If other agency involved - Other agency requirements State of Washington surcharge - \$4.50 + \$2.00 per residential unit over one. (attached to any building permit issued)

Appeal Fees

Appeal from decision of Responsible Official (SEPA) to Hearing Examiner - \$200.00 deposit plus pass-through fees up to \$500*

Appeal from decision of Development Review Committee member to Hearing Examiner - \$200.00 deposit plus pass-through costs up to \$500**

Appeal from decision of Shorelines Administrator to Hearing Examiner - \$200.00 deposit plus pass-through costs up to \$500*

* 80% of the appeal fee may be refunded to a prevailing party (appellant) upon written request, at the discretion of the Hearing Examiner.

** 100% of the appeal fee shall be refunded to a prevailing party (appellant).

Planning/Zoning Fees

Comprehensive Plan amendment application - no fee for first form; \$20.00 thereafter
Comprehensive Plan amendment/PUD/Rezone - \$300.00
Development Regulation Text Amendment (Title 17) - \$125.00
Subdivision (preliminary plat application) - \$200.00 plus \$5.00 per lot
Subdivision (final plat application) - \$200.00 (includes filing fees at county auditor)
Short-plat application - \$200.00 (includes filing fees at county auditor)
Boundary line adjustment application - \$250.00 (includes filing fees at county auditor) State
Environmental Policy Act checklist - \$200.00
Environmental Impact Statement - \$200.00 (review only - EIS by applicant)
Preliminary site plan review (Development Review Committee) - no fee
Pre-submission conference (Development Review Committee) - no fee
Preconstruction conference (Development Review Committee) - no fee
Binding site plan fee - \$150.00, no fee for amendment

Business License Fees

General business license
Initial application fee - \$50.00
Annual renewal fee - \$20.00
Temporary business fee - \$25 per day

Other (Miscellaneous) Fees

NSF or returned (for any reason) check or ACH fee - \$30.00
Bicycle license - no fee
Concealed weapons permit - \$55.25
Fingerprinting - \$10.00 for two cards; additional \$5.00 each
Parking permits: residential \$7.50 per month, business \$15 per month
Sale of class A biosolids (loaded at CRWRF by city on buyer's vehicle) - \$1.00 per cubic yard
Certified copies - \$5.00 first page, \$1.00/page thereafter for same document (may be waived if associated with city business)
Photocopies - \$0.15 (may be waived if associated with city business and less than 50 copies)
Copy of audio Compact Disk (CD) or audio tape - \$15.00 (may be waived if associated with city business)
Scanned copy \$.10 (may be waived if associated with city business and less than 50 copies)
Copy of digital photos on CD - \$10.00
Copy of DVD on video disc - \$15.00
Copy of non-digital photo - \$1.00
Copy of map or public data file on Compact Disk (CD) - \$6.00
Copy of ordinance - \$3.00
City map, small - \$2.00
Blueprint/Map copies (black/white):

- up to 24x36 - \$4.00/sheet
- 24x36 - \$11.00/sheet
- over 36 x 42 \$11.00/sheet

Blueprint/Map copies (color):

- up to 24x36 - \$11.00/sheet
- 24x36 - \$17.00/sheet
- over 36 x 42 - \$22.00/sheet

Installation of Hydrant Meter - \$100.00 plus \$100.00 deposit

Notary - no fee if city business; \$6.00 otherwise

Organic Dump Pass - \$40.00

Police department clearance letter – \$15.00

RV Dump Fee - \$3.00

RV Nightly Camping Fee (Including Dump Fee) - \$20.00

RV Showers - \$.25

Swimming Pool Fees

Weekend admit for 4 hours - \$5.00

Admit Youth - \$3.00

Admit Adult - \$4.00

Youth Pass - \$30.00

Adult Pass - \$40.00

Guard Start Book - cost of book

Life Guard – cost of instructor

Swimming Pool Private Rental for 1 hour – includes 8 staff & use of common room - \$200.00

Swimming Pool Private Rental for 1 hour - \$3.00 per participant up to 201 plus rent fee above

Swimming Pool Rental – Room plus 25 admit during open swim - \$125.00

Swimming Lessons - \$40.00

Swimming Lessons, Extra, after 2 - \$35.00

Swimming Lessons, Private - \$15.00

Swimming Lessons, Semi-private (2 or more persons) - \$12.00

Senior Citizen Discount (age 55 or older) - \$(1.00)

Building Rental Fees

VR Lee Community Building

Time of Day	Monday-Thursday	Friday	Saturday/holiday	Sunday
Daytime	\$65	\$65	N/A	\$130
Evening	\$65	\$90	N/A	\$130
All Day	\$130	\$150	\$150	\$130

Fred Hess Kitchen

Time of Day	Monday-Thursday	Friday	Saturday/holiday	Sunday
Daytime	\$35	\$35	N/A	N/A
Evening	\$45	\$50	N/A	N/A
All Day	\$80	\$85	\$85	\$80

Stan Hedwall Park Covered Shelter (all day) \$100

Stan Hedwall Park Covered Shelter (all day) including grass area \$200

Robert E. Lintott / Alexander Park Covered Shelters (all day) \$100

Robert E. Lintott / Alexander Park Covered Shelters (all day) including grass area \$200

Airport Fees

Fuel Overhead & Profit (Per Gallon) Profit (100LL Self-Service - \$.10

Profit (Jet A) – Market Rate

Overhead (Full Service Fuels, includes \$.10 per gallon for labor - \$.28

Overhead (Self=Service Fuels) - \$.14

Call out fees - \$75.00

Catering – (base fee + actual costs + 10% for additional services) - \$25.00

Hangar Rents

Hangar B, C, D Units - \$102.25

Hangar E Units - \$56.63

Hangar F Units - \$ 70.79

Hangar G Units - \$295.24

Hangar J Units 1, 2 - \$102.25

Hangar S1 12 Units - \$220.00

Hangar N (has not been rented) - \$2,400.00

Hangar Waiting List deposit - \$25.00

Replacement hangar lock - \$ 25.00

Extra hangar key - \$5.00

Ramp Tie Down Fees

Daily - \$5.00

Monthly - \$35.00

Property Fees

Ground lease assignment fee - \$200.00

Rental Vehicles

Sienna per day - \$103.30

Sienna weekly rate - \$464.85

Camry per day - \$72.31

Camry weekly rate - \$353.39

Fuel - \$9.29 per gallon or \$.422 per mile driven

Cleaning fee (based on condition of vehicle when returned plus actual damage fees) - \$50.00

Animal Control Fees

Initial license, unsterilized dog	\$30.00
Renewal license, unsterilized dog	\$15.00
Initial license, sterilized dog	\$10.00
Renewal license, sterilized dog	\$5.00
Late license, add	\$10.00 to any required license fee
Other animal, initial license	\$5.00
Replacement licenses	\$5.00
Registration, potentially dangerous dog	\$150.00
Registration, dangerous dog	\$250.00
Registration, other animal:	

Dangerous/potentially dangerous	\$250.00
Registration for micro-chipped animal Not otherwise categorized	no fee
Registration, other animal	\$5.00
Late Registration, add	\$25.00 to any required registration fee
Detainment (impound) per day or part of day at municipal impound kennel	\$35.00
Detainment (impound) per day or part of day at county I impound kennel	\$50.00
Quarantine, per day or part of day	\$20.00
Disposal fee (relinquished animal)	\$50.00
Rabies testing	actual cost

**CITY OF
CHEHALIS
AGENDA REPORT**

TO: The Honorable Mayor and City Council
FROM: Judy Pectol, Finance Manager
DATE: August 10, 2015
SUBJECT: Budget Amendment Ordinance 943-B; Second and final Reading

ISSUE

Ordinance 943-B amending the 2015 Budget is hereby submitted to reflect the changes in estimates and the actual activity of the city. It is necessary to ensure compliance with appropriation requirements.

DISCUSSION

The attached spreadsheet provides information on a line-by-line basis, as well as summary information of the proposed budget amendment.

This data is the same as that presented at the July 27th City Council meeting except for a few items. For the general fund those items include lowering the pool concession revenue by \$9,000 to more closely align with actual experience, increasing pool staffing expenses, adding unbudgeted fire department revenue and appropriating an equal amount for fire department expenses and adjusting the fire truck expense to match the amount approved at the most recent council meeting. For the water fund we are asking for an increase in appropriations of \$7,783 to cover the truck repair costs for which we received an insurance payment from WCIA.

For the general fund the net increase in estimated fund balance is \$144,987. The estimated fund balance increase for the Airport fund is \$21,408.

This ordinance is presented for passage on the second of two required readings.

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends that the council pass Ordinance 943-B on second and final reading.

SUGGESTED MOTION

I move that the council pass Ordinance 943-B on second and final reading.

Reviewed  _____, City Manager

ORDINANCE NO. 943-B

AN ORDINANCE OF THE CITY OF CHEHALIS, WASHINGTON, AMENDING THE ANNUAL BUDGET OF THE CITY FOR THE CALENDAR YEAR 2015, BY INCREASING APPROPRIATIONS OF THE GENERAL FUND IN THE SUM OF NINE HUNDRED EIGHTY-THREE THOUSAND ONE HUNDRED FIFTY-ONE DOLLARS (\$983,151); AND THE TOURISM FUND IN THE SUM OF FIVE THOUSAND DOLLARS (\$5,000); AND THE FEDERAL & STATE GRANT FUND BY TWO HUNDRED NINETY-SIX THOUSAND EIGHT HUNDRED SEVENTY-SEVEN DOLLARS (\$296,877); AND THE GARBAGE FUND BY TWO HUNDRED FIFTY DOLLARS (\$250); AND THE WASTEWATER FUND BY SIX HUNDRED DOLLARS (\$600); AND THE WATER FUND BY THIRTY-TWO THOUSAND EIGHT HUNDRED SIXTY-EIGHT DOLLARS (\$32,868) AND THE STORM AND SURFACE WATER FUND BY TWO HUNDRED SEVENTY-FIVE DOLLARS (\$275); AND THE AIRPORT FUND BY ONE HUNDRED SIXTY-FIVE THOUSAND DOLLARS (\$165,000); AND DIRECTING THE FINANCE MANAGER TO EFFECT THE BUDGET AMENDMENTS HEREIN PROVIDED.

THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The annual budget of the city for the calendar year 2015 shall be, and the same hereby is, amended so as to increase the General Fund's estimated revenues by \$831,261; increase transfers in by \$296,877; and increase expenditures by \$983,151. The annual budget of the city for the calendar year 2015 shall be, and hereby is amended to increase the appropriations of the General Fund in the sum of nine hundred eighty-three thousand one hundred fifty-one dollars (\$983,151)

Section 2. The annual budget of the city for the calendar year 2015 shall be, and the same hereby is, amended so as to increase the Tourism Fund's appropriations by \$5,000.

Section 3. The annual budget of the city for the calendar year 2015 shall be, and the same hereby is, amended so as to increase the Federal and State Grant Fund's revenue by \$296,877; and increase transfers out by \$296,877.

Section 4. The annual budget of the city for the calendar year 2015 shall be, and the same hereby is, amended so as to increase the Garbage Fund's revenue by \$250 and increase appropriations by \$250.

Section 5. The annual budget of the city for the calendar year 2015 shall be, and the same hereby is, amended so as to increase the Wastewater Fund's revenues by \$600; and increase appropriations by \$600.

Section 6. The annual budget of the city for the calendar year 2015 shall be, and the same hereby is, amended so as to increase the Water Fund's revenues by \$32,868; and increase appropriations by \$32,868.

Section 7. The annual budget of the city for the calendar year 2015 shall be, and the same hereby is, amended so as to increase the Storm and Surface Water Fund's revenues by \$275; and increase appropriations by \$275.

Section 8. The annual budget of the city for the calendar year 2015 shall be, and the same hereby is, amended so as to increase the Airport Fund's revenues by \$186,408; and increase appropriations by \$165,000.

Section 9. Attached hereto and identified as Exhibit A, in summary form, are the total of estimated revenues, transfers in, expenditures, and transfers out for each separate fund and the aggregate totals for all such funds combined for the city for the amended 2015 budget which, shows a total estimated ending fund balance of \$11,482,814.

PASSED by the city council of the City of Chehalis, Washington, and **APPROVED** on its second reading at a regularly scheduled open public meeting thereof this 10th day of August, 2015.

Mayor

Attest:

City Clerk

Approved as to form and content:

City Attorney

EXHIBIT A
CITY OF CHEHALIS AMENDED 2015 BUDGET
2015 Budget Summary Revised with Ordinance # 943-B

FUND NAME	Beg. Fund Balance	Revenue	Operating Transfers In	Expenditures	Operating Transfers Out	Est. End. Fund Balance
General Fund	990,221	9,067,968	296,877	9,102,064	216,815	1,036,187
Dedicated Street Fund - 4% Sales Tax	0		150,514	148,800		1,714
Arterial Street Fund	21,256	150,000	0	128,938		42,318
Tourism Fund	95,114	182,910	0	220,550		57,474
Community Dev. Block Grant Fund	11	10,186		0		10,197
HUD Block Grant Fund	139,907	600		0		140,507
Federal and State Grant Fund	0	296,877	0	0	296,877	0
2011 G.O. Bond Fund	0		97,210	97,210		0
Automotive/Equip. Res. Fund	459	0	36,700	36,700	0	459
1st Quarter REET Fund	123,306	32,125	0	25,000	41,315	89,116
2nd Quarter REET Fund	59,979	32,125	0	0	31,594	60,510
Garbage Fund	1,787	6,890	5,300	11,947		2,030
Wastewater Fund	1,910,597	4,987,332		4,860,590		2,037,339
Water Fund	4,795,321	3,990,441		2,991,243	420,000	5,374,519
Storm & Surface Water Fund	504,988	510,172		460,865		554,295
Airport Fund	1,822,481	2,499,144	420,000	3,136,023		1,605,602
Firemen's Pension Fund	383,125	151,200		71,085		463,240
City Agency Fund	7,307	0		0		7,307
TOTALS	10,855,859	21,917,970	1,006,601	21,291,015	1,006,601	11,482,814

City of Chehalis
 2015 Budget Amendment No. 1 - Ordinance 943-B
 8/10/2015

Fund No. and Name	Acct. Name	Reason for Amendment	Revenue		Appropriation		Transfers		Total
			Increase/(Decrease)	Increase/(Decrease)	Increase/(Decrease)	In/(Out)	Increase/(Decrease)		
Fund 001 - General Fund									
001.386.000.03	Due to State - Police Dept	The City has been recording cash received that is to be paid to another entity as a liability when received and a reduction of the liability when paid. The SAO requires that the receipts be recorded as revenue and the payments be recorded as an expense for cities using the cash basis of accounting.	250	250		250			250
001.H1.586.003.00.00	Due to State - Police Dept		4,775	4,775		4,775			4,775
001.53.586.004.00.00	Due to State - Sales Tax		2,485	2,485		2,485			2,485
001.C1.586.012.00.00	Due to State - Crime Victim		500	500		500			500
001.C1.586.012.00.00	Due to State - Crime Victim		60,000	60,000		60,000			60,000
001.C1.586.000.83	Due to State - Trauma Care		31,000	31,000		31,000			31,000
001.c1.586.083.00.00	Due to State - Trauma Care		600	600		600			600
001.386.000.91	Due to State - Court		3,400	3,400		3,400			3,400
001.C1.586.091.00.00	Due to State - Court		12,000	12,000		12,000			12,000
001.386.000.92	Due to State - PSEA		500	500		500			500
001.C1.586.092.00.00	Due to State - PSEA		3,500	3,500		3,500			3,500
001.386.000.94	Due to State - Hwy Safety		200	200		200			200
001.C1.586.094.00.00	Due to State - Hwy Safety		540	540		540			540
.386.000.96	Due to State - Lab/Blood		460	460		460			460
.C1.586.096.00.00	Due to State - Lab/Blood		(30,000)	(30,000)					
.386.000.97	Due to State - JIS		475	475		475			475
001.C1.586.097.00.00	Due to State - JIS								
001.386.000.99	Due to State - School Zone								
001.C1.586.099.00.00	Due to State - School Zone								
001.386.001.00	Due to State - Auto Theft								
001.C1.586.100.00.00	Due to State - Auto Theft								
001.386.001.01	Due to State - Access Com								
001.C1.586.101.00.00	Due to State - Access Com								
001.386.000.14	Due to State - Hotel/Motel								
001.53.586.014.00.00	Due to State - Hotel/Motel								
001.386.000.24	Due to State - St Bldg Code								
001.53.586.024.00.00	Due to State - St Bldg Code								
001.313.061.00	Brokered Natural Gas	State Withholding Prior Years Overpayment							
001.337.009.42	AWC Grant	Wellness mini-grant							
001.G1.518.011.31.00	Wellness Committee Expenses	Expenses funded by the mini-grant							
001.G1.518.090.41.00	Professional Services	FEIMA Mapping/Flood							

City of Chehalis
 2015 Budget Amendment No. 1 - Ordinance 943-B
 8/10/2015

Fund No. and Name	Acct. Name	Reason for Amendment	Revenue		Appropriation		Transfers		Total Increase/(Decrease)
			Increase/(Decrease)	Increase/(Decrease)	Increase/(Decrease)	In/(Out)	Increase/(Decrease)		
001.G1.518.080.41.00	Professional Services	Office 365 Project			38,500				
001.337.009.37	Local Grants	Distressed Counties Grant	50,000						
001.G1.514.060.52.01	CCRM Engine Repair	Distressed Counties Grant			50,000				
001.397.000.99	Transfer In - Grant Fund	Grant Money received in 2015					296,877		
001.542.050.48.00	Repairs & Maintenance	Chamber Way Bridge Expenses			20,520				
001.369.090.01	Miscellaneous Revenue	Refund Received from Vendor re	13,880						
001.K1.595.030.63.00	Roads & Streets Construction	Chehalis Ave project			13,880				
001.391.090.00	Proceeds of Long-Term Debt	Loan for Fire Truck	632,000						
001.594.022.60.00	Capital Equipment	Purchase of Fire Truck			632,000				
001.395.020.02	Insurance Recovery	Insurance payment for Fire Dept Bldg	52,267						
001.53.518.030.48.00	Repair & Maintenance	Cost of repair of Fire Dept Bldg			52,267				
001.362.080.01	Concession Proceeds - Pool	Concession revenue is below budget	(9,000)						
001.53.571.022.1105	Salaries & Wages	Pool Wages will be higher than budgeted			5,000				
001.53.571.022.21.05	Personnel Benefits	Pool Wages will be higher than budgeted			870				
001.342.021.04	EMS Lifesaving Fund	Unbudgeted revenue received	1,429						
001.11.522.020.24.00	Uniforms & Clothing	To appropriate EMS revenue			1,429				
Total General Fund			831,261		983,151		296,877		144,987
Fund 107 - Tourism Fund									
107.557.030.41.25	Visiting Nurses Foundation	2015-16 Funding for Slam 3 on 3 Basketball			5,000				
Total Tourism Fund			-		5,000		-		(5,000)

City of Chehalis
 2015 Budget Amendment No. 1 - Ordinance 943-B
 8/10/2015

Fund No. and Name	Acct. Name	Reason for Amendment	Revenue		Appropriation		Transfers		Total
			Increase/(Decrease)	(Decrease)	Increase/(Decrease)	(Decrease)	In/(Out)	Increase/(Decrease)	
Fund 199 - Federal and State Grant Fund									
199.333.015.91	State Grant Revenue	Grant Money received in 2015	296,877						
199.48.597.000.05.01	Transfer Out - Fund 001	Grant Money received in 2015					(296,877)		
Total Federal & State Grant Fund			296,877		-		(296,877)		-
Fund 402 - Garbage Fund									
402.386.000.04	Due to State - Sales Tax	SAO Requirement as described	250						
402.12.586.004.00.00	Due to State - Sales Tax	above.				250			
Total Garbage Fund			250		250		-		-
Fund 404 - Wastewater Fund									
404.386.000.04	Due to State - Sales Tax	SAO Requirement as described	100						
404.11.386.004.00.00	Due to State - Sales Tax	above.				100			
404.386.000.06	Due to State - Leasehold		500						
404.11.586.006.00.00	Due to State - Leasehold					500			
Total Wastewater Fund			600		600		-		-
Fund 405 - Water Fund									
405.386.000.04	Due to State - Sales Tax	SAO Requirement as described	85						
405.10.386.004.00.00	Due to State - Sales Tax	above.				85			
405.386.000.06	Latecomer Deposits		25,000						
405.10.534.010.49.00	Latecomer Deposits					25,000			
405.395.020.00	Insurance Recovery	WCIA Insurance Payment	7,783						
405.19.534.050.48.00	Contracted Repairs	Truck repairs covered by insurance							
Total Water Fund			32,868		32,868		-		-
Fund 406 - Storm and Surface Water Fund									

City of Chehalis
 2015 Budget Amendment No. 1 - Ordinance 943-B
 8/10/2015

Fund No. and Name	Acct. Name	Reason for Amendment	Revenue		Appropriation		Transfers		Total
			Increase/(Decrease)	275	Increase/(Decrease)	275	In/(Out)	Increase/(Decrease)	
406.336.000.04	Due to State - Sales Tax	SAO Requirement as described above.	275						
406.06.586.004.00.00	Due to State - Sales Tax				275				
Total Storm and Surface Water Fund			275		275				-
Fund 407 - Airport Fund									
407.386.000.04	Due to State - Sales Tax	SAO Requirement as described above.	45,000						
407.09.586.004.00.00	Due to State - Sales Tax				45,000				
407.386.000.06	Due to State - Leasehold	2013 FAA Grant to be received in 2015	120,000						
407.09.586.006.00.00	Due to State - Leasehold				120,000				
407.331.020.00	FAA Grant		21,408						
Total Airport Fund			186,408		165,000				21,408
25									
Total of All Funds			1,348,539		1,187,144				161,395

**CITY OF CHEHALIS
AGENDA REPORT**

Date: August 10, 2015
To: The Honorable Mayor and City Council
From: David Fleckenstein, Airport Manager
Subject: Resolution No. 8-2015 - Approval for application and acceptance of Washington State Department of Transportation Grant for Airport Improvements

ISSUE

The Chehalis-Centralia Airport wishes to apply for and accept a grant from the Washington State Department of Transportation (WASDOT). This grant supplements a Federal Aviation Administration (FAA) grant as part of the Airport Improvement Program.

DISCUSSION

Under the Airport Improvement Program, the FAA pays for 90% of the approved projects with the remaining costs split between the state and the sponsor. Hence, for the upcoming project, listed in a.,b. and c below, the state funded portion amounts to \$10,550. It requires approval by the City of Chehalis as Sponsors/Owners of the Airport for the application and acceptance of the funding. This planned AIP project will:

- a. Repair apron to correct changes in grade and drainage problems.
- b. Reconfigure tie-down layout to improve efficiency.
- c. Realign taxiway to provide 90 degree entrance to runway to improve safety

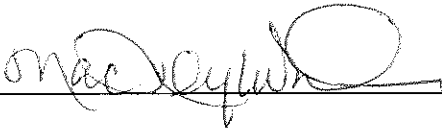
Construction is planned for Summer of 2016. FAA is funding 90 percent (90%) of the project. The remaining 10 percent (10%) of funding will be split between WA State Department of Transportation (5%) and the Chehalis-Centralia Airport (5%).

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends that the council adopt Resolution No. 8-2015 on first and final reading and authorize the city manager to apply for and accept the WASDOT grant supplementing AIP Project Number: 3-53-0012-016 in the amount of \$10,550 encompassing Design Fee and Engineering Services during Construction.

SUGGESTED MOTION

I move that the council adopt Resolution No. 8-2015 on first and final reading and authorize the city manager to apply for and accept the WASDOT grant in the amount of \$10,550 for the Design Fee and Engineering Services during Construction in order to repair the apron, reconfigure the tie-down layout, and to realign the taxiway.

Reviewed By:  _____, City Manager

RESOLUTION NO. 8-2015

**A RESOLUTION OF THE CITY OF CHEHALIS,
WASHINGTON, AUTHORIZING THE SUBMITTAL OF A
GRANT APPLICATION FOR AIRPORT IMPROVEMENTS
TO THE WASHINGTON STATE DEPARTMENT OF
TRANSPORTATION.**

**THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DO
HEREBY RESOLVE AS FOLLOWS:**

Section 1. The City of Chehalis hereby authorizes the submittal of a grant application for airport aid to the Washington State Department of Transportation for the specific purpose of rehabilitating the field apron as well as realigning taxi ways.

Section 2. The City further authorizes the City Manager to be the authorized representative of the City for signature purposes on any application with the Department of Transportation.

ADOPTED by the City Council of the city of Chehalis, Washington, and **APPROVED** by its Mayor, at a regularly scheduled open public meeting thereof this 10th day of August, 2015.

Mayor

Attest:

City Clerk

Approved as to form and content:

City Attorney



Airport Aid Application

"A Steward for Washington's Aviation System"
7702 Terminal Street SW
Tumwater, Washington 98501-7264

Date of Request
6/5/2015

<p>1 Applicant: City of Chehalis</p> <p>Applicant's Authorized Representative: Name: Don Schmitt Title: Street/Storm Superintendent Address: PO Box 1344 Address 2: City: Chehalis State: WA Zip: 98532 Phone: (360) 748-0238 Cell: Email: dschmitt@ci.chehalis.wa.us</p>	<p>2 Project to be Managed by: Company: Precision Approach Engineering Name: Matt Cavanaugh Address: 5125 SW Hout St. Address 2: City: Corvallis State: OR Zip: 97333 Phone: (425) 417-5010 Cell: Email: mcavanaugh@preappinc.com</p>
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Find your legislative and congressional district at:
<http://app.leg.wa.gov/districtfinder/>

3 Airport: NPIAS Non-NPIAS

FAA Classification: General Aviation Legislative District: 20th
State Classification: Community Service Congressional District: 3rd

4 No.	Project Name and Description (list in order of priority)	Total Project Cost	Local Funds	Aviation Division Funds	Federal Funds	Other Funds (Name Source)
1	Rehabilitate apron (design and construction observation)	83,334.00	4,167.00	4,167.00	75,000.00	
2	Realign taxiways (design and construction observation)	83,333.00	4,167.00	4,166.00	75,000.00	
3						
4						
Totals		166,667.00	8,334.00	8,333.00	150,000.00	0.00

5 Does the airport have an up-to-date Master Plan or ALP Narrative Report? Yes No Date: August 2001

Does the airport have an approved Airport Layout Plan (ALP)? Yes No Date: August 2001

Was annual requirement to review and update Airport Information System (AIS) data met for the preceeding calendar year? Yes No

Does the airport sponsor have policies to reduce greenhouse gas emissions? Yes No
- If yes, submit a copy of the policies. Submitting copy via: _____

Submit signed acceptance of Airport Aid Grant Assurances. Submitting signed grant assurances via: Emailing - Electronic Docume

Submit adopted resolution; 1) Authorizing submittal of grant application, *
2) Stating matching funds are available, and 3) Support of elected officials. Submitting copy via: Other:
**Does not apply to private airport sponsors*

6 Signature of Applicant's Authorized Representative
**If printing and submitting original paper document, provide signature here.
If submitting application electronically (.pdf document), Email must be sent directly from airport's authorized representative.



Airport Aid Application Project Data Sheet

"A Steward for Washington's Aviation System"

Complete a separate Project Data Sheet for each project listed from the Airport Aid Application (Form 900-030EF)

City of Chehalis -	- Project No. 1 - Rehabilitate apron (design and construction observation)
<p>1 Project Category (Select One Only): <input checked="" type="radio"/> Pavement <input type="radio"/> Safety <input type="radio"/> Planning <input type="radio"/> Security <input type="radio"/> Runway Safety <input type="radio"/> Equipment <input type="radio"/> Maintenance <input type="radio"/> Property <input type="radio"/> Other</p>	
<p>2 Detailed Project Description / Approach to Accomplishing Project: Design rehabilitation of the terminal apron. Construction will be accomplished in 2016.</p>	
<p>3 Project Justification: The apron is uneven and has poor drainage. Additionally, portions were damaged in the 2007 flood and should be reconstructed.</p>	
<p>4 Cost Estimate Details: <i>Source of Project Cost Estimate - Engineer's Estimate</i> The costs for this grant are from the engineer's scope of services and fee estimate.</p>	
<p>5 Project Schedule: Expected Start of Project: <u>06/15/2015</u> Expected Completion of Project: <u>05/15/2016</u> Start of Work Covered by Grant: _____ Completion of Work Covered by Grant: _____ Submit a <u>detailed project schedule</u> (to include project milestones). Submitting project schedule via: <u>Emailing - Electronic Document</u></p>	
<p>6 Other Supporting project documentation (Required): Submit a spending plan identifying anticipated grant expenditures by month. Submitting via: <u>Emailing - Electronic Document</u> Submit job creation data using the <u>Aviation Economic Impact Calculator</u>. Submitting via: <u>Emailing - Electronic Document</u></p>	
<p>7 Other Supporting project documentation (As Applicable): Submit documentation supporting your consultant selection process. Submitting via: <u>Emailing - Electronic Document</u> Submit a copy of your consultant's Scope of Work. Submitting via: <u>Emailing - Electronic Document</u> Have project plans and specifications been prepared? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Has a property appraisal been completed for property acquisition? <input type="checkbox"/> Yes <input type="checkbox"/> No FAA AIP Project Number: <u>3-53-0012-015</u> FAA Grant Contract Number: _____ Other supporting documentation? _____</p>	

SCIP Priority Score
(WSDOT Use Only)

"A Steward for Washington's Aviation System"

Complete a separate Project Data Sheet for each project listed from the Airport Aid Application (Form 900-030EF)

City of Chehalis -	- Project No. 2 - Realign taxiways (design and construction observation)
<p>1 Project Category (Select One Only): <input type="radio"/> Pavement <input type="radio"/> Safety <input type="radio"/> Planning <input type="radio"/> Security <input checked="" type="radio"/> Runway Safety <input type="radio"/> Equipment <input type="radio"/> Maintenance <input type="radio"/> Property <input type="radio"/> Other</p>	
<p>2 Detailed Project Description / Approach to Accomplishing Project: The taxiways at the runway ends will be realigned to meet FAA standards.</p>	
<p>3 Project Justification: The taxiways do not enter the runway at 90 degrees.</p>	
<p>4 Cost Estimate Details: <i>Source of Project Cost Estimate - Engineer's Estimate</i> The costs for this grant are from the engineer's scope of services and fee estimate.</p>	
<p>5 Project Schedule: Expected Start of Project: <u>06/15/2015</u> Expected Completion of Project: <u>05/15/2016</u> Start of Work Covered by Grant: _____ Completion of Work Covered by Grant: _____ Submit a <u>detailed project schedule</u> (to include project milestones). <i>Submitting project schedule via:</i></p>	
<p>6 Other Supporting project documentation (Required): Submit a spending plan identifying anticipated grant expenditures by month. <i>Submitting via: <u>Emailing - Electronic Docume</u></i> Submit job creation data using the <u>Aviation Economic Impact Calculator</u>. <i>Submitting via: <u>Emailing - Electronic Docume</u></i></p>	
<p>7 Other Supporting project documentation (As Applicable): Submit documentation supporting your consultant selection process. <i>Submitting via: <u>Emailing - Electronic Docume</u></i> Submit a copy of your consultant's Scope of Work. <i>Submitting via: <u>Emailing - Electronic Docume</u></i></p> <p>Have project plans and specifications been prepared? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Has a property appraisal been completed for property acquisition? Yes No FAA AIP Project Number: <u>3-53-0012-015</u> FAA Grant Contract Number: _____ Other supporting documentation? _____</p>	

SCIP Priority Score
(WSDOT Use Only)



Airport Aid Application Supplemental Justification

"A Steward for Washington's Aviation System"

Airport Sponsor City of Chehalis	Project Work Item Rehabilitate apron and realign taxiwa	Date of Application 05/29/2015
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	Score (WSDOT Use)
1. Project will correct an identified airport safety hazard, deficiency, or non-standard item. If Yes, specify correction. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable <u>Runway entrance taxiways do not meet FAA standards</u>	<input type="text"/>
2. Grant will be used to match another source of funds. If Yes, specify other source. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>AIP</u>	<input type="text"/>
3. Project serves a vital community need. If Yes, specify need. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>General aviation airport</u>	<input type="text"/>
4. Project will promote economic development and self-sufficiency for the airport. If Yes, specify benefit. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <u>Apron rehabilitation will extend the useful life of the facility</u>	<input type="text"/>
5. Describe specific actions which the airport sponsor has taken in working with its local jurisdiction to provide protective zoning of the airspace and land surrounding the airport. If the airport has been included in the local Comprehensive Plan and/or Development Regulations, specify date plan was passed and provide a copy of document(s) relative to the airport. The airport is part of the City's comprehensive plan.	<input type="text"/>
6. Project Readiness: <ul style="list-style-type: none"> a. Required environmental documentation has been reviewed and approved. <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not applicable b. Plans, specifications, estimates, and engineering report completed. <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Not applicable c. Non-State funds are available immediately. * <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable d. Project is ready to proceed immediately. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable 	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>
7. Project has local community support, indicated by strong volunteer commitment or interest. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not applicable	<input type="text"/>
8. Sponsor has increased local match for the project. <input type="checkbox"/> Additional 5% <input type="checkbox"/> Additional 10% <input type="checkbox"/> Additional Other % _____	<input type="text"/>

* City funds are in the process of being switched from general fund to the airport. FAA grant application submitted.

**CITY OF CHEHALIS
AGENDA REPORT**

Date: August 10, 2015
To: The Honorable Mayor and City Council
From: David Fleckenstein, Airport Manager
Subject: Resolution No. 9-2015 - Approval for Execution of FAA Grant for Airport Improvements

ISSUE

The Chehalis-Centralia Airport wishes to execute a grant offer from the Federal Aviation Administration (FAA) as part of the Airport Improvement Program.

DISCUSSION

Attached is a standard Airport Improvement Program grant offer from the FAA in the amount of \$189,900.00 encompassing Engineering Services during Construction and Design Fee. It requires approval by the City of Chehalis as Sponsors/Owners of the Airport. This is a typical grant that has been approved previously on multiple occasions. This planned AIP project will:

- a. Repair apron to correct changes in grade and drainage problems.
- b. Reconfigure tie-down layout to improve efficiency.
- c. Realign taxiway to provide 90 degree entrance to runway to improve safety

Construction is planned for Summer of 2016. FAA is funding 90 percent (90%) of the project. The remaining 10 percent (10%) of funding will be split between WA State Department of Transportation (5%) and the Chehalis-Centralia Airport (5%).

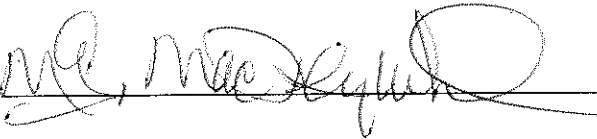
This project is planned and included in the Airport's Capital Improvement Plan. Funding will be sought on a reimbursement status. The attached grant offer must be approved by 28 August 2015.

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends that the council adopt Resolution No. 8-2015 on first and final reading and authorize the city manager to execute the FAA grant offer for AIP Project Number: 3-53-0012-016 in the amount of \$189,900 encompassing Design Fee and Engineering Services during Construction.

SUGGESTED MOTION

I move that the council adopt Resolution No. 8-2015 on first and final reading and authorize the city manager to execute the FAA grant offer in the amount of \$189,900 for the Design Fee and Engineering Services during Construction in order to repair the apron, reconfigure the tie-down layout, and to realign the taxiway.

Reviewed By: , City Manager

RESOLUTION NO. 9-2015

A RESOLUTION OF THE CITY OF CHEHALIS, WASHINGTON, AUTHORIZING THE SUBMITTAL OF A GRANT APPLICATION FOR AIRPORT IMPROVEMENTS TO THE FEDERAL AVIATION ADMINISTRATION, U.S. DEPARTMENT OF TRANSPORTATION.

THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DO HEREBY RESOLVE AS FOLLOWS:

Section 1. The City of Chehalis hereby authorizes the submittal of a federal grant application for airport aid to the US. Department of Transportation for the specific purpose of rehabilitating the field apron as well as realigning taxi ways.

Section 2. The City further authorizes the City Manager to be the authorized representative of the City for signature purposes on any application with the U.S. Department of Transportation.

ADOPTED by the City Council of the City of Chehalis, Washington, and APPROVED by its Mayor, at a regularly scheduled open public meeting thereof this 10th day of August, 2015.

Mayor

Attest:

City Clerk

Approved as to form and content:

City Attorney



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

Airports Division
Northwest Mountain Region
Oregon, Washington

FAA SEA ADO
1601 Lind Avenue SE., Suite 250
Renton, WA 98057

August 4, 2015

Mr. David Fleckenstein
Airport Manager
City of Chehalis
2007 NE Kresky Ave.
Chehalis, WA 98532

Dear Mr. Fleckenstein:

We are enclosing the Grant Offer for Airport Improvement Program (AIP) Project No. 3-53-0012-016-2015 at Chehalis-Centralia Airport – Chehalis, Washington. This letter outlines expectations for success. Please read the conditions and assurances carefully.

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

- The governing body must have provided authority to execute the grant to the individual signing the grant; i.e. the sponsor's representative.
- The designated sponsor's representative must execute the grant, followed by your attorney's certification, by **August 28, 2015**, in order for the grant to be valid. The attorney's signature date must be on or after the sponsor's signature date.
- No change may be made by you or your representative to the Grant Offer.
- We ask that you return the Grant Offer to us by ((E-Mail (PDF)) or (facsimile) followed by the hardcopy in the mail, send a copy to your associated State Aviation Officials, and maintain the copy for your records.

Subject to the requirements in 49 CFR § 18.21, each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this System.

Please note Grant Condition No. 4 requires you to complete the project without undue delay. We will be paying close attention to your progress to ensure proper stewardship of these Federal funds. You are expected to submit payment requests for reimbursement of allowable incurred project expenses in accordance with project progress. Should you fail to make draws on a regular basis, your grant may be placed in "inactive" status which will impact future grant offers.

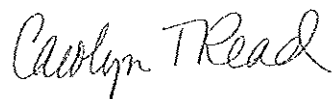
Until the grant is completed and closed, you are responsible for submitting formal reports as follows:

- A signed/dated SF-270 (non-construction projects) or SF-271 or equivalent (construction projects) and SF-425 annually, due 90 days after the end of each federal fiscal year in which this grant is open (due December 31 of each year this grant is open); and
- Quarterly Performance Reports due every quarter.

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

Kevin Latschaw, (425) 227-2654, is the assigned program manager for this grant and is readily available to assist you and your designated representative with the requirements stated herein. We sincerely value your cooperation in these efforts and look forward to working with you to complete this important project.

Sincerely,

A handwritten signature in cursive script that reads "Carolyn T. Read".

Carolyn T. Read
Manager
Seattle Airports District Office

Enclosure (3)



U.S. Department
of Transportation
Federal Aviation
Administration

GRANT AGREEMENT

PART I – OFFER

Date of Offer	<u>August 4, 2015</u>
Airport/Planning Area	<u>Chehalis-Centralia Airport – Chehalis, Washington</u>
AIP Grant Number	<u>3-53-0012-016-2015 (Contract Number : DOT-FA15NM-0027)</u>
DUNS Number	<u>079266664</u>
TO:	<u>City of Chehalis, Washington</u> <u>(herein called the “Sponsor”)</u>

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

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated July 28, 2015, for a grant of Federal funds for a project at or associated with the Chehalis-Centralia Airport – Chehalis, Washington, which is included as part of this Grant Agreement; and

WHEREAS, the FAA has approved a project for the Chehalis-Centralia Airport – Chehalis, Washington (herein called the “Project”) consisting of the following:

Rehabilitate apron (phase 1 – design); Reconstruct connector taxiways on Runway 16/34 (phase 1 – design);

which is more fully described in the Project Application.

NOW THEREFORE, According to the applicable provisions of the former Federal Aviation Act of 1958, as amended and recodified, 49 U.S.C. 40101, et seq., and the former Airport and Airway Improvement Act of 1982 (AAIA), as amended and recodified, 49 U.S.C. 47101, et seq., (herein the AAIA grant statute is referred to as “the Act”), the representations contained in the Project Application, and in consideration of (a) the Sponsor’s adoption and ratification of the Grant Assurances dated April 3, 2014, and the Sponsor’s acceptance of this Offer, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurances and conditions as herein provided,

THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay ninety (90) percent of the allowable costs incurred accomplishing the Project as the United States share of the Project.

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

CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$189,900.
 - A. For the purposes of any future grant amendments which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b), the following amounts are being specified for this purpose:
 1. \$0 for planning
 2. \$189,900 for airport development or noise program implementation
 3. \$0 for land acquisition.
2. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
3. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with the regulations, policies and procedures of the Secretary. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
4. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this agreement, and the regulations, policies and procedures of the Secretary. The Sponsor also agrees to comply with the assurances which are part of this agreement.
5. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
6. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before August 28, 2015, or such subsequent date as may be prescribed in writing by the FAA.
7. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner in any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.
8. **United States Not Liable for Damage or Injury.** The United States is not be responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.
9. **System for Award Management (SAM) Registration and Universal Identifier.**
 - A. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under

this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).

B. Requirement for Data Universal Numbering System (DUNS) Numbers

1. The Sponsor must notify potential subrecipient that it cannot receive a contract unless it has provided its DUNS number to the Sponsor. A subrecipient means a consultant, contractor, or other entity that enters into an agreement with the Sponsor to provide services or other work to further this project, and is accountable to the Sponsor for the use of the Federal funds provided by the agreement, which may be provided through any legal agreement, including a contract.
2. The Sponsor may not make an award to a subrecipient unless the subrecipient has provided its DUNS number to the Sponsor.
3. Data Universal Numbering System: DUNS number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D & B) to uniquely identify business entities. A DUNS number may be obtained from D & B by telephone (currently 866-492-0280) or the Internet (currently at <http://fedgov.dnb.com/webform>).

10. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi Invoicing System for Department of Transportation (DOT) Financial Assistance Awardees.
11. **Informal Letter Amendment of AIP Projects.** If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter to the Sponsor unilaterally reducing the maximum obligation. The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. If the FAA determines that a change in the grant description is advantageous and in the best interests of the United States, the FAA can issue a letter to the Sponsor amending the grant description.
 - A. By issuing an Informal Letter Amendment, the FAA has changed the grant amount or grant description to the amount or description in the letter.
12. **Air and Water Quality.** The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this grant.
13. **Financial Reporting and Payment Requirements.** The Sponsor will comply with all federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.
14. **Buy American.** Unless otherwise approved in advance by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract.
15. **Maximum Obligation Increase for Nonprimary Airports.** In accordance with 49 U.S.C. § 47108(b), as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:
 - A. May not be increased for a planning project;

- B. May be increased by not more than 15 percent for development projects;
 - C. May be increased by not more than 15 percent or by an amount not to exceed 25 percent of the total increase in allowable costs attributable to the acquisition of land or interests in land, whichever is greater, based on current credible appraisals or a court award in a condemnation proceeding.
- 16. Audits for Public Sponsors.** The Sponsor must provide for a Single Audit in accordance with 2 CFR Part 200. The Sponsor must submit the Single Audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. The Sponsor must also provide one copy of the completed 2 CFR Part 200 audit to the Airports District Office.
- 17. Suspension or Debarment.** The Sponsor must inform the FAA when the Sponsor suspends or debars a contractor, person, or entity.
- 18. Ban on Texting When Driving.**
- A. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
 - 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
 - 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
 - B. The Sponsor must insert the substance of this clause on banning texting when driving in all subgrants, contracts and subcontracts
- 19. Trafficking in Persons.**
- A. Prohibitions: The prohibitions against trafficking in persons (Prohibitions) that apply to any entity other than a State, local government, Indian tribe, or foreign public entity. This includes private Sponsors, public Sponsor employees, subrecipients of private or public Sponsors (private entity) are:
 - 1. Engaging in severe forms of trafficking in persons during the period of time that the agreement is in effect;
 - 2. Procuring a commercial sex act during the period of time that the agreement is in effect; or
 - 3. Using forced labor in the performance of the agreement, including subcontracts or subagreements under the agreement.
 - B. In addition to all other remedies for noncompliance that are available to the FAA, Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), allows the FAA to unilaterally terminate this agreement, without penalty, if a private entity –
 - 1. Is determined to have violated the Prohibitions; or
 - 2. Has an employee who the FAA determines has violated the Prohibitions through conduct that is either—
 - a. Associated with performance under this agreement; or

- b. Imputed to the Sponsor or subrecipient using 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by the FAA at 49 CFR Part 29.
- 20. **Exhibit "A" Property Map Updated with Grant.** The existing Exhibit "A" Property Map dated March 1982 is incorporated herein by reference or is submitted with the project application and made part of this grant agreement.
- 21. **PLANS & SPECIFICATIONS APPROVAL BASED UPON CERTIFICATION:** The FAA and the Sponsor agree that the FAA approval of the Sponsor's Plans and Specification is based primarily upon the Sponsor's certification to carry out the project in accordance with policies, standards, and specifications approved by the FAA. The Sponsor understands that:
 - A. The Sponsor's certification does not relieve the Sponsor of the requirement to obtain prior FAA approval for modifications to any AIP standards or to notify the FAA of any limitations to competition within the project;
 - B. The FAA's acceptance of a Sponsor's certification does not limit the FAA from reviewing appropriate project documentation for the purpose of validating the certification statements;
 - C. if the FAA determines that the Sponsor has not complied with their certification statements, the FAA will review the associated project costs to determine whether such costs are allowable under AIP.
- 22. **DESIGN GRANT:** This grant agreement is being issued in order to complete the design of the project. The Sponsor understands and agrees that within 2 years after the design is completed that the Sponsor will accept, subject to the availability of the amount of federal funding identified in the Airport Capital Improvement Plan (ACIP), a grant to complete the construction of the project in order to provide a useful and useable unit of work. The Sponsor also understands that if the FAA has provided federal funding to complete the design for the project, and the Sponsor has not completed the design within **four (4)** years from the execution of this grant agreement, the FAA may suspend or terminate grants related to the design.
- 23. **FINANCIAL REPORTING REQUIREMENTS:** The Sponsor agrees to submit a **Federal Financial Report** (FAA Form SF-425) for all open grants to the Airports District Office within 90 days following the end of each Federal fiscal year and with each Final Project Closeout Report.

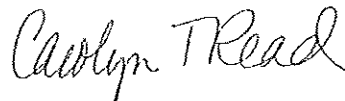
The Sponsor further agrees to submit an **Outlay Report and Request for Reimbursement** (FAA Form SF-271 for construction projects) or **Request for Advance or Reimbursement** (FAA Form SF-270 for non-construction projects) to the Airports District Office within 90 days following the end of each Federal fiscal year and with each Final Project Closeout Report.

- 24. **FINAL PAYMENT:** The Sponsor understands and agrees that in accordance with 49 USC 47111, no payments totaling more than 90 percent of United States Government's share of the project's estimated allowable cost may be made before the project is determined to be satisfactorily completed.
- 25. **SPONSOR PERFORMANCE REPORT:**
 - A. **For non-construction projects** – the Sponsor understands and agrees that in accordance with 49 CFR 18.40 the Sponsor shall submit a Quarterly Performance Report to the Airports District Office (ADO) within 30 calendar days from the end of the quarter, beginning in the quarter in which the project begins, and for each following quarter until the project is substantially complete. If a major project or schedule change occurs between Quarterly Performance Reports, the sponsor must submit an out of cycle performance report to the ADO. The performance report for non-construction projects shall include the following as a minimum:
 - 1. A comparison of proposed objectives to actual accomplishments.
 - 2. Reasons for any slippage or lack of accomplishment in a given area.

3. Impacts on other AIP-funded projects.
 4. Impacts to projects funded by PFC, other FAA programs, or the sponsor.
 5. Identification and explanation of any anticipated cost overruns.
- B. **For construction projects** – FAA Form 5370-1 Construction Progress and Inspection Report satisfies the performance reporting requirement. The sponsor must submit FAA Form 5370-1 to the ADO on a **weekly** basis during construction and at least quarterly when the project is in winter shutdown, until the project is substantially complete. Form 5370-1 requires the following information:
1. Estimated percent completion to date of construction phases.
 2. Work completed or in progress during the period.
 3. Brief Weather Summary during the period including approximate rainfall and period of below freezing temperature.
 4. Contract time: Number of days charged to date and last working day charged.
 5. Summary of laboratory and field testing during the period.
 6. Work anticipated by the contractor for the next period.
 7. Problem areas and other comments.
26. **GRANT APPROVAL BASED UPON CERTIFICATION:** The FAA and the Sponsor agree that the FAA approval of this grant is based on the Sponsor's certification to carry out the project in accordance with policies, standards, and specifications approved by the FAA. The Sponsor Certifications received from the Sponsor for the work included in this grant are hereby incorporated into this grant agreement. The Sponsor understands that:
- A. The Sponsor's certification does not relieve the Sponsor of the requirement to obtain prior FAA approval for modifications to any AIP standards or to notify the FAA of any limitations to competition within the project;
 - B. The FAA's acceptance of a Sponsor's certification does not limit the FAA from reviewing appropriate project documentation for the purpose of validating the certification statements;
 - C. If the FAA determines that the Sponsor has not complied with their certification statements, the FAA will review the associated project costs to determine whether such costs are allowable under AIP

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

UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION



(Signature)

Carolyn T. Read

Manger, Seattle Airports District Office

3-53-0012-016-2015

PART II - ACCEPTANCE

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

I declare under penalty of perjury that the foregoing is true and correct.¹

Executed this _____ day of _____, _____.

(Name of Sponsor)

(Signature of Sponsor's Designated Official Representative)

By:

(Typed Name of Sponsor's Designated Official Representative)

Title:

(Title of Sponsor)

CERTIFICATE OF SPONSOR'S ATTORNEY

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

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

Dated at _____ this _____ day of _____, _____.

By _____

(Signature of Sponsor's Attorney)

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

ASSURANCES

AIRPORT SPONSORS

A. General.

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

B. Duration and Applicability.

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

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

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

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

3. Airport Planning Undertaken by a Sponsor.

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

C. Sponsor Certification.

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

1. General Federal Requirements.

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

FEDERAL LEGISLATION

- a. Title 49, U.S.C., subtitle VII, as amended.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq.¹
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act – 5 U.S.C. 1501, et seq.²
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title 42 U.S.C. 4601, et seq.^{1,2}
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f).¹
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469c.¹
- h. Native Americans Grave Repatriation Act - 25 U.S.C. Section 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended.
- j. Coastal Zone Management Act, P.L. 93-205, as amended.
- k. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a.¹
- l. Title 49, U.S.C., Section 303, (formerly known as Section 4(f))
- m. Rehabilitation Act of 1973 - 29 U.S.C. 794.
- n. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252) (prohibits discrimination on the basis of race, color, national origin);
- o. Americans with Disabilities Act of 1990, as amended, (42 U.S.C. § 12101 et seq.), prohibits discrimination on the basis of disability).
- p. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- q. American Indian Religious Freedom Act, P.L. 95-341, as amended.
- r. Architectural Barriers Act of 1968 -42 U.S.C. 4151, et seq.¹
Power plant and Industrial Fuel Use Act of 1978 - Section 403- 2 U.S.C. 8373.¹
- s. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq.¹
- t. Copeland Anti-kickback Act - 18 U.S.C. 874.1
- u. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq.¹
- v. Wild and Scenic Rivers Act, P.L. 90-542, as amended.
- w. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq.²
- x. Drug-Free Workplace Act of 1988 - 41 U.S.C. 702 through 706.
- y. The Federal Funding Accountability and Transparency Act of 2006, as amended (Pub. L. 109-282, as amended by section 6202 of Pub. L. 110-252).

EXECUTIVE ORDERS

- a. Executive Order 11246 - Equal Employment Opportunity¹
- b. Executive Order 11990 - Protection of Wetlands
- c. Executive Order 11998 – Flood Plain Management

- d. Executive Order 12372 - Intergovernmental Review of Federal Programs
- e. Executive Order 12699 - Seismic Safety of Federal and Federally Assisted New Building Construction¹
- f. Executive Order 12898 - Environmental Justice

FEDERAL REGULATIONS

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

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

SPECIFIC ASSURANCES

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

FOOTNOTES TO ASSURANCE C.1.

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

2. Responsibility and Authority of the Sponsor.

a. Public Agency Sponsor:

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

b. Private Sponsor:

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

3. Sponsor Fund Availability.

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

4. Good Title.

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

5. Preserving Rights and Powers.

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

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

6. Consistency with Local Plans.

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

7. Consideration of Local Interest.

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

8. Consultation with Users.

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

9. Public Hearings.

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

10. Metropolitan Planning Organization.

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

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

11. Pavement Preventive Maintenance.

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

12. Terminal Development Prerequisites.

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

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

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

14. Minimum Wage Rates.

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

15. Veteran's Preference.

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

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

16. Conformity to Plans and Specifications.

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

17. Construction Inspection and Approval.

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

18. Planning Projects.

In carrying out planning projects:

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

19. Operation and Maintenance.

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

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

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

20. Hazard Removal and Mitigation.

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

21. Compatible Land Use.

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

22. Economic Nondiscrimination.

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

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

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

23. Exclusive Rights.

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

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

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

24. Fee and Rental Structure.

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

25. Airport Revenues.

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

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

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

26. Reports and Inspections.

It will:

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

27. Use by Government Aircraft.

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

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

28. Land for Federal Facilities.

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

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

29. Airport Layout Plan.

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

30. Civil Rights.

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

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

sponsor's programs and activities.

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

c. Duration.

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

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

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

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

e. Required Contract Provisions.

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

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

31. Disposal of Land.

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

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

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

32. Engineering and Design Services.

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

33. Foreign Market Restrictions.

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

34. Policies, Standards, and Specifications.

It will carry out the project in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, the advisory circulars listed in the Current FAA Advisory Circulars for AIP projects, dated March 20, 2014 and included in this grant, and in accordance with applicable state policies, standards, and specifications approved by the Secretary.

35. Relocation and Real Property Acquisition.

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

36. Access By Intercity Buses.

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

37. Disadvantaged Business Enterprises.

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

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

38. Hangar Construction.

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

39. Competitive Access.

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

CITY OF CHEHALIS

AGENDA REPORT

DATE: August 3, 2015
TO: The Honorable Mayor and City Council
FROM: Glenn Schaffer, Police Chief
SUBJECT: Adoption of a Panhandling Ordinance.

ISSUE

Attached is proposed Ordinance No. 944-B regarding panhandling within the City of Chehalis.

DISCUSSION

At the May 26, 2015 Council Meeting, Councilor Taylor requested the administration research a panhandling ordinance similar to the one previously passed by the City of Centralia. At the June 8, 2015 Council Meeting, Police Chief Glenn Schaffer reported back to the Council on this topic, at which point the Council expressed interest in the administration developing an ordinance for their consideration. The City of Chehalis is seeing an increase in the number of panhandlers within the city limits, and an increase in the number of complaints from business owners and patrons due to unwanted and at times, coercive and aggressive panhandling. Panhandlers' presence in the driveways and along the roadways on our streets also adds to the traffic hazard and an increase in unsightly litter in these busy areas. The proposed ordinance would provide the City of Chehalis with a means to enforce coercive and aggressive panhandling, protect business owners from unwanted panhandling activity near their businesses, and keep panhandlers from being a further traffic hazard in congested areas, while still providing leeway for peaceful panhandling to occur in non-congested areas of town.

RECOMMENDATION/COUNCIL ACTION DESIRED

The administration recommends the council consider Ordinance No. 944-B on first reading.

SUGGESTED MOTION

I move that the council pass Ordinance No. 944-B on first reading.

Reviewed by:  _____, City Manager

ORDINANCE NO. 944-B

**AN ORDINANCE OF THE CITY OF CHEHALIS, WASHINGTON,
AMENDING CHAPTER 7.04.320 OF THE CHEHALIS MUNICIPAL
CODE “MISCELLANEOUS MISDEMEANORS”, BY ADDING A
PROVISION TO DEAL WITH THE REGULATION OF SOLICITATION
(PANHANDLING)**

WHEREAS, the City Council of the City of Chehalis has received numerous communications from citizens, businesses, community organizations, and others regarding serious public harm caused by panhandlers and persons engaged in coercive and aggressive solicitation; and

WHEREAS, the City Council of the City of Chehalis desires to protect citizens of and visitors to the City from the fear and intimidation accompanying certain kinds of solicitation, to promote business and tourism, and to preserve the quality of urban life while providing safe and appropriate venues for constitutionally protected activity; and

WHEREAS, the City Council of the City of Chehalis has determined that it is in the best interests of the City and its citizens that Chapter 7.04.320 of the Chehalis Municipal Code be amended to add a provision to deal with the regulation of solicitation, to regulate and punish acts of coercive and aggressive solicitation, and acts of solicitation that occur at locations or under circumstances specified herein which create an enhanced sense of fear or intimidation in the person being solicited, or pose risk to traffic and public safety; now therefore,

**THE CITY COUNCIL OF THE CITY OF CHEHALIS, WASHINGTON, DO
ORDAIN AS FOLLOWS:**

Section 1. Chapter 7.04.320 of the Chehalis Municipal Code, the Miscellaneous Misdemeanor provision, shall be, and the same hereby is, amended to add a new section “I” regarding regulation of solicitation:

7.04.320.I. Regulation of Solicitation

1. Definitions:

a. “Coercive” means to do the following with intent:

i. To approach, speak, or gesture to a person in such a manner as would cause a reasonable person to believe that the person is being threatened with a commission of a criminal act upon the person, another person, or property in the person’s possession.

- ii. To approach within 1 foot of the person for the purposes of making a solicitation without obtaining said person's initial consent.
 - iii. To persist in a solicitation after the person solicited has given a negative response.
 - iv. To block the passage of a person or pedestrian traffic, or a vehicle or vehicular traffic, while making a solicitation.
 - v. To engage in conduct that would reasonably be construed as intended to compel or force a person being solicited to accede to demands.
 - vi. To make any false or misleading representations in the course of making a solicitation.
 - vii. To willfully provide or deliver, or attempt to provide or deliver, unrequested or unsolicited services or products with a demand or exertion of pressure for payment in return for the service or product to a person.
- b. "Solicitation" and all derived forms of "solicit" for the purposes of this chapter is any means of asking, begging, requesting, or pleading made in person, orally, or in a written or printed manner, for oneself or another person, directed to another person, requesting an immediate donation or payment of money, contribution, alms, financial aid, charity, gifts of items or service of value, or the purchase of an item or service for an amount far exceeding its value, under circumstances where a reasonable person would understand that the purchase is in substance a donation.

2. Prohibited Conduct:

- a. It shall be unlawful for any person or persons to make a coercive solicitation within the city limits of Chehalis.
- b. It shall be unlawful for any person or persons to make any solicitation of persons or pedestrians within 25 feet of the entrance to any building unless specific permission has been given by the business owner or occupant to the person or persons seeking to solicit.
- c. It shall be unlawful for any person or persons to make any solicitation of persons or pedestrians within 25 feet of such person's parked vehicle or while any person is loading or unloading any vehicle.
- d. It shall be unlawful for any person or persons to make any solicitation of persons or pedestrians on public property after sunset or before sunrise.

e. It shall be unlawful for any person or persons to solicit at the following places within the city limits of Chehalis:

f. Any on-ramps and/or off-ramps to state routes or interstate highways, and specifically those located at Main Street, 13th Street, and Chamber Way;

ii. Within 300 feet of the following intersections:

a.) Chamber Way and National Avenue;

b.) Chamber Way and State Street; and

c.) Chamber Way and Louisiana Avenue.

iii. Within 300 feet of the entrance to the parking lots of all businesses located between - and to include - the 1200 block to the 2100 block of Louisiana Avenue and all businesses located presently or in the future on Arkansas Way.

g. It shall be unlawful for any person or persons to sell, or offer for immediate sale, goods, services, or publications, or distribute items without remuneration, to a person in a vehicle, at those locations set forth at "c" above.

h. For purposes of this chapter, distance shall be measured by using a straight line, without regard for intervening structures or objects, from the nearest point at which a solicitation is being conducted to the restricted location as set forth above.

3. Penalties: Any person who knowingly violates or fails to comply with any term or provision of any section of CMC 7.04.320.I shall be deemed to have committed the following:

a. First Offense. Constitutes a Class 1 civil infraction with the maximum assessment not to exceed the amount of \$250.00, not including any statutory assessments.

b. Second or Subsequent Offense. Constitutes a misdemeanor, and if found guilty, shall be punished by a fine not to exceed \$1,000, plus costs and assessments, and/or imprisonment not to exceed 90 days, or both a fine and imprisonment. A second offense shall mean a violation of this chapter which is committed within one calendar year of the first offense.

Section 2. If any provision of this Ordinance, or its application to any person or circumstances, is held invalid, the remainder of this Ordinance or application of the provisions to other persons or circumstances shall be unaffected.

Section 3. The City Clerk shall be, and she hereby is, instructed to amend

Chapter 7.04.320 of the Chehalis Municipal Code as set forth herein.

Section 4. This Ordinance is effective on September 2, 2015.

PASSED by the City Council of the city of Chehalis, Washington, and **APPROVED** by its Mayor, at a regularly scheduled open public meeting thereof this _____ day of _____, 2015.

Mayor

Attest:

City Clerk

Approved as to form and for content:

City Attorney