



CITY COUNCIL

AGENDA

MONDAY, MAY 13, 2024

Where Life is Sweet

COUNCIL CHAMBERS - 180 NE 2ND ST.

Other ways of viewing or participating in live meetings are available through:
YouTube at: <https://bit.ly/HermistonYoutube>

Zoom with Meeting ID: 841 0675 8958 Passcode: 075556 Telephone number to join is: 1 253 215 8782; or submitting comments to meetings@hermiston.gov

1. CALL REGULAR MEETING TO ORDER – 7:00 PM

2. DECLARATION OF QUORUM

3. FLAG SALUTE

4. PROCLAMATIONS AND PRESENTATIONS

A. Presentation- Hermiston School District Updates

B. Presentation- Project PATH/Stepping Stones Alliance Updates

C. Proclamation- Inland Northwest Musicians

D. Proclamation- National Police Week

E. Proclamation- National Cities, Towns & Villages Month

5. CITIZEN INPUT ON NON-AGENDA ITEMS

Anyone wishing to bring anything before the council that is not on the agenda is asked to please do the following: 1. Please limit comments to not more than FIVE minutes; 2. State your name and address; 3. Direct your comments to the Chair.

6. CONSENT AGENDA

A. Committee Vacancy Announcements

B. Confirmation Appointment of Brian Misner to Position #7 of the Planning Commission for a 3-year term ending March 31, 2027.

- [C.](#) Minutes of the April 22nd City Council Work Session and Regular Meetings
- [D.](#) Initiate annexation and comprehensive plan map amendment proceedings 4N2812C
Tax lot 308 Reyes - 1088 E Newport Ave

7. ITEMS REMOVED FROM CONSENT AGENDA

8. RESOLUTIONS

- [A.](#) Resolution No. 2321 - Renewal of IGA with the City of Pendleton for IT Services
- [B.](#) Resolution No. 2322- T-Hangar Omnibus Grant Application Authorization.

9. OTHER

- [A.](#) Mobile Vendor Regulations Update
- [B.](#) IGA with City of Pendleton to provide CDBG funded small business grants to support businesses impacted by COVID.

10. COMMITTEE REPORTS

A. City Committee and Liaison:

Airport Advisory, Budget, Hispanic Advisory, Library Board, Parks and Recreation, Planning Commission, Recreation Projects Fund, Faith-Based Advisory, Community Enhancement, Community Accountability, Public Safety, Public Infrastructure, Transit Planning, EOTEC, Business Advisory Ad-Hoc Committee, Stepping Stones Alliance (not a city committee).

- B.** Mayor's Report
- C.** Council Report
- D.** Youth Advisory Report
- E.** Manager's Report

11. ADJOURN

**** AMERICANS WITH DISABILITIES ACT NOTICE****

Please contact Hermiston City Hall, 180 NE 2nd Street, Hermiston, OR 97838 (Phone No. 541-567-5521) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TTY and TDD users please call Oregon Telecommunications Relay Service at 1-800-735-2900 or 711.



Where Life is Sweet

INLAND NORTHWEST MUSICIANS PROCLAMATION

WHEREAS, Inland Northwest Musicians was founded in 1999 on five core beliefs:

1. Music is for everyone,
2. Audiences everywhere deserve to experience live performances of the world’s greatest music,
3. All musicians deserve to develop their talent,
4. Music is a lifelong pursuit that contributes to health and well-being, and
5. A regional arts organization should truly represent and serve the region, and

WHEREAS, Inland Northwest Musicians was formed with a vision to create a symphony orchestra and symphonic choral organization that was uniquely driven by the values and beliefs upon which it was founded, and

WHEREAS, Inland Northwest Musicians is a devoted supporter of youth music instruction, both in and outside of school settings, as well as aiding less advanced musicians of all ages by created a youth and preparatory orchestra, and

WHEREAS, Inland Northwest Musicians have performed more than 500 free concerts in 50 communities in wildly varied venues including schools, churches, community centers, prisons, and outdoor settings, as well as helping communities celebrate countless milestones and performing for underserved populations throughout northeast Oregon and southwest Washington,

WHEREAS, Inland Northwest Musicians was one of the first organizations in Oregon to receive funding from the Oregon Cultural Trust, and

WHEREAS, Inland Northwest Musicians have significantly collaborated with the City of Hermiston by housing their Grand Piano at the Hermiston Community Center and establishing their Center of Operations in the City of Hermiston for over 15 years, and

NOW, THEREFORE, I, Dr. Dave Drotzmann, Mayor of Hermiston, Oregon do hereby proclaim the inspiring contributions to the arts that Inland Northwest Musicians have given to the community and encourages all to honor and celebrate the 25th Anniversary of its founding.

SIGNED this 13th day of May, 2024

Dr. David Drotzmann, Mayor



Where Life is Sweet

PROCLAMATION

National Police Week May 12-18, 2024

To recognize National Police Week 2024 and to honor those currently serving, those retired from service, and the service and sacrifice of law enforcement officers killed in the line of duty while protecting our communities and safeguarding our democracy.

Whereas, there are approximately 900,000 law enforcement officers serving in communities across the United States, including the 33 sworn and 8 non-sworn members of the Hermiston Police Department;

Whereas, on average, 55,000 assaults against law enforcement officers are reported each year resulting in approximately 15,000 injuries;

Whereas, since the first recorded death in 1786, just over 25,000 law enforcement officers in the United States have made the ultimate sacrifice and have been killed in the line of duty, including 1 member of the Hermiston Police Department, Ronald G. Kilby – end of watch Thursday, October 8th, 1959;

Whereas, the names of these dedicated public servants are engraved on the walls of the National Law Enforcement Officers Memorial in Washington, D.C.;

Whereas, 124 new names of fallen heroes will be added to the National Law Enforcement Officers Memorial;

Now, Therefore, Be It Resolved, the City of Hermiston formally designates May 12th-18th, 2024, as National Police Week, and publicly salutes the service of law enforcement officers in our community and in all communities across the nation.

Signed this 13th day of May, 2024

Dr. David A. Drotzmann, Mayor



NATIONAL CITIES, TOWNS, & VILLAGES MONTH PROCLAMATION

WHEREAS, the National League of Cities was founded in 1924 in Lawrence, Kansas, as the American Municipal Association by state municipal leagues seeking more coordination and national representation as cities, towns, and villages expanded rapidly;

WHEREAS, the nonpartisan National League of Cities is the oldest and largest organization representing municipal governments throughout the United States, representing the interests of more than 19,000 cities, towns, and villages across the country;

WHEREAS TODAY, the National League of Cities works in partnership with 49 state municipal leagues across the country to strengthen local leadership, drive innovation, and influence the federal policies that impact local programs and operations;

WHEREAS, the City of Hermiston is a proud member of the National League of Cities, and has benefited from the organization's research, technical expertise, federal advocacy and opportunities to learn from other local governments;

WHEREAS, local governments are the bedrock of American democracy, providing 336 million residents with the most accountable, responsive, inclusive, ethical, and transparent government in the world;

WHEREAS, from the nation's smallest villages to its largest cities, America's local governments have been essential in transforming the United States of America into the greatest, most influential nation in world history;

WHEREAS, Hermiston was first incorporated in 1907 and is proudly served today by Mayor Dr. Dave Drotzmann, Council President Doug Primmer, and Councilors Rod Hardin, Jackie Myers, Maria Duron, Jackie Linton, Nancy Peterson, Roy Barron, and David McCarthy and a municipal workforce of 115 dedicated public servants;

NOW, THEREFORE, I, Dr. Dave Drotzmann, Mayor of Hermiston, Oregon do hereby proclaim May 2024 as National Cities, Towns, and Villages Month in celebration of America's local governments and the National League of Cities' historic centennial anniversary.

SIGNED this 13th day of May, 2024

Dr. David Drotzmann, Mayor



PUBLIC ANNOUNCEMENT

The City is accepting applications for the following Committees:

1) Eastern Oregon Trade and Event Center (EOTEC) Advisory Committee

- Position 1, Representing the Umatilla County Fair Board: 3-year term ending June 30, 2027 (Advertised as of 04/09/2024)
- Position 2, Representing the Farm-City Pro Rodeo: 3-year term ending June 30, 2027 (Advertised as of 04/09/2024)

2) Hispanic Advisory Committee

- Position 3: 3-year term ending June 30, 2027 (Advertised as of 04/09/2024)

3) Library Board

- Positions 1 & 2: 4-year term ending June 30, 2028 (Advertised as of 04/09/2024)

Deadline to apply for all Committees: Open Until Filled

Interested persons are asked to submit an application to City Hall, 180 NE 2nd Street, Hermiston, or at lalarcon-strong@hermiston.or.us . Application forms are available at City Hall or on the City’s website at <https://hermiston.or.us/volunteer> . If you have questions, please call Lilly Alarcon-Strong at 541-567-5521.

Proposed appointment and confirmation of these positions are made by the City Council. All appointments to city boards and commissions shall be made in accordance with the ordinances and city charter. Appointees shall not be full-time employees of the city, shall not be elected officials of the city, shall not be appointed to more than two boards or commissions at a time, and shall not sell to the city or its boards and commissions over which the council has appointive powers and budget control either directly as a prime contractor or supplier, or indirectly as a first-tier subcontractor or supplier. Sales shall be construed to mean sales, services or fees aggregating \$7,500 or more in any one calendar year. Preference for appointees shall be given to city residents.



CITY COUNCIL

Work Session Meeting Minutes April 22, 2024

Mayor Drotzmann called the work session meeting to order at 6:01pm. Present were Councilors Hardin, Barron, Primmer, Duron, Linton (arrived at 6:05pm), McCarthy, Peterson, and Myers. Staff in attendance included: City Manager Byron Smith, Assistant City Manager Mark Morgan, City Attorney Rich Tovey, Chief Edmiston, Planning Director Clint Spencer, Finance Director Ignacio Palacios, HES General Manager Nate Rivera, Parks and Recreation Director Brandon Artz, Court Administrator Jillian Viles, Assistant City Recorder Heather La Beau, and City Recorder Lilly Alarcon-Strong.

Broadband Effort Updates

Hermiston Energy Services General Manager Nate Rivera gave information (PowerPoint Presentation attached) regarding broadband updates and findings to include the Federal Communications Commission (FCC) data coverage and eCheckup speed tests for Hermiston and surrounding areas and focused on the higher percentage of unserved households and businesses per census block and discrepancies found with the FCC reporting.

Mr. Rivera gave information regarding the possibility of the City of Hermiston providing an open network fiber utility that could be used by all, both public and private sectors, with links to every property in Hermiston. The utility would be owned by the City of Hermiston to ensure local autonomy; however, many different service providers would be able to use the system to provide a variety of services at competitive rates for all consumers. Mr. Rivera gave information regarding Ziplly Fiber and the services they could provide to the overall City and underserved locations in the area as previously mentioned.

Mayor Drotzmann stated due to time constraints the Council will continue this discussion during the regular meeting, after the March Financial Report item.

Safety Plan Introduction

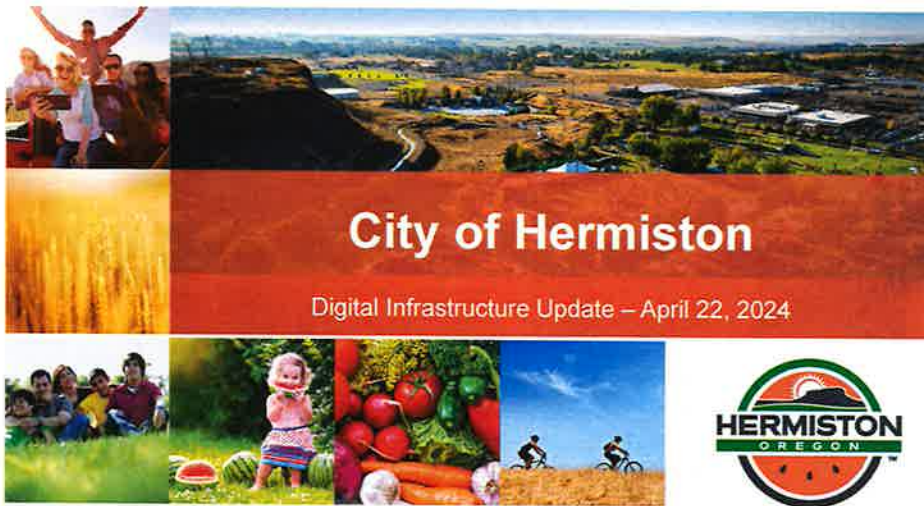
City Planner Clint Spencer introduced Nick Foster from Kittleson and Associates, Inc. who specialize in Transportation Engineering and Planning who is helping the City in the development of the City's Safety Action Plan. Mr. Foster gave information (PowerPoint Presentation attached) regarding the Plan: to identify safety improvements to reduce fatalities and serious injuries on the City's transportation system for people driving, biking, walking, and rolling. The Plan, which has been funded by a federal grant, will help gather community input, develop safety strategies, set a goal to aim for zero fatal and serious injury crashes, and more all within the community.

Mr. Spencer stated the Plan was previously presented to the Planning Commission, Commissioners are in attendance at tonight's meeting, and are all in full support of this Plan.

Mayor Drotzmann thanked Mr. Foster for the important information as streets, sidewalks, and public access areas are essential and safety is a priority for all.

Adjournment

Mayor Drotzmann adjourned the work session meeting at 7:02pm and stated the Council will convene immediately for their regular council meeting.

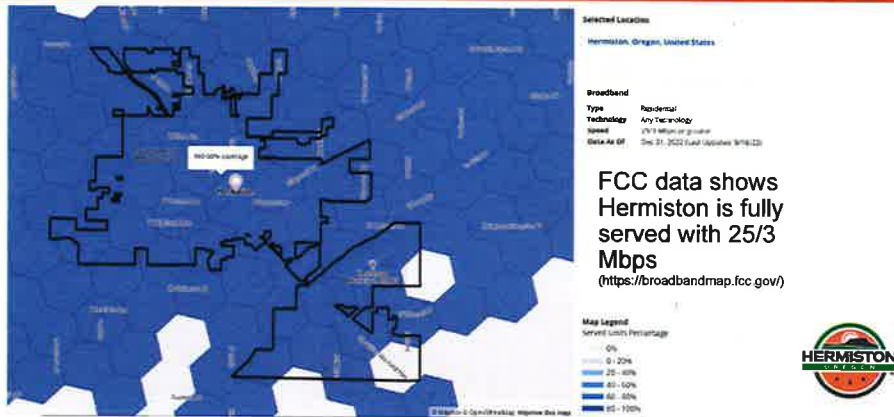


Digital Infrastructure Update

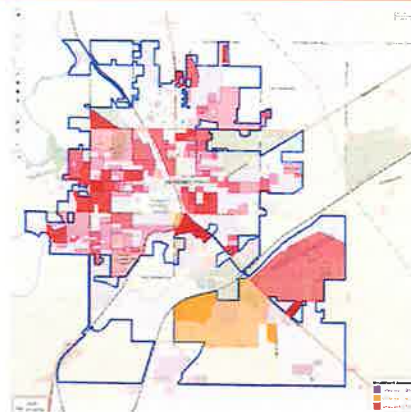
- Update on City's Progress
- Findings
- Provider Options
- New Opportunity
- Direction



FCC Reported Served with Broadband



FCC Broadband Data Discrepancies



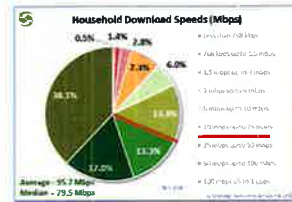
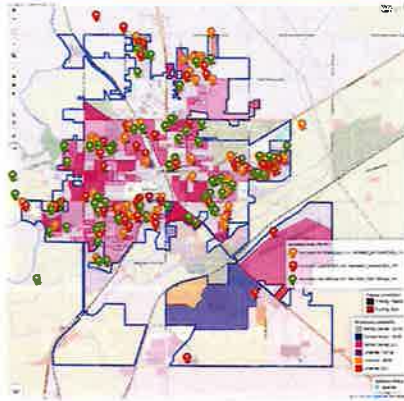
Deeper analysis of FCC's data reveals census blocks with partial coverage, where deeper shading shows higher percentage of unserved households per census block

Uncovered this by:

- Counting the number of served locations in every census block
- Filtering out business-only service
- Updating with latest FCC and broadband provider data



eCheckup Download Speeds



Almost one third of households/business do not meet FCC 25/3 Mbps standards based on eCheckup speed tests



Availability by Connection Speed

1.3.1 Broadband Availability by Connection Speed

1.3.1.1 Household Availability of 25/3 Broadband

Block Source	Household (2020)	% of Household	Population (2020)	% of Population	Avg. Fiber Cost	Avg. Wireless Cost
All Households	6,962	100.0%	19,364	100.0%		
Unserv'd 25/3	4,337	62.3%	11,332	58.6%	\$2,028	\$1,611
Fully Served 25/3	2,625	37.7%	8,032	41.4%		

1.3.1.2 Household Availability of 100/20 Broadband

Block Source	Household (2020)	% of Household	Population (2020)	% of Population	Avg. Fiber Cost	Avg. Wireless Cost
All Households	6,962	100.0%	19,364	100.0%		
Unserv'd 100/20	4,382	63.0%	11,499	59.4%	\$2,731	\$1,611
Fully Served 100/20	2,580	37.0%	7,865	40.6%		

Note: that any household without access to 25/3 broadband will also lack access to 100/20 broadband, so some households counted in this table will also be counted in the previous table

BroadbandAnalyzer data reports:

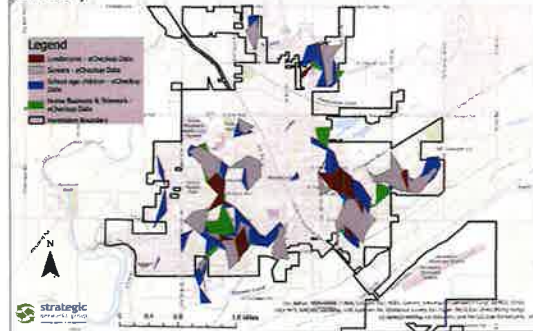
- 2,625 households (41.4%) served with 25/3 Mbps
- 4,337 of Hermiston residents (58.6%) are unserved with 25/3 Mbps
- 4,382 households (59.9%) are unserved with 100/20 Mbps
- 13 community anchor institutions (schools, medical institutions, government facilities) are located within the partially served census blocks



Digital Inclusion Analysis

eCheckup Respondents : Hermiston, OR

Aggregate Areas of Low Income, Seniors, School-aged children, and Home business & Teleworkers



- GIS analysis data for digital inclusion planning and network commercialization
- Map shows low income (brown), seniors (grey), school-aged children (blue), and home business and teleworker (green).

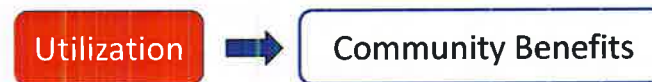


Pivot to Address Demand Side of Broadband

Broadband availability is often the primary focus, however ...



Economic Growth is Driven by Utilization



How Open Networks Work

Digital Infrastructure – one common fiber network utility

- Is built to be “open” to many uses (public and private)
- Links the internet to **every premise and building** in Hermiston
- Is owned by City of Hermiston – **to ensure local sovereignty over digital future**

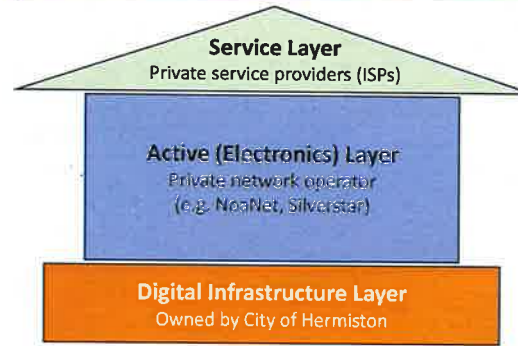
Structural separation of digital infrastructure and operations / service delivery with

- one experienced wholesale open access entity (NoaNet, Silverstar) connects providers, operates the network 24/7/365 and maintains the network
- many service providers use the digital infrastructure to provide choice of diverse services at competitive rates delivered to every premise



An economic development platform is created by the public and private sectors

Separation of Digital Infrastructure



ISPs with experience and technical expertise **compete to provide services to users**

Neutral operator brings technical knowledge and resources to partnership **to efficiently operate and maintain network**

With a large asset base already, Hermiston is setup to invest longer-term (15-20 years)



Delivery of services by private sector, with local stewardship over digital infrastructure

Pro's and Con's of Ownership

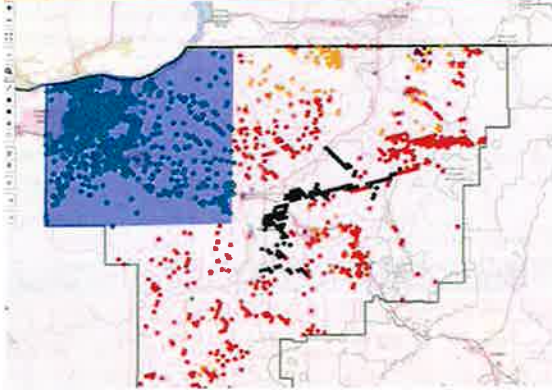
Ownership	Pro's	Con's
Traditional private sector Internet Service Providers (ISPs) Pro's and Con's of Digital Infrastructure Ownership	<ul style="list-style-type: none"> • City of Hermiston does not need to deal with broadband – someone else will 	<ul style="list-style-type: none"> • No guarantee that 100% of premises will be connected • No control over timelines for build-out • No recourse for City of Hermiston with service levels or quality • Taxpayer funds could subsidize one private sector provider and limit competition • Will still require oversight of franchise agreements
Digital infrastructure (ownership of infrastructure by broadband utility, or special purpose vehicle)	<ul style="list-style-type: none"> • Sovereignty of Hermiston's digital future <ul style="list-style-type: none"> ◦ encouraging competition ◦ setting priorities and timelines for build-out across Hermiston. ◦ ensuring all premises are connected ◦ incentivizing customer service • Reduced costs in serving Hermiston's municipal and community anchor sites • New revenue streams from digital infrastructure 	<ul style="list-style-type: none"> • Oversight costs of broadband utility

ZiPLY Fiber

- Approached the City in 2023.
- Connect the Residents and Businesses.
- Asked for a Co-Location Agreement to Use City Hall.
 - **Trade Services for Co-Location.**
- Connect Majority of City Facilities.



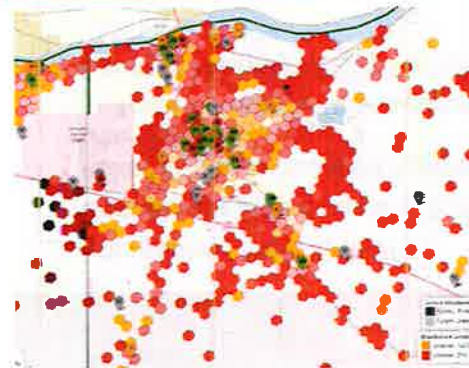
New Opportunity



- Total of 16,145 premises within selected area
- Broadband can be delivered to 12,232 unserved and 9,493 underserved locations
- Selected (blue) area is eligible to receive BEAD funding



Leverage Community Assets for Broadband



- Significant number of unserved locations (red hexagons) beyond Hermiton city limits.
- Digital infrastructure investments should enable regional economic and community development.
- BroadbandAnalyzer analysis shows community facilities and anchor institutions (schools, hospitals, municipal, public safety, etc.) that can empower regional network.
- Leverage assets such as utility poles and other community infrastructure to supplement grant matching and enable broadband planning.



Next Steps for Regional Digital Infrastructure

1. **Validate boundaries of network with potential partners**
 - a) Localities (city, county, etc.)
 - b) Network operators and service providers
 - c) Community stakeholder organizations
2. **Identify partnership roles in the regional network**
 - a) Network operations
 - b) Investment and funding
 - c) Ownership and governance – options include local overlay district, special purpose vehicle, etc.
 - d) Outreach, engagement, and digital inclusion partners
3. **Prepare business and economic plan, governance model, funding model**
4. **Pursue funding (public grant funding and private)**



Questions

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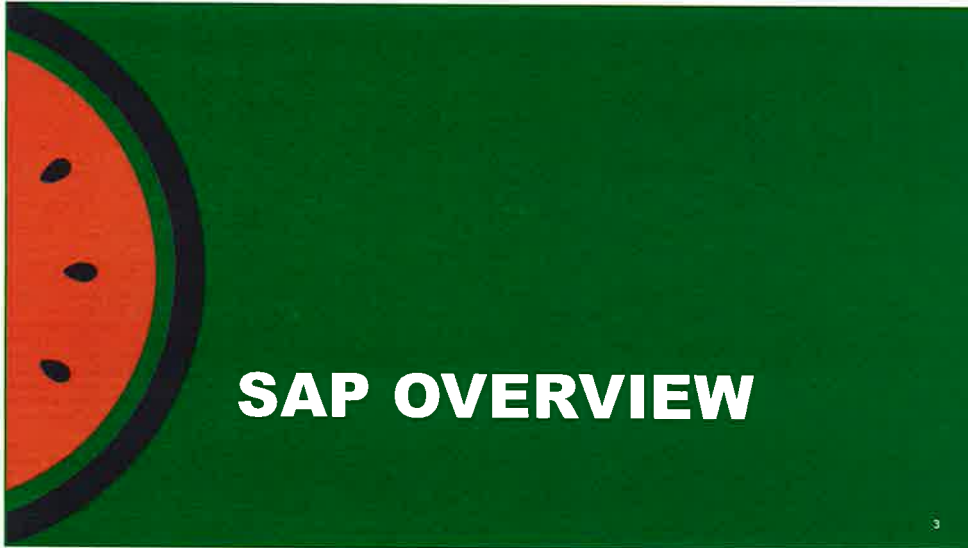


AGENDA

- Safety Action Plan Overview
- Community and Partner Organization Engagement
- Discussion
- Next Steps

HERMISTON SAFETY ACTION PLAN

2



PROJECT PURPOSE

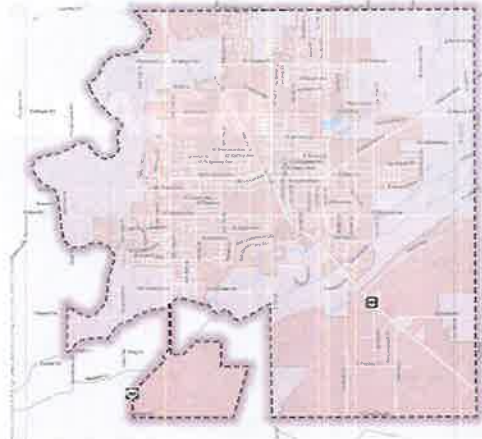
- SS4A Compliant Safety Action Plan
 - Reduce Fatal and Serious Injury Crashes
 - Identify and Prioritize Projects and Strategies
 - Engage Community
 - Address Underserved Communities
 - Data-Driven
 - All Users

HERMISTON SAFETY ACTION PLAN

4

PROJECT SCOPE

- Public roads within Hermiston urban growth boundary
- Roadway owners
 - City of Hermiston
 - Umatilla County
 - ODOT



SS4A ACTION PLAN COMPONENTS

- Vision & target(s)
- Oversight group
- Data-driven
- Engagement
- Equity/Demographics
- Projects/strategies
- Performance measures

SS4A Self-Certification Eligibility Worksheet

All applicants should follow the instructions in the PDF to properly apply for a grant. See the [2024 Action Plan](#) for more information.

Table 1 of the SS4A RFP document ([https://www.cityofhermiston.gov/DocumentCenter/View/10000/2024-SS4A-RFP](#)), which correspond to the questions in this worksheet, applicants should use this worksheet to determine whether their existing plans contain the required components to be considered an eligible Action Plan for SS4A.

This worksheet is required for all SS4A implementation Grant applications and any Planning and Demonstration Grant applications to conduct Supplemental Planning/Demonstration Activities only. Please complete the form in its entirety, do not adjust the formatting or layout of the worksheet, and upload the completed PDF with your application.

Eligibility

An Action Plan is considered eligible for an SS4A application for an implementation Grant in a Planning and Demonstration Grant to conduct Supplemental Planning/Demonstration Activities if the following are completed:

- You can answer "YES" to Questions 3, 7, and 9 in the worksheet.
- You can answer "YES" to at least four of the six remaining Questions, 1, 2, 4, 5, 6, and 8.

If both conditions are met and an applicant is not eligible to apply for a Planning and Demonstration Grant to fund the creation of a new Action Plan or updates to an existing Action Plan to meet SS4A requirements.

Applicant Information

Last Applicant: URL:

Action Plan Documents

SAFE SYSTEM APPROACH

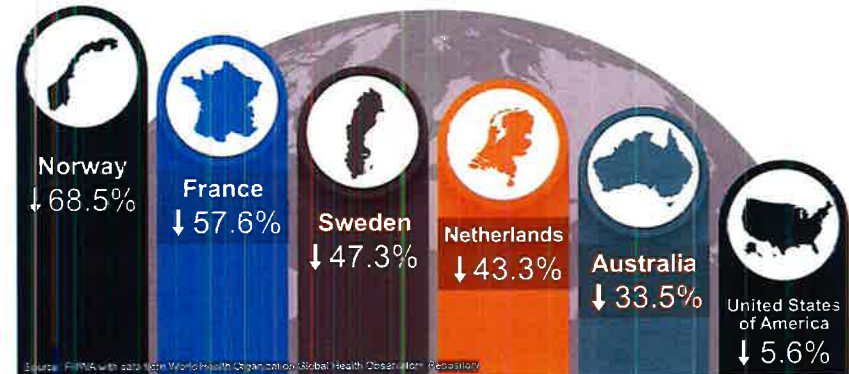
- Mindset shift
 - Injury prevention vs. crash prevention
 - Less emphasis on people's choices -> will make mistakes

Imagine Hermiston as a place where **nobody** has to die or be seriously injured from crashes



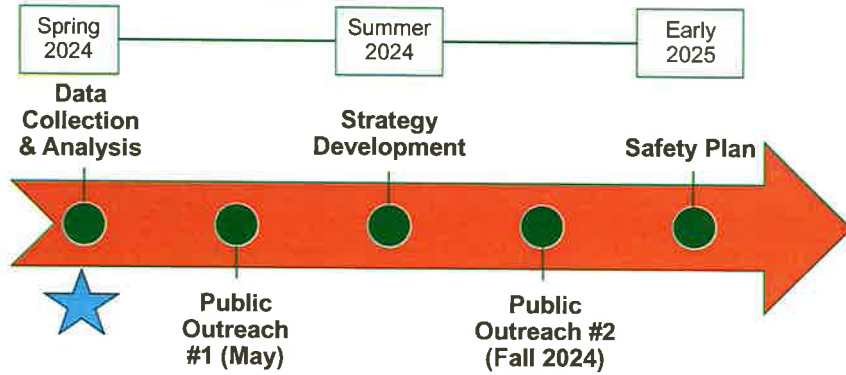
Figure source: transportation.gov/NRSS/SafeSystem

PROVEN SUCCESS



Source: FHWA with data from World Health Organization, Global Health Observatory, Repository

PROJECT SCHEDULE



GOALS AND APPROACH TO COMMUNITY ENGAGEMENT

1. Provide a range of opportunities to provide input into the plan
 - In-person and virtual opportunities, with a focus on targeting underserved communities
2. Inform what is affecting traffic safety in Hermiston
3. Solicit feedback on project, program, and policy solutions

Phase 1 will gather input on existing conditions and concerns around transportation safety and identify possible locations and ideas for improvements.

Phase 2 will gather input on proposed countermeasures.

COMMUNITY ENGAGEMENT STRATEGY

April-August 2024 Activity	Phase 1
SAP Fact Sheet <i>Project Overview</i> <i>Contact Information</i> <i>How to provide input</i>	<ul style="list-style-type: none"> • Electronic Version for Distribution
Project and Meeting Notification	<ul style="list-style-type: none"> • Social media releases • E-mails • Press Release
Virtual "Open House"	<ul style="list-style-type: none"> • On-line "StoryMap" for people to visit at their convenience
Interactive Map	<ul style="list-style-type: none"> • On-line map for community members to share comments about specific locations
Questionnaire/Comment Form	<ul style="list-style-type: none"> • On-line form community members to share comments and locations of concern
In-Person Outreach	<ul style="list-style-type: none"> • 3 different locations



DISCUSSION

13

VISION AND TARGETS

- Long-term vision = Zero fatal or serious injuries
- Two options for targets:
 1. Zero fatal or serious injuries by year 20XX
 2. Set an interim goal of a significant (50%?) reduction by year 20YY



ITEMS TO ADDRESS IN THIS PLAN

- Desired outcomes
- High-level safety concerns
- Particular locations
- Barriers to addressing safety
- Groups that are most impacted
- Partnerships in place or needed



NEXT STEPS

16

NEXT STEPS



Public Outreach Round #1 – *Mid-May*



Existing Conditions Technical Memorandum – *May 17th*



TAC Meeting #2 – *Week of May 20th*



CITY COUNCIL

Regular Meeting Minutes April 22, 2024

Mayor Drotzmann called the regular meeting to order at 7:02pm. Present were Councilors McCarthy, Barron, Linton, Primmer, Hardin, Duron, Peterson, and Myers. In attendance was City Staff to include: City Manager Smith, Assistant City Manager Mark Morgan, City Attorney Rich Tovey, Chief Edmiston, Planning Director Clint Spencer, Finance Director Ignacio Palacios, Court Administrator Jillian Viles, Parks and Recreation Director Brandon Artz, and City Recorder Lilly Alarcon-Strong. Student Advisor Manuel Salazar was also in attendance. The pledge of allegiance was given.

Proclamations

Mayor Drotzmann emphasized the importance of proclamations and his desire to read each one aloud for the recognition they deserve, and then read aloud the following Proclamations:

- Vietnamese-American Remembrance Day
- Proclamation- National Day of Prayer
- Proclamation- Fred Ziara Day
- Proclamation- Drinking Water Week

Assistant City Manager Mark Morgan spoke regarding the Drinking Water Week Proclamation and recognized all Water Department staff in attendance, to include: Utility Workers Chad Atkins, Sean Basford, Fernando Cervantes, Scott Dammeyer, David Estrada, Jorge Gonzalez, Jason Lohman, Chief Operator Alex McCann, and Water Superintendent Roy Bicknell.

Applause from all in Council Chambers.

Citizen Input on Non-Agenda Items

Timothy Thomason (80205 Banks Ln, Hermiston)- Stated he is planning an Equality without Exception Event and Parade in Hermiston. The event is not only an LGBTQ Pride Event, but an event for all to participate, express their pride in whatever facet of their life, to be themselves and change the world. Mr. Thomason stated he is proud to be a gay Christian man and is planning the event at EOTEC on June 1st with a downtown parade in the evening. The parade will not be vulgar, as it is in other places, and hopes the community will come together to participate.

Maria Villagrana (246 NE 7th St)- Through a translator asked that the Council consider changing it's regulations on mobile food vending as she would like to be a mobile food vendor in Hermiston but has not been able to find a location due to the regulations in place.

Mayor Drotzmann asked that staff work with Ms. Villagrana regarding this issue.

Consent Agenda Items

Councilor Primmer asked to remove item G. Councilor McCarthy moved and Councilor Duron seconded to approve Consent Agenda items A-H, with the exception of G. Motion carried unanimously.

- A. Committee Vacancy Announcements



Where Life is Sweet

CITY COUNCIL

Regular Meeting Minutes

April 22, 2024

- B. Recommendation Appointment of Brian Misner to Position #7 of the Planning Commission for a 3-year term ending March 31, 2027.
- C. Confirmation Reappointment of Margaret Saylor to Position #8 of the Planning Commission for a 3-year term ending March 31, 2027.
- D. Confirmation Reappointment of Derek Caplinger to Position #9 of the Planning Commission for a 3-year term ending March 31, 2027.
- E. Final Plat- View Wood Estates Phase II 4N2814AD Tax Lot 902 - 920 E View Drive
- F. Amended and Restated Lift Station & Utility Easement
- H. Minutes of the April 8th City Council Regular Meeting

Items Removed from the Consent Agenda

- G. Reschedule the 2nd City Council Meeting in May.

Councilor Primmer stated he wanted to be more transparent about why this meeting would potentially be rescheduled.

City Manager Smith stated typically Council meetings that fall on recognized holidays are cancelled or rescheduled, staff is asking the Council to reschedule this meeting to the following day as Monday is Memorial Day.

Councilor Myers moved and Councilor Hardin seconded to approve Consent Agenda item G. Motion carried unanimously.

Resolution No. 2319- First Amendment to IGA for IT Services with Morrow County

City Manager Smith gave information regarding amending the IT Services agreement with Morrow County due to increased service needs.

After Council discussion, Councilor Primmer moved and Councilor McCarthy seconded to approve Resolution No. 2319 and lay upon the record. Motion carried unanimously.

Resolution No. 2320- Approval of Guaranteed Maximum Price (GMP) Amendments on Civic Projects

City Manager Smith gave information (PowerPoint Presentation attached) regarding the ability to sign three GMP amendments with CB Construction for the Harkenrider Center, IT space in City Hall, and Arc building Phase 1 renovations.

After Council discussion, Councilor McCarthy moved and Councilor Barron seconded to approve Resolution No. 2320 and lay upon the record. Motion carried unanimously.

March 2024 Financial Report

Councilor Myers moved and Councilor McCarthy seconded to accept the March Financial Report as presented (PowerPoint Presentation attached) by City Manager Smith. Motion carried unanimously.



CITY COUNCIL

Regular Meeting Minutes
April 22, 2024

Broadband Effort Updates (continued from Work Session)

Mr. Rivera asked that the Council give staff direction on this effort, including either continuing this effort with or without community partners and come back with a recommendation to Council, or to stop working on this effort.

Mayor Drotzmann spoke regarding the universal community broadband need and how those needs were brought to the forefront during Covid with remote learning for area school students. City Manager Smith and Mr. Rivera addressed questions from the Council, and after further discussion Council directed staff to identify area partnerships while moving forward with this effort.

Committee Reports

Hispanic Advisory Committee- Councilor Barron and Duron spoke regarding the Committee’s Goal Setting efforts, and speakers from DEQ and Senator Wyden’s Office, and received a request for a proposed Circuit Court Candidate Forum in the City, and received Cinco de Mayo Event updates.

Mayor’s Report

Mayor Drotzmann spoke regarding the LOC Regional Meeting and Spring Conference.

Council Reports

Councilor Peterson spoke regarding her work with Travel Oregon on their Expanding Accessible Spaces Program which helps businesses find ways to be more accessible for their disabled customers.

Councilor Linton asked Chief Edmiston if there has ever been a female sergeant at HPD.

Chief Edmiston stated yes, the last one left HPD in 2013 or 2014.

Councilor Primmer Thanks all telecommunicators for the work they do and recognized them as last week was National Public Safety Telecommunicators Week and spoke on attending the ribbon cutting of Horizon Projects Step Center.

Councilor Hardin spoke on the UEC Annual Meeting and how great it was to see the many different events that were happening at EOTEC.

Councilor McCarthy spoke regarding the Hermiston Chamber of Commerce Board elections.

Councilor Primmer encouraged all to see the Umatilla County Search and Rescue movie, End of the Rope, viewing in the Hermiston Cinema.

Councilor Primmer and Mayor Drotzmann thanked all volunteers for all they do as National Volunteer Week is this week.



Where Life is Sweet

CITY COUNCIL

Regular Meeting Minutes

April 22, 2024

Youth Advisory Report

Student Representative Manuel Salazar gave information regarding High School Theater performances and fundraiser and asked questions regarding zoning matters.

Mayor Drotzmann encouraged Mr. Salazar to speak with City Planner Clint Spencer regarding zoning matters.

City Manager's Report

City Manager Smith spoke regarding:

- Circuit Judge Candidate Forum which will be held at City Hall Thursday at 6:30pm
- Tactile Map Ribbon Cutting at Funland Park tomorrow at 5:00pm.

Adjournment

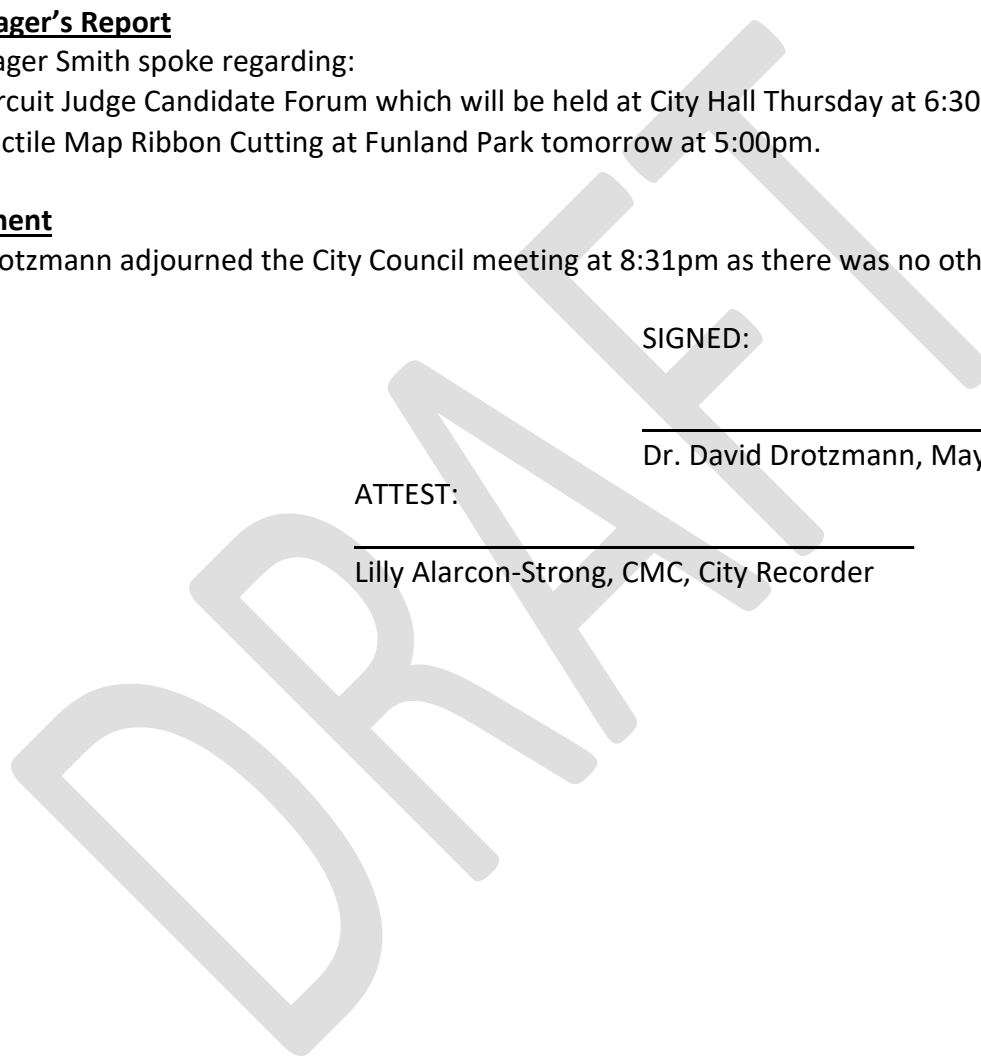
Mayor Drotzmann adjourned the City Council meeting at 8:31pm as there was no other business.

SIGNED:

Dr. David Drotzmann, Mayor

ATTEST:

Lilly Alarcon-Strong, CMC, City Recorder





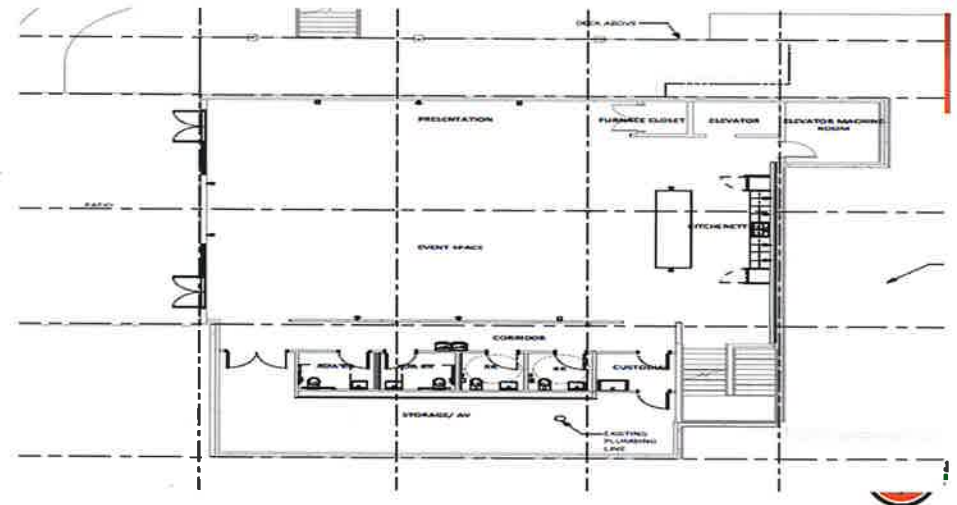
Overview

- Civic Projects
(Construction Manager/General Contractor (CMGC) Hacker/CB Construction)
 - Harkenrider Center
 - City Hall – IT Space
 - The Arc Building (aka USO Building)



Overview

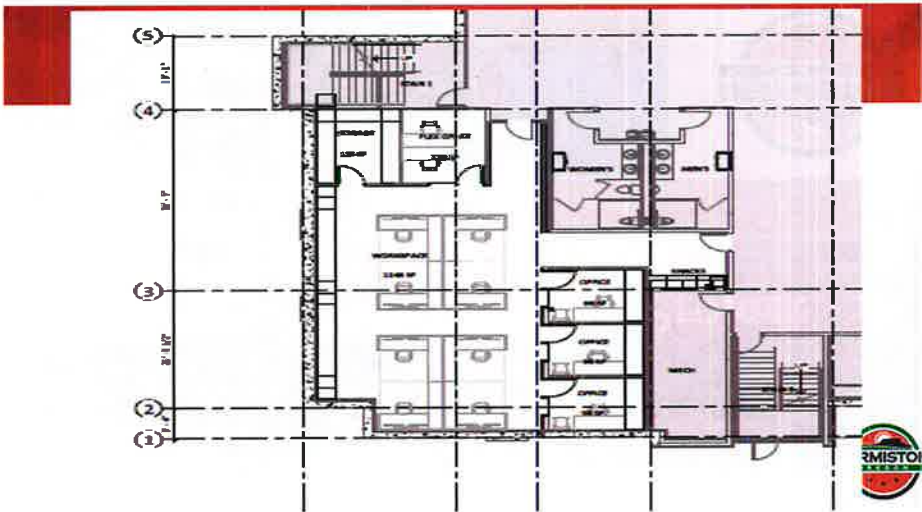
- How are we paying for these?
 - Why not use these funds to assist operations?





Harkenrider Center

- Project – Finish Basement Space (3,800ft²)
 - Design is essentially the same as in January
 - GMP is \$786,310



City Hall – IT Space

- Project – Finish Future Growth Space (1,500ft²)
 - Design essentially the same as January
 - GMP is \$365,142



The Arc Building (USO)

- Phase I Projects
 - Replace roof
 - Update/add electrical
 - Repair foundation in the rear of the building
 - Rebuild Front Entry Ramp
- GMP is \$137,331



Comments/
Questions?

Where Life is Sweet™



Hermiston Urban Renewal Area (HURA)

- Property Tax Revenue has gone above projections
- 2nd Street Gateway Project – 50% Complete
 - **Curb, gutter, sidewalk, and ADA ramps are complete**
 - **Paving is expected be installed by the end of April.**



General Fund

- Monthly Revenues are slightly below projections (~\$53,000)
- Annual Revenues are slightly ahead of projections (3.9%)



General Fund

- Monthly Expenses below projections by 25%
- Annual Expenses below projections 10.3%
(This should be black on the page)



Utility and Street Funds

- Corrections
 - 1% should be black
 - -2% should be red



Capital Projects

- Lead and Copper testing – 100% completed with no lead present
- Gladys/Main/Newport – Construction this summer



Capital Projects

- Teen Adventure Park – Open to public use; May 11 ribbon cutting/skatefest
- Hangar Replacement – Old hangar removed



Discussion

Questions?

Where Life is Sweet



Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
For the Meeting of May 13, 2024

Title/Subject

Initiate annexation and comprehensive plan map amendment proceedings 4N2812C Tax lot 308 Reyes - 1088 E Newport Ave

Summary and Background

The city has received an application from Mayra & Felipe Reyes to annex 2.01 acres of land located on the west of SE 11th St and south of E Newport Ave. The applicant also proposes to amend the comprehensive plan map designation for the property.

The land is proposed for annexation as Medium-High Density Residential (R-3). The comprehensive plan map amendment proposes to change the Future Residential (FR) designation to Medium Density Residential (M). Maps illustrating the existing and proposed comprehensive plan map designations are attached to this report.

Under ORS 222.120, the city may dispense with an election on annexation except when required to hold an election by charter. The Hermiston city charter does not require an election on annexation and the city council typically does not submit annexation requests to voters. When an election is not held, the city council must set dates for public hearings on the proposed annexation. By motion, the city council will establish hearing dates before the planning commission on July 10, 2024, and before the city council on July 22, 2024.

Tie-In to Council Goals

Annexations are a matter of administration of city ordinances. This annexation and amendment provide an opportunity for additional residential development.

Fiscal Information

At the current assessed value of the property, financial impact to the city will be approximately \$241 in property tax revenue. Subsequent development will greatly increase the assessed value of the property.

Alternatives and Recommendation

Alternatives

- Initiate annexation and comprehensive plan map amendment proceedings and schedule hearings.
- Do not initiate proceedings.

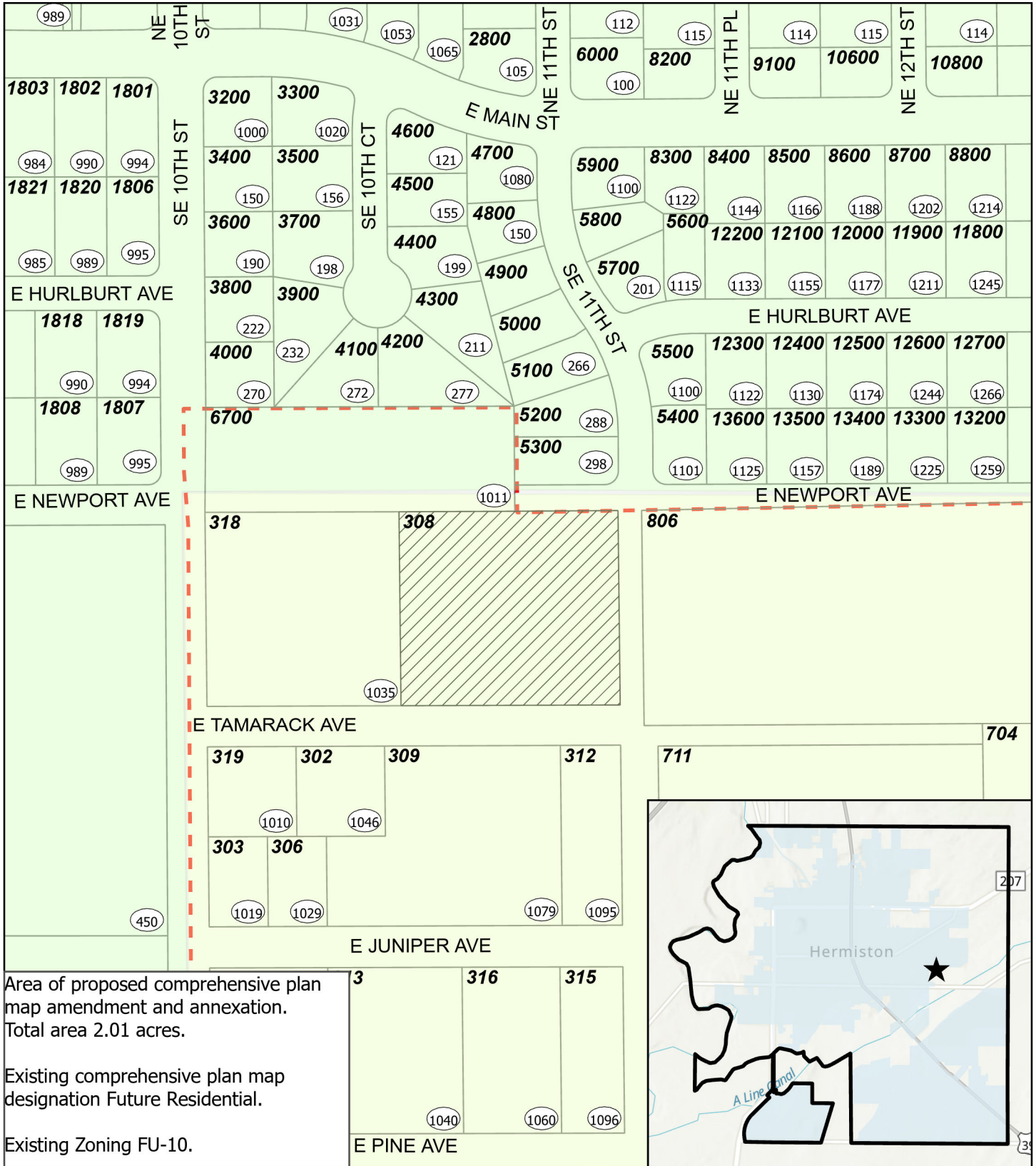
Recommended Action/Motion

Staff recommends the city council initiate annexation and comprehensive plan map amendment proceedings.

Motion that the annexation and comprehensive plan map amendment be initiated and direct staff to schedule public hearings. Hearings would be scheduled before the Planning Commission on July 10, 2024, and the City Council on July 22, 2024.

Submitted By:

C.F. Spencer, Planning Director






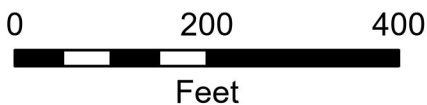
Area of proposed comprehensive plan map amendment and annexation. Total area 2.01 acres.

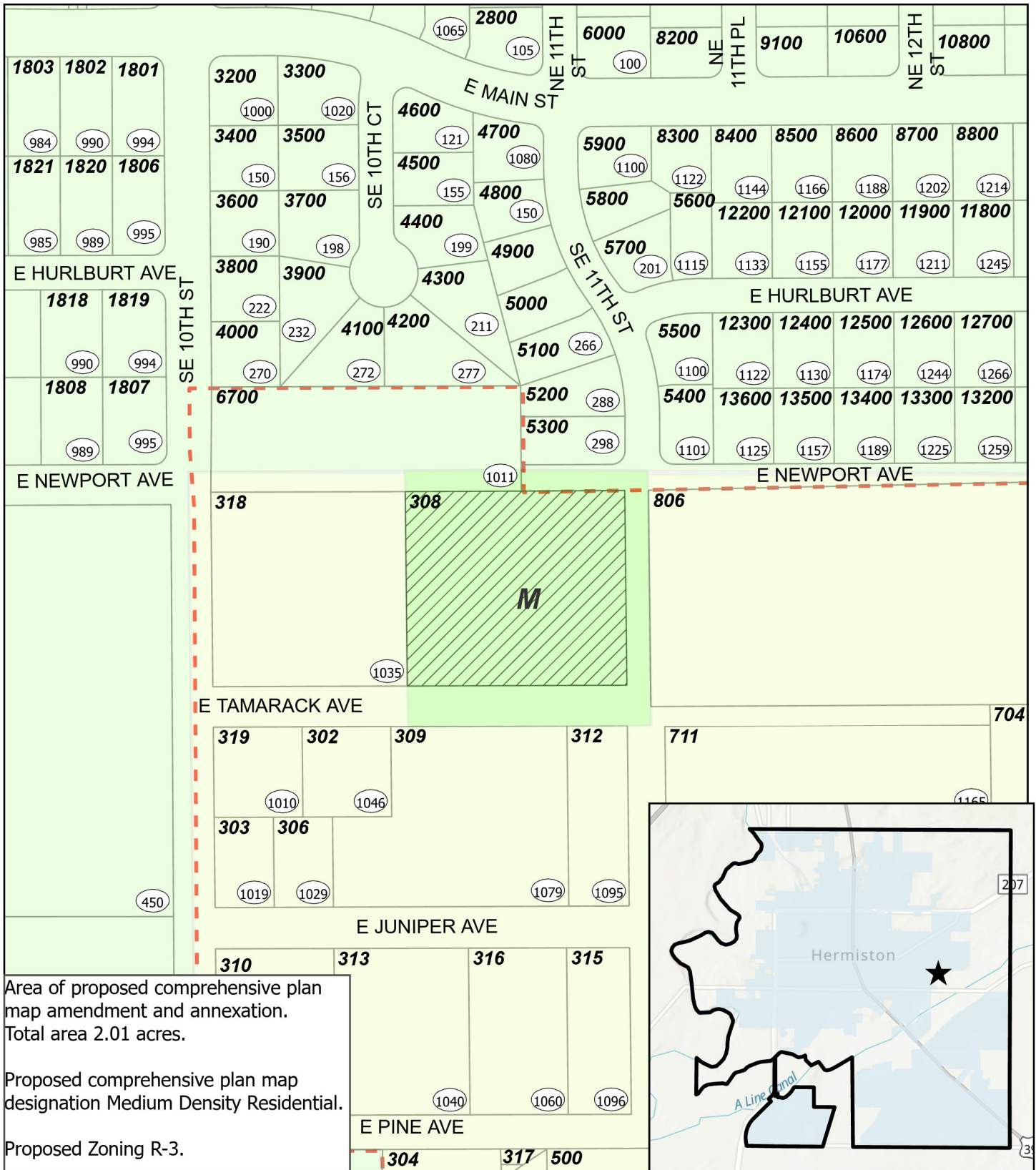
Existing comprehensive plan map designation Future Residential.

Existing Zoning FU-10.

Legend

-  Property Line
-  City Limits
-  Urban Growth Boundary

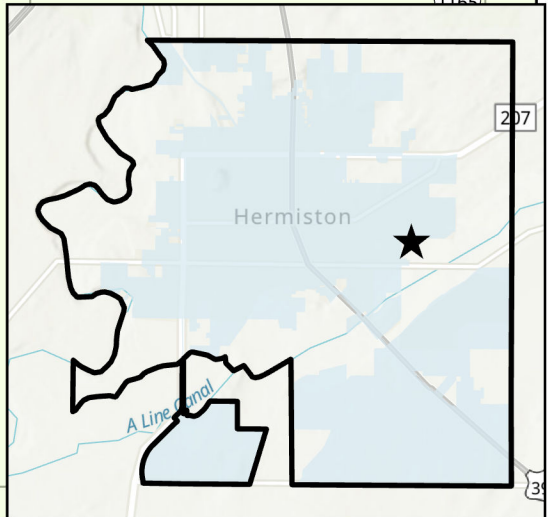







Area of proposed comprehensive plan map amendment and annexation. Total area 2.01 acres.

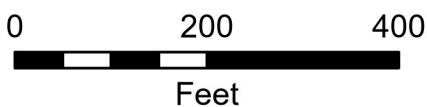
Proposed comprehensive plan map designation Medium Density Residential.

Proposed Zoning R-3.



Legend

-  Property Line
-  City Limits
-  Urban Growth Boundary





Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
For the Meeting of May 13, 2024

Title/Subject

Resolution No. 2321 - Renewal of IGA with the City of Pendleton for IT Services

Summary and Background

On October 23, 2023, the Council adopted Resolution No. 2295 authorizing an IGA with the City of Pendleton for IT Services with a term ending June 30, 2024. The City and City of Pendleton have agreed on terms to renew and continue the IGA for a new three-year term ending June 30, 2027.

Tie-In to Council Goals

N/A

Fiscal Information

The agreement continues to be a 24 hours a week contract.

\$123.60 per hour

\$12,875 per month

\$154,500 per year

Provides for an increase equal to the City of Hermiston Cost-of-Living Adjustment every year on July 1, beginning July 1, 2025.

Alternatives and Recommendation

Alternatives

1. Adopt Resolution No. 2321 and attached IGA without modification.
2. Adopt Resolution No. 2321 and attached IGA with minor modifications.
3. Direct staff to make major changes to Resolution No. 2321 and/or the attached IGA and return at a later date.

Recommended Action/Motion

Adopt Resolution No. 2321 and attached IGA without modification.

Submitted By:

Richard S. Tovey, City Attorney

RESOLUTION NO. 2321

A RESOLUTION AUTHORIZING THE RENEWAL OF INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PENDLETON FOR THE CITY OF HERMISTON TO PROVIDE INFORMATION TECHNOLOGY SERVICES AND TO AUTHORIZE THE CITY MANAGER TO SIGN ALL NECESSARY DOCUMENTS ON BEHALF OF THE CITY

WHEREAS, the City of Hermiston (City) has established a full-service internal Information Technology (IT) department; and

WHEREAS, the City has the means to provide ongoing IT services to additional agencies outside of the City; and

WHEREAS, in October 2023 the City and the City of Pendleton entered into an Intergovernmental Agreement (the “Agreement”) to provide ongoing IT services to the City of Pendleton for a term ending June 30, 2024; and

WHEREAS, the City and the City of Pendleton have proposed to renew the Agreement, the renewal term to run until June 30, 2027; and

WHEREAS, City staff believe it is in the best interest of the City to approve and execute the Agreement.

NOW, THEREFORE, THE CITY OF HERMISTON RESOLVES AS FOLLOWS:

1. That the Renewal of Intergovernmental Agreement between the City of Hermiston and the City of Pendleton to provide ongoing IT services is hereby approved.
2. That the City Manager is authorized to sign the Intergovernmental Agreement.
3. That this resolution is effective immediately upon its passage.

PASSED by the Common Council this 13th day of May 2024.

SIGNED by the Mayor this 13th day of May 2024.

Dr. David Drotzmann, MAYOR

ATTEST:

Lilly Alarcon-Strong, CMC, CITY RECORDER



Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
For the Meeting of May 13, 2024

Title/Subject

Resolution 2322: T-Hangar Omnibus Grant Application Authorization.

Summary and Background

The Airport is replacing underutilized “Open T-Hangars” with new enclosed T-Hangars at a total contracted price of \$1,726,751.09; of which 89.1% is anticipated to be paid for through a combination of FAA and State of Oregon grant funding. All-told, this project is anticipated to receive six distinct grant awards. To streamline the process and prevent continual requests for council action on the same project, this resolution requests authorization to execute all anticipated grant documents for the remainder of the project as one omnibus package.

City Council has already awarded construction contracts for the project; which is a requirement of FAA prior to issuance of grant funds for the exact contracted amount. Therefore, the total contracted cost of the project is already established as \$1,726,751.09.

The Airport was awarded two State of Oregon “COAR” grants totaling a combined \$500,000. These grants have already been authorized by City Council.

The Airport was awarded \$872,000 in federal grant funding via the “Bipartisan Infrastructure Law” (BIL- 2021). Unfortunately, in order to cashflow this promise, the federal government has only provided it in annual disbursements over the course of 5 years. These funds are managed by the FAA’s regional office, and must actually be “applied for” by the airport which was already awarded them. The current amount available to the Hermiston airport is \$584,000, with the remaining \$288,000 available as reimbursement in FY’27. This will technically create two grants, one for \$584K, and one in 2027 for \$288K.

The Airport annually is entitled to \$150,000 in “Annual Improvement Program” FAA grant funding as a public General Aviation airport in the federal system (AIP). Although these funds are obligated to the Hermiston Airport, the Airport must apply for them when there is a project. AIP currently banked in Hermiston’s account total \$165,000.

The Airport previously charged monthly rent for the Open-T-Hangars of \$50, with the facility 20% to 30% occupied at any given time. The new Enclosed T-Hangars have been approved to charge monthly rents of between \$275 to \$325 per month, with a waitlist established. It is

projected that upon completion, the Airport will see a net-increase in hangar revenue (accounting for baseline revenue from Open-T's) of approximately \$26,000 per year.

Based on the construction cost in FY'25, planned grant revenue between FY'25 and FY'27, and net increase in annual rental revenue, it is projected that the hangar project will begin turning a profit to become a net positive financial contributor to Airport operational costs by FY'32. Approximately a 7 year return on investment for the local taxpayer match required of \$189,751.

Due to the multiple grants involved, it is being requested to allow the City Manager to apply for, and execute, all of the anticipated grant agreements collectively at this time. Included with this packet is the application packet for the first \$584,000 of BIL funding.

Tie-In to Council Goals

Goal 1 Economic Development.

Fiscal Information

This project will require a local taxpayer match of \$189,751, which is projected to be repaid to the City's General Fund through user fees (hangar rent) within 7 years.

	FY '24	FY '25	FY '26	FY '27	FY '28	FY '29	FY '30	FY '31	FY '32
BIL Available		\$ 584,000		\$ 288,000					
COAR Available		\$ 500,000							
FAA AIP		\$ 165,000							
Marginal Revenue		\$ 12,000	\$ 26,520	\$ 26,520	\$ 26,520	\$ 26,520	\$ 26,520	\$ 26,520	\$ 26,520
Hangar Construct		\$ (1,726,751)							
Running City Balance	\$ -	\$ (465,751)	\$ (439,231)	\$ (124,711)	\$ (98,191)	\$ (71,671)	\$ (45,151)	\$ (18,631)	\$ 7,889

Alternatives and Recommendation

Alternatives

1. Approve Resolution 2322.
2. Reject Resolution 2322.
3. Table and request changes.

Recommended Action/Motion

Motion to approve Resolution 2322.

Submitted By:

Mark Morgan, Assistant City Manager

RESOLUTION NO. 2322

A RESOLUTION AUTHORIZING OMNIBUS GRANT APPLICATION AUTHORIZATION FOR AIRPORT T-HANGAR CONSTRUCTION AND TO AUTHORIZE THE CITY MANAGER TO SIGN ALL NECESSARY DOCUMENTS ON BEHALF OF THE CITY

WHEREAS, the City of Hermiston (“City”) has developed the need for the construction of a set of 10 new enclosed Aviation T-Hangars at the Hermiston Municipal Airport (“Airport”); and

WHEREAS, the Airport has received grant funding to assist in paying for improvements to the T-Hangars through a combination of grants through the FAA and the State of Oregon; and

WHEREAS, the Airport has been awarded \$872,000 in Bipartisan Infrastructure Law grant funding that must be applied for with the first \$584,000 available now and the remaining \$288,000 becoming available in Fiscal Year 2027; and

WHEREAS, the Airport is entitled to \$150,000 in “Annual Improvement Program” FAA grant funding as a public General Aviation airport in the federal system (AIP). Although these funds are obligated to the Hermiston Airport, the Airport must apply for them when there is a project. AIP currently banked in Hermiston’s account total \$165,000; and

WHEREAS, authorization of application for all grant funding awarded for the T-Hangar construction project at this time will facilitate the efficient administration of these awarded grant funds.

NOW, THEREFORE, THE CITY OF HERMISTON RESOLVES AS FOLLOWS:

1. That the City Council demonstrates its support for the submittal of grant applications for funds awarded under the Bipartisan Infrastructure Law and FAA Annual Improvement Program for the construction of Aviation T-Hangars at the Hermiston Municipal Airport.
2. That the City Manager is hereby authorized to execute and deliver applications for grant funds awarded under the Bipartisan Infrastructure Law and FAA Annual Improvement Program grants with such changes, additions, deletions, and modifications as the City Manager may approve.
3. That this resolution is effective immediately upon its passage.

PASSED by the Common Council this 13th day of May 2024.

SIGNED by the Mayor this 13th day of May 2024.

Dr. David Drotzmann, MAYOR

ATTEST:

Lilly Alarcon-Strong, CMC, CITY RECORDER

Hermiston Municipal Airport

AIP Development Application Checklist

3-41-0024-019-2024

- 1. SF424
- 2. SF5100-100
- 3. CIP Data Sheet
- 4. Standard DOT Title VI Assurances
- 5. Certification for Contracts Grants Loans
- 6. Airport Sponsor Assurances
- 7. Current FAA Advisory Circulars
- 8. SF5100-134 Sponsor Certification for Selection of Consultants
- 9. SF5100-132 Sponsor Certification for Plans and Specs
- 10. SF5100-131 Sponsor Certification for Equipment/Construction Contracts
- 11. SF5100-129 Sponsor Certification for Project Final Acceptance
- 12. SF5100-130 Sponsor Certification for Drug Free Workplace
- 13. SF5100-133 Sponsor Certification for Land (Use only for Land Acquisition)
- 14. SF5100-135 Sponsor Certification for Conflict of Interest
- 15. SF5100-145 Title VI Pre-Award Sponsor Checklist (Sm/Med/Lg & non-Hub Only) (GA coming in 2025)

Application for Federal Assistance SF-424

*1. Type of Submission:

 Preapplication Application Changed/Corrected Application

*2. Type of Application

 New Continuation Revision

* If Revision, select appropriate letter(s):

* Other (Specify)

*3. Date Received:

4. Applicant Identifier:

5a. Federal Entity Identifier:

Federal Aviation Administration

5b. Federal Award Identifier:

3-41-0024-019-2024

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

*a. Legal Name: City of Hermiston

*b. Employer/Taxpayer Identification Number (EIN/TIN):

93-6002182

*c. UEI:

GFMPNGXFL6U8

d. Address:

*Street 1: 180 NE 2nd Street

Street 2:

*City: Hermiston

County/Parish: Umatilla

*State: Province: OR

*Country:

*Zip / Postal Code USA: United States

97838-1860

e. Organizational Unit:

Department Name:

City of Hermiston

Division Name:

Hermiston Municipal Airport

f. Name and contact information of person to be contacted on matters involving this application:

Prefix: Mr. *First Name: Mark

Middle Name:

*Last Name: Morgan

Suffix:

Title: Assistant City Manager/Airport Manager

Organizational Affiliation:

*Telephone Number: (541) 567-5521

Fax Number: 541-567-5530

*Email: mmorgan@hermiston.gov

Application for Federal Assistance SF-424

***9. Type of Applicant 1: Select Applicant Type:**
C: City or Township Government
Type of Applicant 2: Select Applicant Type:
Pick an applicant type
Type of Applicant 3: Select Applicant Type:
Pick an applicant type
*Other (Specify)

***10. Name of Federal Agency:**
Federal Aviation Administration

11. Catalog of Federal Domestic Assistance Number:
20.106
CFDA Title:
Airport Improvement Program

***12. Funding Opportunity Number:**

*Title:
New Aviation T-Hangar: Phase I (Design/Bidding) and (Construction/SDC)

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):
City of Hermiston, Umatilla County, Oregon

***15. Descriptive Title of Applicant's Project:**
NEW AVIATION T-HANGAR: Phase I (Design/Bidding) and (Construction/SDC)-This project will construct a new 10 unit, prefabricated steel, nested T-Hangar building at HRI.
HRI previously coordinated with FAA and plans to utilize eligible 2022-24 BIL funds (\$584K) in 2024 (BIL grant Phase I-this app), then request reimburse of their remaining 2025-26 BIL funds in 2026 (approx. \$288K-BIL Grant Phase II).

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424

16. Congressional Districts Of:
 *a. Applicant: 2 *b. Program/Project: 2

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:
 *a. Start Date: 02/15/2023 *b. End Date: 04/30/2025

18. Estimated Funding (\$):

*a. Federal	584000
*b. Applicant	564588
*c. State	0
*d. Local	0
*e. Other	0
*f. Program Income	0
*g. TOTAL	1148588

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

a. This application was made available to the State under the Executive Order 12372 Process for review on _____ .

b. Program is subject to E.O. 12372 but has not been selected by the State for review.

c. Program is not covered by E.O. 12372.

***20. Is the Applicant Delinquent On Any Federal Debt?**
 Yes No

If "Yes", explain:

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: Mr. *First Name: Mark

Middle Name: _____

*Last Name: Morgan

Suffix: _____

*Title: Assistant City Manager/Airport Manager

*Telephone Number: (541) 567-5521 Fax Number: 541-567-5530

* Email: mmorgan@hermiston.gov

*Signature of Authorized Representative: _____ *Date Signed: _____

Application for Federal Assistance (Development and Equipment Projects)

PART II – PROJECT APPROVAL INFORMATION

Part II - SECTION A	
The term "Sponsor" refers to the applicant name provided in box 8 of the associated SF-424 form.	
Item 1. Does Sponsor maintain an active registration in the System for Award Management (www.SAM.gov)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Item 2. Can Sponsor commence the work identified in the application in the fiscal year the grant is made or within six months after the grant is made, whichever is later?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Item 3. Are there any foreseeable events that would delay completion of the project? If yes, provide attachment to this form that lists the events.	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Item 4. Will the project(s) covered by this request have impacts or effects on the environment that require mitigating measures? If yes, attach a summary listing of mitigating measures to this application and identify the name and date of the environmental document(s).	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Item 5. Is the project covered by this request included in an approved Passenger Facility Charge (PFC) application or other Federal assistance program? If yes, please identify other funding sources by checking all applicable boxes.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
<input type="checkbox"/> The project is included in an <i>approved</i> PFC application. If included in an approved PFC application, does the application <i>only</i> address AIP matching share? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<input type="checkbox"/> The project is included in another Federal Assistance program. Its CFDA number is below.	
Item 6. Will the requested Federal assistance include Sponsor indirect costs as described in 2 CFR Appendix VII to Part 200, States and Local Government and Indian Tribe Indirect Cost Proposals?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
If the request for Federal assistance includes a claim for allowable indirect costs, select the applicable indirect cost rate the Sponsor proposes to apply:	
<input type="checkbox"/> De Minimis rate of 10% as permitted by 2 CFR § 200.414.	
<input type="checkbox"/> Negotiated Rate equal to _____ % as approved by _____ (the Cognizant Agency) on _____ (Date) (2 CFR part 200, appendix VII).	
<i>Note: Refer to the instructions for limitations of application associated with claiming Sponsor indirect costs.</i>	

PART II - SECTION B

Certification Regarding Lobbying

The declarations made on this page are under the signature of the authorized representative as identified in box 21 of form SF-424, to which this form is attached. The term "Sponsor" refers to the applicant name provided in box 8 of the associated SF-424 form.

The Authorized Representative certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Sponsor, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Authorized Representative shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The Authorized Representative shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

PART II – SECTION C

The Sponsor hereby represents and certifies as follows:

1. Compatible Land Use – The Sponsor has taken the following actions to assure compatible usage of land adjacent to or in the vicinity of the airport:

Zoning is as identified on the airports January 2020 Airport Masterplan on file with the FAA Seattle ADO in Des Moines, Washington with Hermiston Municipal Airport zoned for aviation, and included in the City of Hermiston Comprehensive Plan and Airport Overlay District for Umatilla County.

2. Defaults – The Sponsor is not in default on any obligation to the United States or any agency of the United States Government relative to the development, operation, or maintenance of any airport, except as stated herewith:

None

3. Possible Disabilities – There are no facts or circumstances (including the existence of effective or proposed leases, use agreements or other legal instruments affecting use of the Airport or the existence of pending litigation or other legal proceedings) which in reasonable probability might make it impossible for the Sponsor to carry out and complete the Project or carry out the provisions of the Grant Assurances, either by limiting its legal or financial ability or otherwise, except as follows:

None

4. 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.

Yes

5. Consideration of Local Interest – It has given fair consideration to the interest of communities in or near where the project may be located.

Yes

6. Consultation with Users – In making a decision to undertake an airport development project under Title 49, United States Code, it has consulted with airport users that will potentially be affected by the project (§ 47105(a)(2)).

Yes

7. 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.

N/A

8. Air and Water Quality Standards – In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable and air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty days after the project application has been received by the Secretary.

N/A

PART II – SECTION C (Continued)

9. Exclusive Rights – There is no grant of an exclusive right for the conduct of any aeronautical activity at any airport owned or controlled by the Sponsor except as follows:

None

10. Land – (a) The sponsor holds the following property interest in the following areas of land, which are to be developed or used as part of or in connection with the Airport subject to the following exceptions, encumbrances, and adverse interests, all of which areas are identified on the aforementioned property map designated as Exhibit “A”. [1]

The City of Hermiston owns the airport as shown on the Exhibit A (airport property map) dated January 16, 2020 and on file with the FAA, Seattle ADO.

The Sponsor further certifies that the above is based on a title examination by a qualified attorney or title company and that such attorney or title company has determined that the Sponsor holds the above property interests.

(b) The Sponsor will acquire within a reasonable time, but in any event prior to the start of any construction work under the Project, the following property interest in the following areas of land on which such construction work is to be performed, all of which areas are identified on the aforementioned property map designated as Exhibit “A”. [1]

N/A - Property Acquisition is not required for this project.

(c) The Sponsor will acquire within a reasonable time, and if feasible prior to the completion of all construction work under the Project, the following property interest in the following areas of land which are to be developed or used as part of or in connection with the Airport as it will be upon completion of the Project, all of which areas are identified on the aforementioned property map designated as Exhibit “A”. [1]

N/A - Property Acquisition is not required for this project.

¹ State the character of property interest in each area and list and identify for each all exceptions, encumbrances, and adverse interests of every kind and nature, including liens, easements, leases, etc. The separate areas of land need only be identified here by the area numbers shown on the property map.

PART III – BUDGET INFORMATION – CONSTRUCTION

SECTION A – GENERAL	
1. Assistance Listing Number:	20.106
2. Functional or Other Breakout:	

SECTION B – CALCULATION OF FEDERAL GRANT			
Cost Classification	Latest Approved Amount (Use only for revisions)	Adjustment + or (-) Amount (Use only for revisions)	Total Amount Required
1. Administration expense			7500
2. Preliminary expense			
3. Land, structures, right-of-way			
4. Architectural engineering basic fees			80475
5. Other Architectural engineering fees			
6. Project inspection fees			162250
7. Land development			
8. Relocation Expenses			
9. Relocation payments to Individuals and Businesses			
10. Demolition and removal			
11. Construction and project improvement			898362
12. Equipment			
13. Miscellaneous			
14. Subtotal (Lines 1 through 13)			1148587
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			
17. Less: Ineligible Exclusions (Section C, line 23 g.)			
18. Subtotal (Lines 16 through 17)			1148587
19. Federal Share requested of Line 18			872000
20. Grantee share			276588
21. Other shares			
22. TOTAL PROJECT (Lines 19, 20 & 21)			1148588

SECTION C – EXCLUSIONS	
23. Classification (Description of non-participating work)	Amount Ineligible for Participation
a.	
b.	
c.	
d.	
e.	
f.	
g. Total	

SECTION D – PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE	
24. Grantee Share – Fund Categories	Amount
a. Securities	
b. Mortgages	
c. Appropriations (by Applicant)	564588
d. Bonds	
e. Tax Levies	
f. Non-Cash	
g. Other (Explain):	
h. TOTAL - Grantee share	564588
25. Other Shares	Amount
a. State	
b. Other	
c. TOTAL - Other Shares	
26. TOTAL NON-FEDERAL FINANCING	564588

SECTION E – REMARKS
 (Attach sheets if additional space is required)

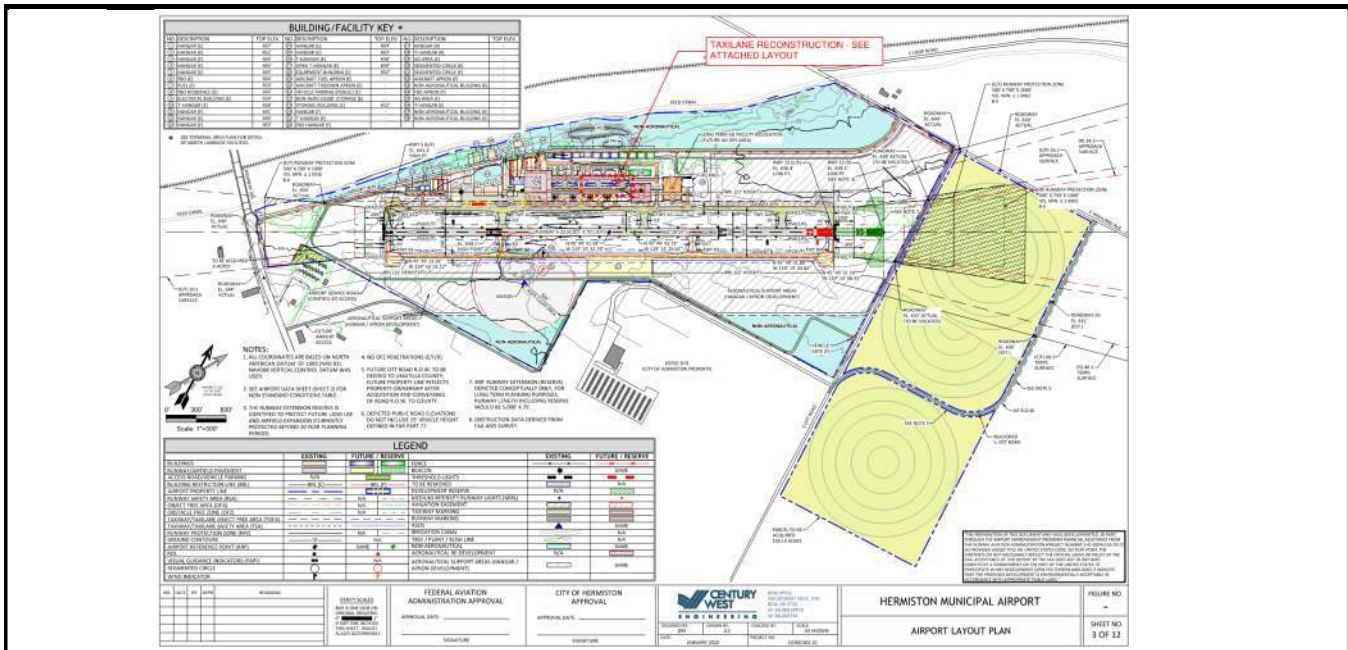
HRI previously coordinated this project with FAA and plans to utilize their eligible 2022-2024 BIL funds (\$584K) in 2024 to complete Phase I of this project (BIL grant Phase I - this application), then request reimbursement of their remaining 2025-2026 BIL funds in 2026 (approx. \$288K) for this project. The 2026 reimbursement will be BIL grant Phase II for this project.

PART IV – PROGRAM NARRATIVE
(Suggested Format)

PROJECT: 3-41-0024-019-2024: NEW AVIATION T-HANGAR: Phase I (Design/Bidding) and (Construction/SDC)
AIRPORT: Hermiston Municipal Airport
<p>1. Objective: This New Aviation T-Hangar project at Hermiston Municipal Airport (HRI) will construct a new 10-unit, prefabricated steel, nested T-hangar building. Construction of the new T-hangar building includes miscellaneous other work elements such as site excavation, foundation construction, building erection, electrical service improvements for the hangar, and minor grading to match adjacent grades.</p>
<p>2. Benefits Anticipated: This project will replace an existing 40+ year old, open-faced T-hangar, that provides no protection to aircraft against HRI's notorious wind-blown sand, and will need increasing maintenance and repairs in the future. This has resulted in <50% occupancy of the existing open-T units, while a waitlist has persisted for more than 10 years for enclosed hangars, which carry monthly rents more than 4X higher than the open T-units. With the new enclosed T-hangar fully leased (which is anticipated), annual airport revenue will significantly increase, making the HRI more self-sufficient.</p>
<p>3. Approach: (See approved Scope of Work in Final Application) This project has been broken into two phases:</p> <p>Phase I - Design and Bidding (FY 2024 BIL - this 019-2024 grant): Elements previously completed - project design and bidding. Elements completed in 2023 and early 2024.</p> <p>- Construction and SDC (FY 2024 BIL - this 019-2024 grant): Elements to be completed - project construction, SDC services, project/grant closeout. Construction is currently anticipated June - October 2024.</p> <p>Phase II - Reimbursement of remaining BIL funds (2025 & 2026)</p>
<p>4. Geographic Location: Hermiston, Oregon</p>
<p>5. If Applicable, Provide Additional Information: See CIP Data Sheet</p>
<p>6. Sponsor's Representative: (include address & telephone number) Mark Morgan, Assistant City Manager/Airport Manager email: mmorgan@hermiston.gov City of Hermiston 180 NE 2nd Street, Hermiston, OR 97838-1860 (541) 567-5521</p>

CIP DATA SHEET

AIRPORT	Hermiston Municipal Airport	LOCID	HRI	LOCAL PRIORITY
PROJECT DESCRIPTION	New T-Hangar: Design & Construction	PLANNED YEAR	2024	



JUSTIFICATION: **NEW T-HANGARS (Utilizing available HRI BIL funds)**

This project will replace an existing 10 unit, open faced, T-hangar unit at the airport with a new 10 unit, closed T-hangar. The airport has a wait list for new closed T-hangars but this existing unit is not fully occupied (leased) due to the hangars being open.

COST ESTIMATE:

ADMINISTRATION:	\$ 10,000	1. Construction	\$ 1,200,000	4	\$
ENGINEERING:	\$ 70,000	Material Testing	\$ 10,000	5	\$
INSPECTION:	\$ 75,000	3	\$	TOTAL:	\$1,365,000

Federal (%) \$ WRWR	State \$ WRWR	Local (%) \$ WERWER
SPONSOR VERIFICATION:		
For each and every project as applicable	Date	(see instruction sheet or attached comments for more information)
		-Date of approved ALP with project shown
		-Date of environmental determination (ROB, FONSI, CatEx)
		-Date of land acquisition or signed purchase agreement
		-Date of pavement maintenance program
		-Date of Benefit Cost Analysis (BCA) as required

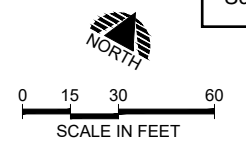
SPONSOR'S SIGNATURE: Mark Morgan **DATE:** 8/19/2023

PRINTED NAME: Mark Morgan **TITLE:** Assistant City Manger/Airport Manager

PHONE NUMBER: (541) 667 - 5003 **EMAIL:** mmorgan@hermiston.or.us

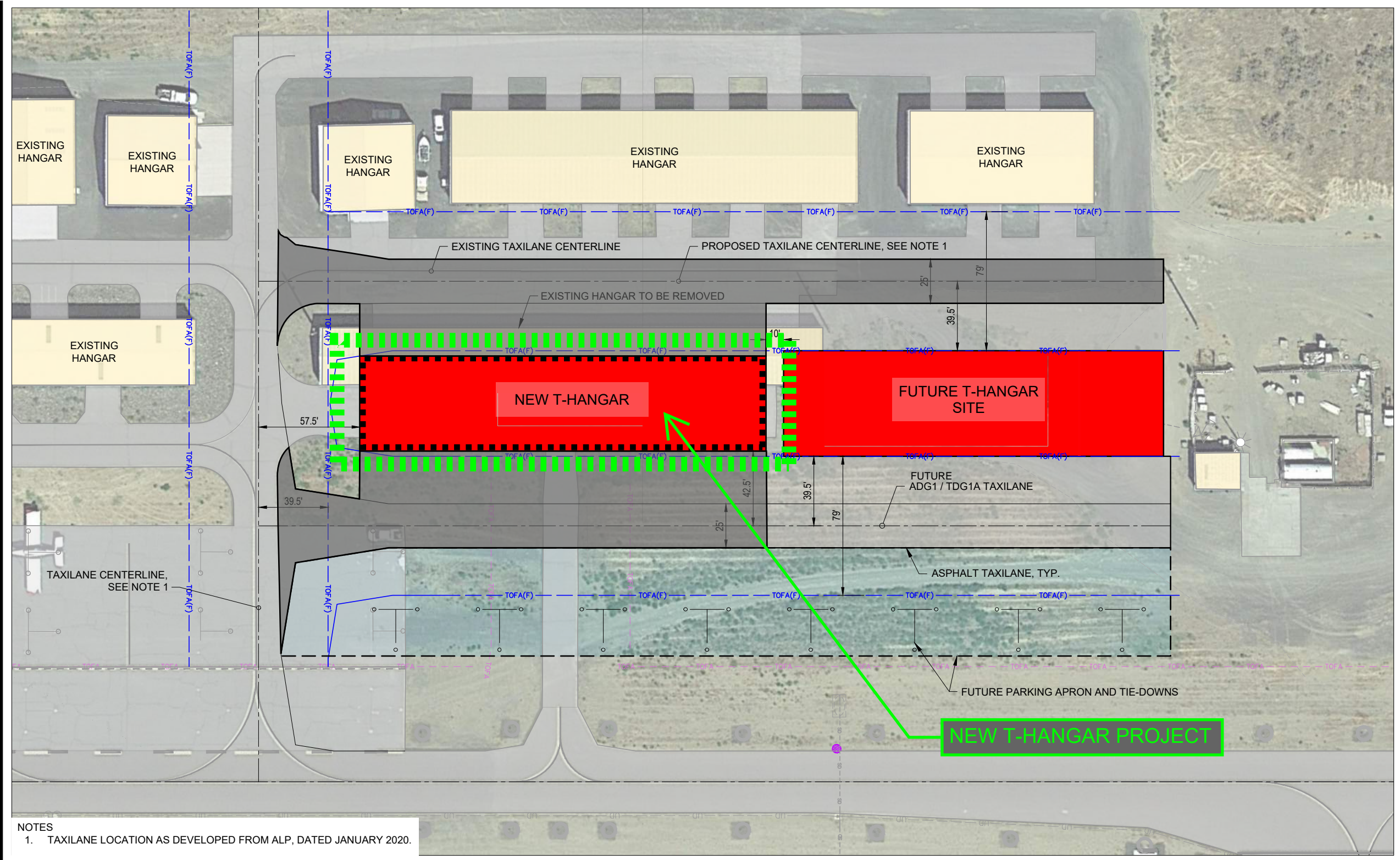
FAA USE ONLY

PREAPP NUMBER	GRANT NUMBER	NPIAS CODE	WORK CODE	FAA PRIORITY	FEDERAL \$



LEGEND

	EXISTING ASPHALT PAVEMENT
	PROPOSED ASPHALT PAVEMENT
	FUTURE ASPHALT PAVEMENT
	PROPOSED HANGAR(S)



NOTES
 1. TAXILANE LOCATION AS DEVELOPED FROM ALP, DATED JANUARY 2020.

NOTES
 1. TAXILANE LOCATION AS DEVELOPED FROM ALP, DATED JANUARY 2020.

**PRELIMINARY
 NOT FOR CONSTRUCTION
 7/18/2022**

HERMISTON MUNICIPAL AIRPORT
 T-HANGAR/APRON DEVELOPMENT

CONCEPTUAL HANGAR LAYOUT



07/18/22 - 4:39pm - jvade - P:\HHRM000-CLIENT\0600INFO\2022 T-Hangar\EXH-T-HANGAR.dwg

**HERMISTON MUNICIPAL AIRPORT
2026 NEW T-HANGAR AND TAXILANE IMPROVEMENTS PROJECT**

Section 8, Item B.

NTS



LEGEND		EXISTING	FUTURE / RESERVE	EXISTING	FUTURE / RESERVE
BUILDINGS		[Orange Box]	[Green Box]	[Black X]	[Red X]
RUNWAY/AIRFIELD PAVEMENT		[Grey Box]	[Green Box]	[Black Star]	[Red Star]
ACCESS ROAD/VEHICLE PARKING		N/A	[Green Box]	[Black Star]	[Red Star]
BUILDING RESTRICTION LINE (BRL)		[Red Line]	[Red Line]	[Black Star]	[Red Star]
AIRPORT PROPERTY LINE		[Blue Line]	[Blue Line]	[Black Star]	[Red Star]
RUNWAY SAFETY AREA (RSA)		[Red Line]	[Red Line]	[Black Star]	[Red Star]
OBJECT FREE AREA (OFA)		[Red Line]	[Red Line]	[Black Star]	[Red Star]
OBSTACLE FREE ZONE (OFZ)		[Red Line]	[Red Line]	[Black Star]	[Red Star]
TAXIWAY/TAXILANE OBJECT FREE AREA (TOFA)		[Red Line]	[Red Line]	[Black Star]	[Red Star]
TAXIWAY/TAXILANE SAFETY AREA (TSA)		[Red Line]	[Red Line]	[Black Star]	[Red Star]
RUNWAY PROTECTION ZONE (RPZ)		[Red Line]	[Red Line]	[Black Star]	[Red Star]
GROUND CONTOURS		[Red Line]	[Red Line]	[Black Star]	[Red Star]
AIRPORT REFERENCE POINT (ARP)		[Red Line]	[Red Line]	[Black Star]	[Red Star]
REIL		[Red Line]	[Red Line]	[Black Star]	[Red Star]
VISUAL GUIDANCE INDICATORS (PAPI)		[Red Line]	[Red Line]	[Black Star]	[Red Star]
SEGMENTED CIRCLE		[Red Line]	[Red Line]	[Black Star]	[Red Star]
WIND INDICATOR		[Red Line]	[Red Line]	[Black Star]	[Red Star]
FENCE		[Black X]	[Red X]	[Black X]	[Red X]
BEACON		[Black Star]	[Red Star]	[Black Star]	[Red Star]
THRESHOLD LIGHTS		[Black Star]	[Red Star]	[Black Star]	[Red Star]
TO BE REMOVED		[Black Star]	[Red Star]	[Black Star]	[Red Star]
DEVELOPMENT RESERVE		[Red Line]	[Red Line]	[Black Star]	[Red Star]
MEDIUM INTENSITY RUNWAY LIGHTS (MIRL)		[Black Star]	[Red Star]	[Black Star]	[Red Star]
AVIGATION EASEMENT		[Red Line]	[Red Line]	[Black Star]	[Red Star]
TAXIWAY MARKING		[Red Line]	[Red Line]	[Black Star]	[Red Star]
RUNWAY MARKING		[Red Line]	[Red Line]	[Black Star]	[Red Star]
ASOS		[Red Line]	[Red Line]	[Black Star]	[Red Star]
IRRIGATION CANAL		[Red Line]	[Red Line]	[Black Star]	[Red Star]
TREE / PLANT / BUSH LINE		[Red Line]	[Red Line]	[Black Star]	[Red Star]
NON-AERONAUTICAL		[Red Line]	[Red Line]	[Black Star]	[Red Star]
AERONAUTICAL RE-DEVELOPMENT		[Red Line]	[Red Line]	[Black Star]	[Red Star]
AERONAUTICAL SUPPORT AREAS (HANGAR / APRON DEVELOPMENT)		[Red Line]	[Red Line]	[Black Star]	[Red Star]

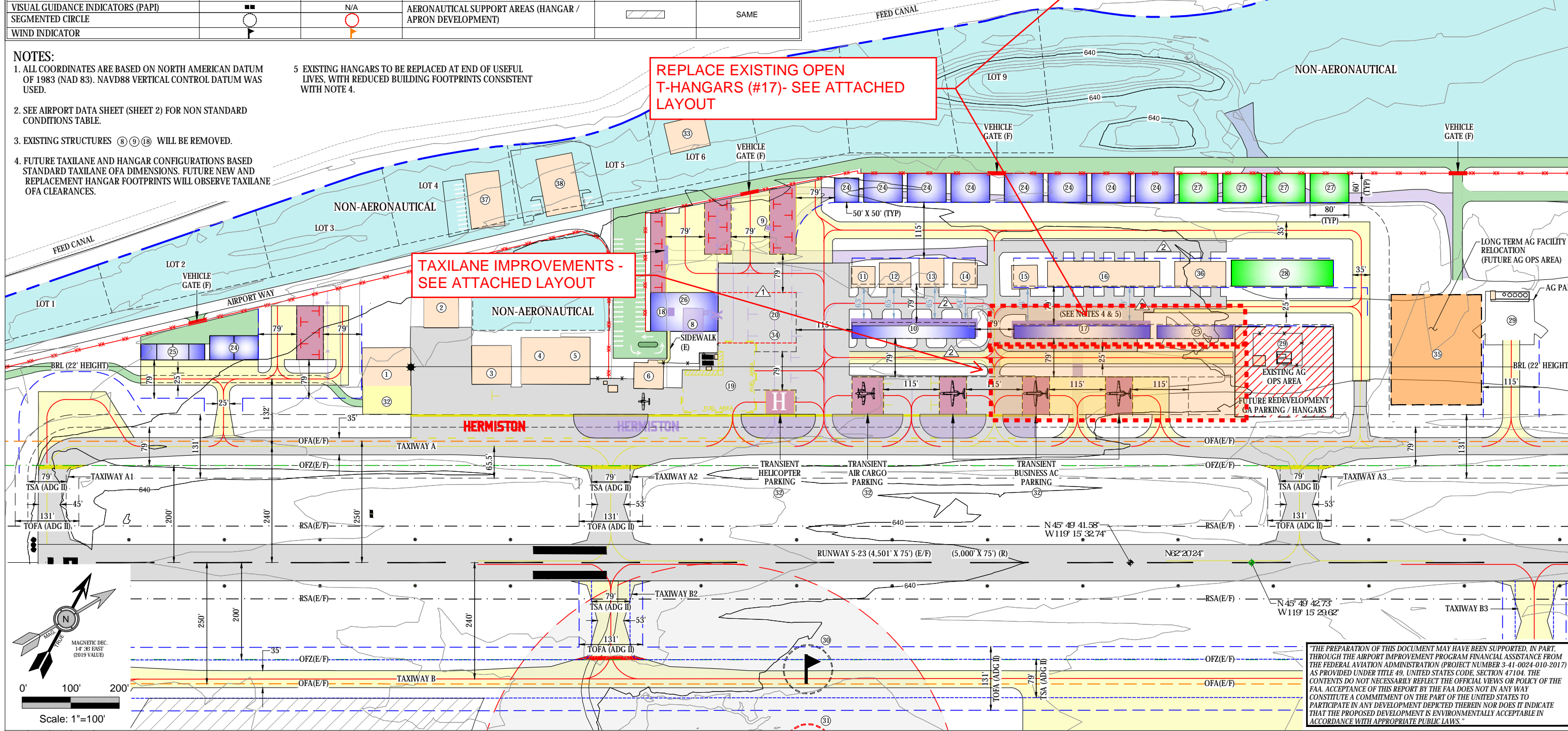
BUILDING/FACILITY KEY *					
NO.	DESCRIPTION	TOP ELEV.	NO.	DESCRIPTION	TOP ELEV.
1	HANGAR (E)	667'	14	HANGAR (E)	664'
2	HANGAR (E)	662'	15	HANGAR (E)	663'
3	HANGAR (E)	665'	16	T-HANGAR (E)	656'
4	HANGAR (E)	665'	17	OPEN T-HANGAR (E)	659'
5	HANGAR (E)	665'	18	EQUIPMENT BUILDING (E)	652'
6	FUEL (E)	664'	19	AIRCRAFT FUEL APRON (E)	-
7	FBO RESIDENCE (E)	653'	20	AIRCRAFT TIEDOWN APRON (E)	-
8	ELECTRICAL BUILDING (E)	660'	21	VEHICLE PARKING (PUBLIC) (E)	-
9	T-HANGAR (E)	654'	22	NON-AERO EQUIP. STORAGE (E)	-
10	HANGAR (E)	658'	23	STORAGE BUILDING (E)	652'
11	HANGAR (E)	661'	24	HANGAR (F)	-
12	HANGAR (E)	665'	25	T-HANGAR (F)	-
13	HANGAR (E)	663'	26	FBO HANGAR (F)	-
			27	HANGAR (R)	-
			28	T-HANGAR (R)	-
			29	AG AREA (E)	-
			30	SEGMENTED CIRCLE (E)	-
			31	AIRCRAFT APRON (F)	-
			32	NON-AERONAUTICAL BUILDING (E)	-
			33	FBO APRON (F)	-
			34	AG AREA (F)	-
			35	T-HANGAR (E)	-
			36	NON-AERONAUTICAL BUILDING (E)	-
			37	NON-AERONAUTICAL BUILDING (E)	-
			38	NON-AERONAUTICAL BUILDING (E)	-

- NOTES:**
- ALL COORDINATES ARE BASED ON NORTH AMERICAN DATUM OF 1983 (NAD 83). NAVD88 VERTICAL CONTROL DATUM WAS USED.
 - SEE AIRPORT DATA SHEET (SHEET 2) FOR NON STANDARD CONDITIONS TABLE.
 - EXISTING STRUCTURES ⑧ ⑨ ⑬ WILL BE REMOVED.
 - FUTURE TAXILANE AND HANGAR CONFIGURATIONS BASED STANDARD TAXILANE OFA DIMENSIONS. FUTURE NEW AND REPLACEMENT HANGAR FOOTPRINTS WILL OBSERVE TAXILANE OFA CLEARANCES.

5 EXISTING HANGARS TO BE REPLACED AT END OF USEFUL LIVES, WITH REDUCED BUILDING FOOTPRINTS CONSISTENT WITH NOTE 4.

REPLACE EXISTING OPEN T-HANGARS (#17)- SEE ATTACHED LAYOUT

TAXILANE IMPROVEMENTS - SEE ATTACHED LAYOUT



NO.	DATE	BY	APPR	REVISIONS

VERIFY SCALES
BAR IS ONE INCH ON ORIGINAL DRAWING.
IF NOT ONE INCH ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

FEDERAL AVIATION ADMINISTRATION APPROVAL
APPROVAL DATE: _____
SIGNATURE: _____

CITY OF HERMISTON APPROVAL
APPROVAL DATE: _____
SIGNATURE: _____

CENTURY WEST ENGINEERING

BEND OFFICE: 1020 SW EMKAY DRIVE, #100 BEND, OR 97702 541.322.8962 OFFICE 541.382.2423 FAX

DESIGNED BY: DM DRAWN BY: JLS CHECKED BY: _____ SCALE: AS SHOWN
DATE: JANUARY 2020 PROJECT NO: 10300.001.01

HERMISTON MUNICIPAL AIRPORT
TERMINAL AREA PLAN

FIGURE NO. -
SH 4 51

THE PREPARATION OF THIS DOCUMENT MAY HAVE BEEN SUPPORTED, IN PART, THROUGH THE AIRPORT IMPROVEMENT PROGRAM FINANCIAL ASSISTANCE FROM THE FEDERAL AVIATION ADMINISTRATION (PROJECT NUMBER 3-41-0024-010-2017) AS PROVIDED UNDER TITLE 49, UNITED STATES CODE, SECTION 47104. THE CONTENTS DO NOT NECESSARILY REFLECT THE OFFICIAL VIEWS OR POLICY OF THE FAA. ACCEPTANCE OF THIS REPORT BY THE FAA DOES NOT IN ANY WAY CONSTITUTE A COMMITMENT ON THE PART OF THE UNITED STATES TO PARTICIPATE IN ANY DEVELOPMENT DEPICTED THEREIN NOR DOES IT INDICATE THAT THE PROPOSED DEVELOPMENT IS ENVIRONMENTALLY ACCEPTABLE IN ACCORDANCE WITH APPROPRIATE PUBLIC LAWS.



**FAA
Airports**

**ASSURANCES
AIRPORT SPONSORS**

A. General.

1. 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.
2. 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.
3. 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, 23, 25, 30, 32, 33, 34, and 37 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 Grant including but not limited to the following:

FEDERAL LEGISLATION

- a. 49 U.S.C. subtitle VII, as amended.
- b. Davis-Bacon Act, as amended — 40 U.S.C. §§ 3141-3144, 3146, and 3147, 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, 42 U.S.C. § 4601, et seq.^{1, 2}
- f. National Historic Preservation Act of 1966 – Section 106 – 54 U.S.C. § 306108.¹
- g. Archeological and Historic Preservation Act of 1974 – 54 U.S.C. § 312501, et seq.¹
- h. Native Americans Grave Repatriation Act – 25 U.S.C. § 3001, et seq.
- i. Clean Air Act, P.L. 90-148, as amended – 42 U.S.C. § 7401, et seq.
- j. Coastal Zone Management Act, P.L. 92-583, as amended – 16 U.S.C. § 1451, et seq.
- k. Flood Disaster Protection Act of 1973 – Section 102(a) - 42 U.S.C. § 4012a.¹
- l. 49 U.S.C. § 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, as amended – 42 U.S.C. § 4151, et seq.¹
- s. Powerplant and Industrial Fuel Use Act of 1978 – Section 403 – 42 U.S.C. § 8373.¹
- t. Contract Work Hours and Safety Standards Act – 40 U.S.C. § 3701, et seq.¹
- u. Copeland Anti-kickback Act – 18 U.S.C. § 874.¹

- v. National Environmental Policy Act of 1969 – 42 U.S.C. § 4321, et seq.¹
- w. Wild and Scenic Rivers Act, P.L. 90-542, as amended – 16 U.S.C. § 1271, et seq.
- x. Single Audit Act of 1984 – 31 U.S.C. § 7501, et seq.²
- y. Drug-Free Workplace Act of 1988 – 41 U.S.C. §§ 8101 through 8105.
- z. The Federal Funding Accountability and Transparency Act of 2006, as amended (P.L. 109-282, as amended by section 6202 of P.L. 110-252).
- aa. Civil Rights Restoration Act of 1987, P.L. 100-259.
- bb. Build America, Buy America Act, P.L. 117-58, Title IX.

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
- g. Executive Order 13166 – Improving Access to Services for Persons with Limited English Proficiency
- h. Executive Order 13985 – Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government
- i. Executive Order 13988 – Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation
- j. Executive Order 14005 – Ensuring the Future is Made in all of America by All of America’s Workers
- k. Executive Order 14008 – Tackling the Climate Crisis at Home and Abroad

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. ^{4,5}
- c. 2 CFR Part 1200 – Nonprocurement Suspension and Debarment.
- d. 14 CFR Part 13 – Investigative and Enforcement Procedures.
- e. 14 CFR Part 16 – Rules of Practice for Federally-Assisted Airport Enforcement Proceedings.
- f. 14 CFR Part 150 – Airport Noise Compatibility Planning.

- g. 28 CFR Part 35 – Nondiscrimination on the Basis of Disability in State and Local Government Services.
- h. 28 CFR § 50.3 – U.S. Department of Justice Guidelines for the Enforcement of Title VI of the Civil Rights Act of 1964.
- i. 29 CFR Part 1 – Procedures for Predetermination of Wage Rates.¹
- j. 29 CFR Part 3 – Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States.¹
- k. 29 CFR Part 5 – Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (Also Labor Standards Provisions Applicable to Nonconstruction Contracts Subject to the Contract Work Hours and Safety Standards Act).¹
- l. 41 CFR Part 60 – Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and Federally-assisted contracting requirements).¹
- 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 Financial Assistance Programs.
- r. 49 CFR Part 27 – Nondiscrimination on the Basis of Disability in Programs or Activities Receiving 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 38 – Americans with Disabilities Act (ADA) Accessibility Specifications for Transportation Vehicles.
- x. 49 CFR Part 41 – Seismic Safety.

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 2 CFR Part 200 contains requirements for State and Local Governments receiving Federal assistance. Any requirement levied upon State and Local Governments by this regulation shall

apply where applicable to private sponsors receiving Federal assistance under Title 49, United States Code.

- ⁴ Cost principles established in 2 CFR part 200 subpart E must be used as guidelines for determining the eligibility of specific types of expenses.
- ⁵ Audit requirements established in 2 CFR part 200 subpart F are the guidelines for audits.

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.

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. Subject to the FAA Act of 2018, Public Law 115-254, Section 163, 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 ensure that the airport will be operated and maintained in accordance with Title 49, United States Code, the regulations and the terms, conditions and assurances in this Grant Agreement and shall ensure 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-Management.

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 49 U.S.C. § 44706, 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 under 40 U.S.C. §§ 3141-3144, 3146, and 3147, Public Building, Property, and Works), 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 49 U.S.C. § 47112. 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 pilots 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.
- c. 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.
- d. 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.
- e. 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.

- f. 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.
- g. 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.
- h. 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.
- i. 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 49 U.S.C. § 47102), if the FAA determines the airport sponsor meets the requirements set forth in Section 813 of Public Law 112-95.
- b. 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.
- c. Any civil penalties or other sanctions will be imposed for violation of this assurance in accordance with the provisions of 49 U.S.C. § 47107.

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. 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 by gross weights of such aircraft) is in excess of five million pounds.

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 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. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, 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 non-aviation 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.

- b. Subject to the FAA Reauthorization Act of 2018, Public Law 115-254, Section 163, 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, color, and national origin (including limited English proficiency) 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); creed and sex (including sexual orientation and gender identity) per 49 U.S.C. § 47123 and related requirements; age per the Age Discrimination Act of 1975 and related requirements; or disability per the Americans with Disabilities Act of 1990 and related requirements, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program and 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 49 CFR § 21.23(b) and 21.23(e), 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 (**City of Hermiston**), 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 or offerors that it will affirmatively ensure that for any contract entered into pursuant to this advertisement, [select businesses, or disadvantaged business enterprises or airport concession disadvantaged business enterprises] will be afforded full and fair opportunity to submit bids in response to this invitation and no businesses will be discriminated against on the grounds of race, color, national origin (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability 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 Department of Transportation (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 (including limited English proficiency), creed, sex (including sexual orientation and gender identity), age, or disability 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 49 U.S.C. § 47117(e);
 3. Reinvestment in an approved airport development project that is eligible for grant funding under 49 U.S.C. §§ 47114, 47115, or 47117;
 4. Transfer to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport; or
 5. Payment 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, 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 49 U.S.C. § 47117(e);
 - 3. Reinvestment in an approved airport development project that is eligible for grant funding under 49 U.S.C. §§ 47114, 47115, or 47117;
 - 4. Transfer to an eligible sponsor of another public airport to be reinvested in an approved noise compatibility project at that airport; or
 - 5. Payment 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.

If any phase of such project has received Federal funds under Chapter 471 subchapter 1 of Title 49 U.S.C., 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 in the same manner as a contract for architectural and engineering services is negotiated under Chapter 11 of Title 40 U.S.C., 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 any project funded under an Airport Improvement Program Grant in accordance with policies, standards, and specifications approved by the Secretary including, but not limited to, current FAA Advisory Circulars (https://www.faa.gov/sites/faa.gov/files/aip-pfc-checklist_0.pdf) for AIP projects as of 02/29/2024 .

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 of 49 CFR Part 24 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 Disadvantaged Business Enterprise (DBE) and Airport Concessions Disadvantaged Business Enterprise (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 1986 (31 U.S.C. §§ 3801-3809, 3812).

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



**FAA
Airports**

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

Updated: 11/17/2022

View current and previous versions of these ACs and any associated changes at:

http://www.faa.gov/airports/resources/advisory_circulars and
http://www.faa.gov/regulations_policies/advisory_circulars/.¹

NUMBER	TITLE
70/7460-1M	Obstruction Marking and Lighting
150/5000-9B	Guidelines for the Sound Insulation of Residences Exposed to Aircraft Operations
150/5000-17	Critical Aircraft and Regular Use Determination
150/5020-1	Noise Control and Compatibility Planning for Airports
150/5070-6B, Changes 1 - 2	Airport Master Plans
150/5070-7 Change 1	The Airport System Planning Process
150/5100-13C	Development of State Aviation Standards for Airport Pavement Construction
150/5200-28G	Notices to Airmen (NOTAMs) for Airport Operators
150/5200-30D, Changes 1 - 2	Airport Field Condition Assessments and Winter Operations Safety
150/5200-31C, Changes 1 - 2	Airport Emergency Plan
150/5200-33C	Hazardous Wildlife Attractants on or near Airports

¹ All grant recipients are responsible for reviewing errata sheets and addendums pertaining to these Advisory Circulars.

NUMBER	TITLE
150/5200-34A	Construction or Establishment of Landfills Near Public Airports
150/5200-38	Protocol for the Conduct and Review of Wildlife Hazard Site Visits, Wildlife Hazard Assessments, and Wildlife Hazard Management Plans
150/5210-5D	Painting, Marking, and Lighting of Vehicles Used on an Airport
150/5210-7D	Aircraft Rescue and Fire Fighting Communications
150/5210-13C	Airport Water Rescue Plans and Equipment
150/5210-14B	Aircraft Rescue Fire Fighting Equipment, Tools and Clothing
150/5210-15A	Aircraft Rescue and Firefighting Station Building Design
150/5210-18A	Systems for Interactive Training of Airport Personnel
150/5210-19A	Driver's Enhanced Vision System (DEVs)
150/5220-10E	Guide Specification for Aircraft Rescue and Fire Fighting (ARFF) Vehicles
150/5220-16E, Change 1	Automated Weather Observing Systems (AWOS) for Non-Federal Applications
150/5220-17B	Aircraft Rescue and Fire Fighting (ARFF) Training Facilities
150/5220-18A	Buildings for Storage and Maintenance of Airport Snow and Ice Control Equipment and Materials
150/5220-20A	Airport Snow and Ice Control Equipment
150/5220-21C	Aircraft Boarding Equipment
150/5220-22B	Engineered Materials Arresting Systems (EMAS) for Aircraft Overruns
150/5220-23A	Frangible Connections
150/5220-24	Airport Foreign Object Debris (FOD) Detection Equipment
150/5220-25	Airport Avian Radar Systems
150/5220-26, Changes 1 - 2	Airport Ground Vehicle Automatic Dependent Surveillance - Broadcast (ADS-B) Out Squitter Equipment
150/5230-4C	Aircraft Fuel Storage, Handling, Training, and Dispensing on Airports
150/5300-13B	Airport Design
150/5300-14D	Design of Aircraft Deicing Facilities
150/5300-15A	Use of Value Engineering for Engineering and Design of Airport Grant Projects

NUMBER	TITLE
150/5300-16B	General Guidance and Specifications for Aeronautical Surveys: Establishment of Geodetic Control and Submission to the National Geodetic Survey
150/5300-17C, Change 1	Standards for Using Remote Sensing Technologies in Airport Surveys
150/5300-18B, Change 1	General Guidance and Specifications for Submission of Aeronautical Surveys to NGS: Field Data Collection and Geographic Information System (GIS) Standards
150/5300-19	Airport Data and Information Program
150/5320-5D	Airport Drainage Design
150/5320-6G	Airport Pavement Design and Evaluation
150/5320-12C, Changes 1 - 8	Measurement, Construction, and Maintenance of Skid Resistant Airport Pavement Surfaces
150/5320-15A	Management of Airport Industrial Waste
150/5320-17A	Airfield Pavement Surface Evaluation and Rating Manuals
150/5325-4B	Runway Length Requirements for Airport Design
150/5335-5D	Standardized Method of Reporting Airport Pavement Strength - PCR
150/5340-1M, Change 1	Standards for Airport Markings
150/5340-5D	Segmented Circle Airport Marker System
150/5340-18G, Change 1	Standards for Airport Sign Systems
150/5340-26C	Maintenance of Airport Visual Aid Facilities
150/5340-30J	Design and Installation Details for Airport Visual Aids
150/5345-3G	Specification for L-821, Panels for the Control of Airport Lighting
150/5345-5B	Specifications for Airport Lighting Circuit Selector Switch
150/5345-7F	Specification for L-824 Underground Electrical Cable for Airport Lighting Circuits
150/5345-10H	Specification for Constant Current Regulators and Regulator Monitors
150/5345-12F	Specification for Airport and Heliport Beacons

NUMBER	TITLE
150/5345-13B	Specification for L-841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits
150/5345-26E	FAA Specification For L-823 Plug and Receptacle, Cable Connectors
150/5345-27F	FAA Specification for Wind Cone Assemblies
150/5345-28H	Precision Approach Path Indicator (PAPI) Systems
150/5345-39E	Specification for L-853, Runway and Taxiway Retroreflective Markers
150/5345-42J	Specification for Airport Light Bases, Transformer Housings, Junction Boxes, and Accessories
150/5345-43J	Specification for Obstruction Lighting Equipment
150/5345-44K	Specification for Runway and Taxiway Signs
150/5345-45C	Low-Impact Resistant (LIR) Structures
150/5345-46E	Specification for Runway and Taxiway Light Fixtures
150/5345-47C	Specification for Series to Series Isolation Transformers for Airport Lighting Systems
150/5345-49D	Specification L-854, Radio Control Equipment
150/5345-50B	Specification for Portable Runway and Taxiway Lights
150/5345-51B	Specification for Discharge-Type Flashing Light Equipment
150/5345-52A	Generic Visual Glideslope Indicators (GVGI)
150/5345-53D	Airport Lighting Equipment Certification Program
150/5345-54B	Specification for L-884, Power and Control Unit for Land and Hold Short Lighting Systems
150/5345-55A	Specification for L-893, Lighted Visual Aid to Indicate Temporary Runway Closure
150/5345-56B	Specification for L-890 Airport Lighting Control and Monitoring System (ALCMS)
150/5360-12F	Airport Signing and Graphics
150/5360-13A	Airport Terminal Planning
150/5360-14A	Access to Airports By Individuals With Disabilities
150/5370-2G	Operational Safety on Airports During Construction

NUMBER	TITLE
150/5370-10H	Standard Specifications for Construction of Airports
150/5370-11B	Use of Nondestructive Testing in the Evaluation of Airport Pavements
150/5370-13A	Off-Peak Construction of Airport Pavements Using Hot-Mix Asphalt
150/5370-15B	Airside Applications for Artificial Turf
150/5370-16	Rapid Construction of Rigid (Portland Cement Concrete) Airfield Pavements
150/5370-17	Airside Use of Heated Pavement Systems
150/5380-6C	Guidelines and Procedures for Maintenance of Airport Pavements
150/5380-7B	Airport Pavement Management Program
150/5380-9	Guidelines and Procedures for Measuring Airfield Pavement Roughness
150/5390-2C	Heliport Design
150/5395-1B	Seaplane Bases

THE FOLLOWING ADDITIONAL ADVISORY CIRCULARS APPLY TO AIP AND BIL PROJECTS ONLY

NUMBER	TITLE
150/5100-14E, Change 1	Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects
150/5100-17, Changes 1 - 7	Land Acquisition and Relocation Assistance for Airport Improvement Program Assisted Projects
150/5100-21	State Block Grant Program
150/5370-12B	Quality Management for Federally Funded Airport Construction Projects



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

FAA Form 5100-129, Construction Project Final Acceptance – Airport Improvement Program Sponsor Certification

Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.



Construction Project Final Acceptance Airport Improvement Program Sponsor Certification

Sponsor: City of Hermiston

Airport: Hermiston Municipal Airport

Project Number: 3-41-0024-019-2024

Description of Work: NEW AVIATION T-HANGAR: Phase I (Design/Bidding) and (Construction/SDC)

Application

49 USC § 47105(d), authorizes the Secretary to require me certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program. General standards for final acceptance and close out of federally funded construction projects are in 2 CFR § 200.343 – Closeout and supplemented by FAA Order 5100.38. The sponsor must determine that project costs are accurate and proper in accordance with specific requirements of the grant agreement and contract documents.

Certification Statements

Except for certification statements below marked not applicable (N/A), this list includes major requirements of the construction project. Selecting “Yes” represents sponsor acknowledgment and confirmation of the certification statement. The term “will” means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. The personnel engaged in project administration, engineering supervision, project inspection, and acceptance testing were or will be determined to be qualified and competent to perform the work (Grant Assurance).
 Yes No N/A
2. Construction records, including daily logs, were or will be kept by the resident engineer/construction inspector that fully document contractor’s performance in complying with:
 - a. Technical standards (Advisory Circular (AC) 150/5370-12);
 - b. Contract requirements (2 CFR part 200 and FAA Order 5100.38); and
 - c. Construction safety and phasing plan measures (AC 150/5370-2). Yes No N/A
3. All acceptance tests specified in the project specifications were or will be performed and documented. (AC 150/5370-12).
 Yes No N/A

- 4. Sponsor has taken or will take appropriate corrective action for any test result outside of allowable tolerances (AC 150/5370-12).
 Yes No N/A
- 5. Pay reduction factors required by the specifications were applied or will be applied in computing final payments with a summary made available to the FAA (AC 150/5370-10).
 Yes No N/A
- 6. Sponsor has notified, or will promptly notify the Federal Aviation Administration (FAA) of the following occurrences:
 - a. Violations of any federal requirements set forth or included by reference in the contract documents (2 CFR part 200);
 - b. Disputes or complaints concerning federal labor standards (29 CFR part 5); and
 - c. Violations of or complaints addressing conformance with Equal Employment Opportunity or Disadvantaged Business Enterprise requirements (41 CFR Chapter 60 and 49 CFR part 26). Yes No N/A
- 7. Weekly payroll records and statements of compliance were or will be submitted by the prime contractor and reviewed by the sponsor for conformance with federal labor and civil rights requirements as required by FAA and U.S. Department of Labor (29 CFR Part 5).
 Yes No N/A
- 8. Payments to the contractor were or will be made in conformance with federal requirements and contract provisions using sponsor internal controls that include:
 - a. Retaining source documentation of payments and verifying contractor billing statements against actual performance (2 CFR § 200.302 and FAA Order 5100.38);
 - b. Prompt payment of subcontractors for satisfactory performance of work (49 CFR § 26.29);
 - c. Release of applicable retainage upon satisfactory performance of work (49 CFR § 26.29); and
 - d. Verification that payments to DBEs represent work the DBE performed by carrying out a commercially useful function (49 CFR §26.55). Yes No N/A
- 9. A final project inspection was or will be conducted with representatives of the sponsor and the contractor present that ensure:
 - a. Physical completion of project work in conformance with approved plans and specifications (Order 5100.38);
 - b. Necessary actions to correct punch list items identified during final inspection are complete (Order 5100.38); and
 - c. Preparation of a record of final inspection and distribution to parties to the contract (Order 5100.38); Yes No N/A
- 10. The project was or will be accomplished without material deviations, changes, or modifications from approved plans and specifications, except as approved by the FAA (Order 5100.38).
 Yes No N/A

11. The construction of all buildings have complied or will comply with the seismic construction requirements of 49 CFR § 41.120.

Yes No N/A

12. For development projects, sponsor has taken or will take the following close-out actions:

- a. Submit to the FAA a final test and quality assurance report summarizing acceptance test results, as applicable (Grant Condition);
- b. Complete all environmental requirements as established within the project environmental determination (Order 5100.38); and
- c. Prepare and retain as-built plans (Order 5100.38).

Yes No N/A

13. Sponsor has revised or will revise their airport layout plan (ALP) that reflects improvements made and has submitted or will submit an updated ALP to the FAA no later than 90 days from the period of performance end date. (49 USC § 47107 and Order 5100.38).

Yes No N/A

Attach documentation clarifying any above item marked with "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this _____ day of _____, _____.

Name of Sponsor: City of Hermiston

Name of Sponsor's Authorized Official: Mark Morgan

Title of Sponsor's Authorized Official: Assitant City Manager/Airport Manager

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

[Submit by Email](#)



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

FAA Form 5100-130, Drug-Free Workplace – Airport Improvement Program Sponsor Certification

Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.

Drug-Free Workplace Airport Improvement Program Sponsor Certification

Sponsor: City of Hermiston

Airport: Hermiston Municipal Airport

Project Number: 3-41-0024-019-2024

Description of Work: NEW AVIATION T-HANGAR: Phase I (Design/Bidding) and (Construction/SDC)

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements on the drug-free workplace within federal grant programs are described in 2 CFR part 182. Sponsors are required to certify they will be, or will continue to provide, a drug-free workplace in accordance with the regulation. The AIP project grant agreement contains specific assurances on the Drug-Free Workplace Act of 1988.

Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting “Yes” represents sponsor acknowledgement and confirmation of the certification statement. The term “will” means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. A statement has been or will be published prior to commencement of project notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the sponsor's workplace, and specifying the actions to be taken against employees for violation of such prohibition (2 CFR § 182.205).

Yes No N/A

2. An ongoing drug-free awareness program (2 CFR § 182.215) has been or will be established prior to commencement of project to inform employees about:

- a. The dangers of drug abuse in the workplace;
- b. The sponsor's policy of maintaining a drug-free workplace;
- c. Any available drug counseling, rehabilitation, and employee assistance programs; and
- d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

Yes No N/A

3. Each employee to be engaged in the performance of the work has been or will be given a copy of the statement required within item 1 above prior to commencement of project (2 CFR § 182.210).

Yes No N/A

4. Employees have been or will be notified in the statement required by item 1 above that, as a condition employment under the grant (2 CFR § 182.205(c)), the employee will:

- a. Abide by the terms of the statement; and
- b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

Yes No N/A

5. The Federal Aviation Administration (FAA) will be notified in writing within 10 calendar days after receiving notice under item 4b above from an employee or otherwise receiving actual notice of such conviction (2 CFR § 182.225). Employers of convicted employees must provide notice, including position title of the employee, to the FAA (2 CFR § 182.300).

Yes No N/A

6. One of the following actions (2 CFR § 182.225(b)) will be taken within 30 calendar days of receiving a notice under item 4b above with respect to any employee who is so convicted:

- a. Take appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; and
- b. Require such employee to participate satisfactorily in drug abuse assistance or rehabilitation programs approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

Yes No N/A

7. A good faith effort will be made, on a continuous basis, to maintain a drug-free workplace through implementation of items 1 through 6 above (2 CFR § 182.200).

Yes No N/A

Site(s) of performance of work (2 CFR § 182.230):

Location 1

Name of Location: City of Hermiston
Address: 180 NE 2nd Street, Hermiston, OR 97838-1860

Location 2 (if applicable)

Name of Location: Hermiston Municipal Airport
Address: 1600 Airport Way, Hermiston, OR 97838

Location 3 (if applicable)

Name of Location:
Address:

Attach documentation clarifying any above item marked with a "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this day of , .

Name of Sponsor: City of Hermiston

Name of Sponsor's Authorized Official: Mark Morgan

Title of Sponsor's Authorized Official: Assistant City Manager/Airport Manager

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

[Submit by Email](#)



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

FAA Form 5100-131, Equipment and Construction Contracts – Airport Improvement Sponsor Certification

Paperwork Reduction Act Burden Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.



Equipment and Construction Contracts Airport Improvement Sponsor Certification

Sponsor: City of Hermiston

Airport: Hermiston Municipal Airport

Project Number: 3-41-0024-019-2024

Description of Work: NEW AVIATION T-HANGAR: Phase I (Design/Bidding) and (Construction/SDC)

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General procurement standards for equipment and construction contracts within Federal grant programs are described in 2 CFR §§ 200.317-200.326. Labor and Civil Rights Standards applicable to the AIP are established by the Department of Labor (www.dol.gov) AIP Grant Assurance C.1—General Federal Requirements identifies all applicable Federal Laws, regulations, executive orders, policies, guidelines and requirements for assistance under the AIP. Sponsors may use state and local procedures provided the procurement conforms to these federal standards.

This certification applies to all equipment and construction projects. Equipment projects may or may not employ laborers and mechanics that qualify the project as a “covered contract” under requirements established by the Department of Labor requirements. Sponsor shall provide appropriate responses to the certification statements that reflect the character of the project regardless of whether the contract is for a construction project or an equipment project.

Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting “Yes” represents sponsor acknowledgement and confirmation of the certification statement. The term “will” means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. A written code or standard of conduct is or will be in effect prior to commencement of the project that governs the performance of the sponsor’s officers, employees, or agents in soliciting, awarding and administering procurement contracts (2 CFR § 200.318).

Yes No N/A

- 2. For all contracts, qualified and competent personnel are or will be engaged to perform contract administration, engineering supervision, construction inspection, and testing (Grant Assurance C.17).
 Yes No N/A

- 3. Sponsors that are required to have a Disadvantage Business Enterprise (DBE) program on file with the FAA have included or will include clauses required by Title VI of the Civil Rights Act and 49 CFR Part 26 for Disadvantaged Business Enterprises in all contracts and subcontracts.
 Yes No N/A

- 4. Sponsors required to have a DBE program on file with the FAA have implemented or will implement monitoring and enforcement measures that:
 - a. Ensure work committed to Disadvantaged Business Enterprises at contract award is actually performed by the named DBEs (49 CFR § 26.37(b));
 - b. Include written certification that the sponsor has reviewed contract records and has monitored work sites for performance by DBE firms (49 CFR § 26.37(b)); and
 - c. Provides for a running tally of payments made to DBE firms and a means for comparing actual attainments (i.e. payments) to original commitments (49 CFR § 26.37(c)). Yes No N/A

- 5. Sponsor procurement actions using the competitive sealed bid method (2 CFR § 200.320(c)). was or will be:
 - a. Publicly advertised, allowing a sufficient response time to solicit an adequate number of interested contractors or vendors;
 - b. Prepared to include a complete, adequate and realistic specification that defines the items or services in sufficient detail to allow prospective bidders to respond;
 - c. Publicly opened at a time and place prescribed in the invitation for bids; and
 - d. Prepared in a manner that result in a firm fixed price contract award to the lowest responsive and responsible bidder. Yes No N/A

- 6. For projects the Sponsor proposes to use the competitive proposal procurement method (2 CFR § 200.320(d)), Sponsor has requested or will request FAA approval prior to proceeding with a competitive proposal procurement by submitting to the FAA the following:
 - a. Written justification that supports use of competitive proposal method in lieu of the preferred sealed bid procurement method;
 - b. Plan for publicizing and soliciting an adequate number of qualified sources; and
 - c. Listing of evaluation factors along with relative importance of the factors. Yes No N/A

- 7. For construction and equipment installation projects, the bid solicitation includes or will include the current federal wage rate schedule(s) for the appropriate type of work classifications (2 CFR Part 200, Appendix II).
 Yes No N/A

8. Concurrence was or will be obtained from the Federal Aviation Administration (FAA) prior to contract award under any of the following circumstances (Order 5100.38D):

- a. Only one qualified person/firm submits a responsive bid;
- b. Award is to be made to other than the lowest responsible bidder; and
- c. Life cycle costing is a factor in selecting the lowest responsive bidder.

Yes No N/A

9. All construction and equipment installation contracts contain or will contain provisions for:

- a. Access to Records (§ 200.336)
- b. Buy American Preferences (Title 49 U.S.C. § 50101)
- c. Civil Rights - General Provisions and Title VI Assurances(41 CFR part 60)
- d. Federal Fair Labor Standards (29 U.S.C. § 201, et seq)
- e. Occupational Safety and Health Act requirements (20 CFR part 1920)
- f. Seismic Safety – building construction (49 CFR part 41)
- g. State Energy Conservation Requirements - as applicable(2 CFR part 200, Appendix II)
- h. U.S. Trade Restriction (49 CFR part 30)
- i. Veterans Preference (49 USC § 47112(c))

Yes No N/A

10. All construction and equipment installation contracts exceeding \$2,000 contain or will contain the provisions established by:

- a. Davis-Bacon and Related Acts (29 CFR part 5)
- b. Copeland “Anti-Kickback” Act (29 CFR parts 3 and 5)

Yes No N/A

11. All construction and equipment installation contracts exceeding \$3,000 contain or will contain a contract provision that discourages distracted driving (E.O. 13513).

Yes No N/A

12. All contracts exceeding \$10,000 contain or will contain the following provisions as applicable:

- a. Construction and equipment installation projects - Applicable clauses from 41 CFR Part 60 for compliance with Executive Orders 11246 and 11375 on Equal Employment Opportunity;
- b. Construction and equipment installation - Contract Clause prohibiting segregated facilities in accordance with 41 CFR part 60-1.8;
- c. Requirement to maximize use of products containing recovered materials in accordance with 2 CFR § 200.322 and 40 CFR part 247; and
- d. Provisions that address termination for cause and termination for convenience (2 CFR Part 200, Appendix II).

Yes No N/A

13. All contracts and subcontracts exceeding \$25,000: Measures are in place or will be in place (e.g. checking the System for Award Management) that ensure contracts and subcontracts are not awarded to individuals or firms suspended, debarred, or excluded from participating in federally assisted projects (2 CFR parts 180 and 1200).

Yes No N/A

14. Contracts exceeding the simplified acquisition threshold (currently \$250,000) include or will include provisions, as applicable, that address the following:

- a. Construction and equipment installation contracts - a bid guarantee of 5%, a performance bond of 100%, and a payment bond of 100% (2 CFR § 200.325);
- b. Construction and equipment installation contracts - requirements of the Contract Work Hours and Safety Standards Act (40 USC 3701-3708, Sections 103 and 107);
- c. Restrictions on Lobbying and Influencing (2 CFR part 200, Appendix II);
- d. Conditions specifying administrative, contractual and legal remedies for instances where contractor or vendor violate or breach the terms and conditions of the contract (2 CFR §200, Appendix II); and
- e. All Contracts - Applicable standards and requirements issued under Section 306 of the Clean Air Act (42 USC 7401-7671q), Section 508 of the Clean Water Act (33 USC 1251-1387, and Executive Order 11738.

Yes No N/A

Attach documentation clarifying any above item marked with "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this day of , .

Name of Sponsor: City of Hermiston

Name of Sponsor's Authorized Official: Mark Morgan

Title of Sponsor's Authorized Official: Assistant City Manager/Airport Manager

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Submit by Email



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

FAA Form 5100-132, Project Plans and Specifications – Airport Improvement Program Sponsor Certification

Paperwork Reduction Act Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.

Project Plans and Specifications

Airport Improvement Program Sponsor Certification

Sponsor: City of Hermiston

Airport: Hermiston Municipal Airport

Project Number: 3-41-0024-019-2024

Description of Work: NEW AVIATION T-HANGAR: Phase I (Design/Bidding) and (Construction/SDC)

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). Labor and civil rights standards applicable to AIP are established by the Department of Labor (www.dol.gov/). AIP Grant Assurance C.1—General Federal Requirements identifies applicable federal laws, regulations, executive orders, policies, guidelines and requirements for assistance under AIP. A list of current advisory circulars with specific standards for procurement, design or construction of airports, and installation of equipment and facilities is referenced in standard airport sponsor Grant Assurance 34 contained in the grant agreement.

Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting “Yes” represents sponsor acknowledgement and confirmation of the certification statement. The term “will” means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. The plans and specifications were or will be prepared in accordance with applicable federal standards and requirements, so that no deviation or modification to standards set forth in the advisory circulars, or FAA-accepted state standard, is necessary other than those explicitly approved by the Federal Aviation Administration (FAA) (14 USC § 47105).

Yes No N/A

2. Specifications incorporate or will incorporate a clear and accurate description of the technical requirement for the material or product that does not contain limiting or proprietary features that unduly restrict competition (2 CFR §200.319).

Yes No N/A

- 3. The development that is included or will be included in the plans is depicted on the current airport layout plan as approved by the FAA (14 USC § 47107).
 Yes No N/A

- 4. Development and features that are ineligible or unallowable for AIP funding have been or will be omitted from the plans and specifications (FAA Order 5100.38, par. 3-43).
 Yes No N/A

- 5. The specification does not use or will not use "brand name" or equal to convey requirements unless sponsor requests and receives approval from the FAA to use brand name (FAA Order 5100.38, Table U-5).
 Yes No N/A

- 6. The specification does not impose or will not impose geographical preference in their procurement requirements (2 CFR §200.319(b) and FAA Order 5100.38, Table U-5).
 Yes No N/A

- 7. The use of prequalified lists of individuals, firms or products include or will include sufficient qualified sources that ensure open and free competition and that does not preclude potential entities from qualifying during the solicitation period (2 CFR §319(d)).
 Yes No N/A

- 8. Solicitations with bid alternates include or will include explicit information that establish a basis for award of contract that is free of arbitrary decisions by the sponsor (2 CFR § 200.319(a)(7)).
 Yes No N/A

- 9. Concurrence was or will be obtained from the FAA if Sponsor incorporates a value engineering clause into the contract (FAA Order 5100.38, par. 3-57).
 Yes No N/A

- 10. The plans and specifications incorporate or will incorporate applicable requirements and recommendations set forth in the federally approved environmental finding (49 USC §47106(c)).
 Yes No N/A

- 11. The design of all buildings comply or will comply with the seismic design requirements of 49 CFR § 41.120. (FAA Order 5100.38d, par. 3-92)
 Yes No N/A

- 12. The project specification include or will include process control and acceptance tests required for the project by as per the applicable standard:
 - a. Construction and installation as contained in Advisory Circular (AC) 150/5370-10.
 Yes No N/A

b. Snow Removal Equipment as contained in AC 150/5220-20.

Yes No N/A

c. Aircraft Rescue and Fire Fighting (ARFF) vehicles as contained in AC 150/5220-10.

Yes No N/A

13. For construction activities within or near aircraft operational areas(AOA):

a. The Sponsor has or will prepare a construction safety and phasing plan (CSPP) conforming to Advisory Circular 150/5370-2.

b. Compliance with CSPP safety provisions has been or will be incorporated into the plans and specifications as a contractor requirement.

c. Sponsor will not initiate work until receiving FAA's concurrence with the CSPP (FAA Order 5100.38, Par. 5-29).

Yes No N/A

14. The project was or will be physically completed without federal participation in costs due to errors and omissions in the plans and specifications that were foreseeable at the time of project design (49 USC §47110(b)(1) and FAA Order 5100.38d, par. 3-100).

Yes No N/A

Attach documentation clarifying any above item marked with "No" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

Executed on this day of , .

Name of Sponsor: City of Hermiston

Name of Sponsor's Authorized Official: Mark Morgan

Title of Sponsor's Authorized Official: Assistant City Manager/Airport Manager

Signature of Sponsor's Authorized Official: _____

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

[Submit by Email](#)



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

FAA Form 5100-134, Selection of Consultants – Airport Improvement Program Sponsor Certification

Paperwork Reduction Act Statement

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120-0569. Public reporting for this collection of information is estimated to be approximately 8 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, completing and reviewing the collection of information. All responses to this collection of information are required under 49 U.S.C. Section 47105 to retain a benefit and to meet the reporting requirements of 2 CFR 200. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177-1524.

Selection of Consultants

Airport Improvement Program Sponsor Certification

Sponsor: City of Hermiston

Airport: Hermiston Municipal Airport

Project Number: 3-41-0024-019-2024

Description of Work: NEW AVIATION T-HANGAR: Phase I (Design/Bidding) and (Construction/SDC)

Application

49 USC § 47105(d) authorizes the Secretary to require certification from the sponsor that it will comply with the statutory and administrative requirements in carrying out a project under the Airport Improvement Program (AIP). General requirements for selection of consultant services within federal grant programs are described in 2 CFR §§ 200.317-200.326. Sponsors may use other qualifications-based procedures provided they are equivalent to standards of Title 40 chapter 11 and FAA Advisory Circular 150/5100-14, Architectural, Engineering, and Planning Consultant Services for Airport Grant Projects.

Certification Statements

Except for certification statements below marked as not applicable (N/A), this list includes major requirements of the construction project. Selecting "Yes" represents sponsor acknowledgement and confirmation of the certification statement. The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance. This list is not comprehensive and does not relieve the sponsor from fully complying with all applicable statutory and administrative standards. The source of the requirement is referenced within parenthesis.

1. Sponsor acknowledges their responsibility for the settlement of all contractual and administrative issues arising out of their procurement actions (2 CFR § 200.318(k)).
 Yes No N/A

2. Sponsor procurement actions ensure or will ensure full and open competition that does not unduly limit competition (2 CFR § 200.319).
 Yes No N/A

3. Sponsor has excluded or will exclude any entity that develops or drafts specifications, requirements, or statements of work associated with the development of a request-for-qualifications (RFQ) from competing for the advertised services (2 CFR § 200.319).
 Yes No N/A

- 4. The advertisement describes or will describe specific project statements-of-work that provide clear detail of required services without unduly restricting competition (2 CFR § 200.319).
 Yes No N/A

- 5. Sponsor has publicized or will publicize a RFQ that:
 - a. Solicits an adequate number of qualified sources (2 CFR § 200.320(d)); and
 - b. Identifies all evaluation criteria and relative importance (2 CFR § 200.320(d)). Yes No N/A

- 6. Sponsor has based or will base selection on qualifications, experience, and disadvantaged business enterprise participation with price not being a selection factor (2 CFR § 200.320(d)).
 Yes No N/A

- 7. Sponsor has verified or will verify that agreements exceeding \$25,000 are not awarded to individuals or firms suspended, debarred or otherwise excluded from participating in federally assisted projects (2 CFR § 180.300).
 Yes No N/A

- 8. A/E services covering multiple projects: Sponsor has agreed to or will agree to:
 - a. Refrain from initiating work covered by this procurement beyond five years from the date of selection (AC 150/5100-14); and
 - b. Retain the right to conduct new procurement actions for projects identified or not identified in the RFQ (AC 150/5100-14). Yes No N/A

- 9. Sponsor has negotiated or will negotiate a fair and reasonable fee with the firm they select as most qualified for the services identified in the RFQ (2 CFR § 200.323).
 Yes No N/A

- 10. The Sponsor's contract identifies or will identify costs associated with ineligible work separately from costs associated with eligible work (2 CFR § 200.302).
 Yes No N/A

- 11. Sponsor has prepared or will prepare a record of negotiations detailing the history of the procurement action, rationale for contract type and basis for contract fees (2 CFR § 200.318(i)).
 Yes No N/A

- 12. Sponsor has incorporated or will incorporate mandatory contract provisions in the consultant contract for AIP-assisted work (49 U.S.C. Chapter 471 and 2 CFR part 200 Appendix II)
 Yes No N/A

13. For contracts that apply a time-and-material payment provision (also known as hourly rates, specific rates of compensation, and labor rates), the Sponsor has established or will establish:

- a. Justification that there is no other suitable contract method for the services (2 CFR §200.318(j));
- b. A ceiling price that the consultant exceeds at their risk (2 CFR §200.318(j)); and
- c. A high degree of oversight that assures consultant is performing work in an efficient manner with effective cost controls in place 2 CFR §200.318(j)).

Yes No N/A

14. Sponsor is not using or will not use the prohibited cost-plus-percentage-of-cost (CPPC) contract method. (2 CFR § 200.323(d)).

Yes No N/A

Attach documentation clarifying any above item marked with "no" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and additional documentation for any item marked "no" is correct and complete.

I declare under penalty of perjury that the foregoing is true and correct. I understand that knowingly and willfully providing false information to the federal government is a violation of 18 USC § 1001 (False Statements) and could subject me to fines, imprisonment, or both.

Executed on this day of , .

Name of Sponsor: City of Hermiston

Name of Sponsor's Authorized Official: Mark Morgan

Title of Sponsor's Authorized Official: Assistant City Manager/Airport Manager

Signature of Sponsor's Authorized Official: _____

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[Submit by Email](#)



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

FAA Form 5100-135, Certification and Disclosure Regarding Potential Conflicts of Interest – Airport Improvement Program Sponsor Certification

Paperwork Reduction Act Statement

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Certification and Disclosure Regarding Potential Conflicts of Interest Airport Improvement Program Sponsor Certification

Sponsor: City of Hermiston

Airport: Hermiston Municipal Airport

Project Number: 3-41-0024-019-2024

Description of Work: NEW AVIATION T-HANGAR: Phase I (Design/Bidding) and (Construction/SDC)

Application

Title 2 CFR § 200.112 and § 1201.112 address Federal Aviation Administration (FAA) requirements for conflict of interest. As a condition of eligibility under the Airport Improvement Program (AIP), sponsors must comply with FAA policy on conflict of interest. Such a conflict would arise when any of the following have a financial or other interest in the firm selected for award:

- a) The employee, officer or agent,
- b) Any member of his immediate family,
- c) His or her partner, or
- d) An organization which employs, or is about to employ, any of the above.

Selecting "Yes" represents sponsor or sub-recipient acknowledgement and confirmation of the certification statement. Selecting "No" represents sponsor or sub-recipient disclosure that it cannot fully comply with the certification statement. If "No" is selected, provide support information explaining the negative response as an attachment to this form. This includes whether the sponsor has established standards for financial interest that are not substantial or unsolicited gifts are of nominal value (2 CFR § 200.318(c)). The term "will" means Sponsor action taken at appropriate time based on the certification statement focus area, but no later than the end of the project period of performance.

Certification Statements

1. The sponsor or sub-recipient maintains a written standards of conduct governing conflict of interest and the performance of their employees engaged in the award and administration of contracts (2 CFR § 200.318(c)). To the extent permitted by state or local law or regulations, such standards of conduct provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the sponsor's and sub-recipient's officers, employees, or agents, or by contractors or their agents.

Yes No

2. The sponsor's or sub-recipient's officers, employees or agents have not and will not solicit or accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to sub-agreements (2 CFR § 200.318(c)).

Yes No

3. The sponsor or sub-recipient certifies that is has disclosed and will disclose to the FAA any known potential conflict of interest (2 CFR § 1200.112).

Yes No

Attach documentation clarifying any above item marked with "no" response.

Sponsor's Certification

I certify, for the project identified herein, responses to the forgoing items are accurate as marked and have the explanation for any item marked "no" is correct and complete.

Executed on this day of , .

Name of Sponsor: City of Hermiston

Name of Sponsor's Authorized Official: Mark Morgan

Title of Sponsor's Authorized Official: Assistant City Manager/Airport Manager

Signature of Sponsor's Authorized Official: _____

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[Submit by Email](#)



Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
For the Meeting of May 13, 2024

Title/Subject

Status of current mobile food vendor regulations.

Summary and Background

The city council received testimony during the unscheduled communication portion of the April 22 meeting asking for assistance in locating additional food trucks in the city. City staff has met with Maria Villajrana to discuss her concerns with food truck regulations and combined those concerns with other concerns expressed to city staff by interested vendors. Ms. Villajrana is most concerned with the requirements for electrical service, and that units must be self-contained and cannot connect to water on the property. Additionally, she has found it difficult to find a space that complies with the city's 400-foot spacing requirement for mobile food vendors. Currently, the city requires a mobile food unit to be separated from another restaurant or food unit by a distance of at least 400 feet. This distance is measured from the property line, rather than from the unit or building itself.

As background, the city has a comprehensive set of rules for food truck location and operation. Staff has prepared a handout which is given to interested vendors which details the city rules. An average week will see many interested vendors visiting the city to discover the local rules. It is not unusual to field as many as three inquiries per day.

The city offers three different levels of licensing. A vendor may apply for an annual license, a 90-day license, or a lunch truck license. This narrative focuses on the annual license as it is the most restrictive. The 90-day and lunch truck license are slightly less restrictive requirements but to date no vendors have been interested in these other options.

The rules regarding location and operation are fairly simple, but comprehensive. The city has a total of six food vending licenses available each calendar year and only one license will be issued for each person. Mobile units must be on a paved surface and must provide at least three paved parking spaces for customers, the parking cannot be part of the minimum required parking for another business. The unit must be located at least 400 feet from another restaurant or food unit, measured from the property line. The truck itself must be at least 20 feet from any street or property line. Hours of operation are limited to 6 am to 10 pm. The truck must leave the premises each night. No seating or awnings for patrons may be used. Units must be self-contained with water and wastewater contained in the unit. A 35-gallon

trash can for customers shall be provided. Propane, water, or other tanks cannot be placed on the ground. Electrical service shall be provided by a cord of no more than 10 feet. No flashing lights are permitted. Other requirements can be found in the city handout attached to this report.

The city requires a license for any food unit which has a Class II, III, or IV food handling license from the county health department. In essence, the license is required for any vendor who prepares or assembles food on the premises. Selling fruit in a parking lot is not a mobile food vending operation under the city definitions but preparing that fruit should require a license and be inspected by the county. The city has interpreted gas stations and grocery stores with deli service to not be restaurants and not subject to the exclusion requirement. Bakeries, gas station delis, and similar operations are regulated by the state Department of Agriculture and not the county health department, thus being interpreted as not restaurants. However, that interpretation could be changed with council direction.

Staff has prepared maps to accompany this report helping to illustrate the overall real estate situation vendors face. On each map the eligible commercial areas where vendors may locate are shaded in blue.¹ Restaurants and food trucks are hashed on the existing restaurant map. The second map illustrates the existing 400-foot buffer restriction. Based on the 400-foot restriction, it is not possible to locate a food truck on Highway 395 between SE 4th Street and Theater Lane. This is the highest vehicular traffic corridor in the city and therefore the most attractive to businesses. There are considerable commercial areas available for siting a food truck, but they will have less visibility and drive-by trips than highway frontage. For illustrative purposes staff has also attached a map reducing the exclusion buffer to 100 feet. Considerable highway frontage becomes available with any reduction to the buffer distance.

Regardless of any potential change to buffer distance from restaurants, food trucks are still required to provide three paved parking spaces for patrons and one space for the truck itself. When collocating with an existing brick and mortar business, this requires the existing business to have excess parking above the minimum parking standard available. The city does not have an inventory of what businesses have excess parking, but requires a site plan at the time of food truck license application to assist if a site is eligible. Not all businesses have excess parking and staff does not recommend eliminating a parking standard for food trucks entirely. Part of the initial impetus for requiring a license and site plan review for trucks stemmed from citizen complaints that existing trucks did not have adequate parking and patrons would park on adjacent business' lots reducing their available parking or even park in the street to patronize a truck, creating congestion and safety issues.

Any discussion surrounding food trucks needs to also consider the city's food pod. The food pod, located across Orchard Ave from the Post Office, is located on public land on a repurposed parking lot. The city invested in water, sewer, and electrical improvements to the site, as well as fencing to create a central location for trucks to locate. Part of the impetus for the investment was the difficulty in finding eligible truck sites. The city considered that a central location would be a benefit to downtown development, park use, and other public benefits. The pod is very popular and has a waiting list for slots to open up. It is managed by the parks department and has an on-site contract manager. Trucks are not required to leave each night due to the exemption in the code for public land. Trucks located on public land are

¹ Blue areas represent eligible zoning, not necessarily eligible lots. There are houses in commercial areas which would not be eligible even though the appropriate zoning exists.

not required to obtain a mobile vending license and meet some of the requirements at that location.

Staff sees a potential opportunity for private investment in a food truck-oriented business. There are multiple cities in Oregon which now have established private food pods with multiple trucks, off-street parking, and a central structure for seating and beverage vending. Some of these sites even operate as a tap house vending soft drinks and alcohol while renting space to vendors. It is not clear that this model fits in the city's existing code, but is something staff would encourage as an entrepreneurial opportunity. Code amendments to accommodate this type of investment are minimal if an interested party were to approach the city.

No action is requested of the city council at this meeting. Staff requests any direction for potential code amendments or opportunities the council is considering or if the existing ordinance is adequate.

Tie-In to Council Goals

1.3 Evaluate retail business mix and pursue areas of need

Fiscal Information

N/A

Alternatives and Recommendation

Alternatives

N/A

Recommended Action/Motion

This item is intended for information and discussion only. The council may choose to direct staff to pursue additional actions for a future meeting.

Submitted By:

Clinton Spencer, Planning Director.

GETTING A LICENSE

License Eligibility

- There are six licenses available
- Licenses will be issued to individual persons only. Companies, LLCs, etc are not eligible for licenses
- A person may hold only one license at a time
- A license holder must also hold a mobile restaurant license and must operate the business

License Application

- Licenses are issued for one year from April 1 through March 31 of each year
- Submit the following information to the city:
 - Mobile food vending license application
 - Restaurant license from Umatilla County Health Department
 - Copy of vehicle registration
 - Copy of consent to use property
 - Site plan showing all required information
 - \$500 application fee
- Vending unit must be inspected at city hall
- If all licenses have been issued, you may pay a \$500 refundable fee to wait for the next available license

FINDING A NEW SITE

Site Location Requirements

- Must be located within the city's Commercial zones (C-1) or (C-2)
- Must be at least 400 feet from another restaurant
- Must be at least 400 feet from another mobile food vendor
- Must have written permission from property owner to locate food unit on site. Written permission shall be a "Consent to Use" agreement between the property owner and vendor

Site Design Requirements

- Mobile unit must be on a paved area and must provide at least 3 paved parking spaces for customers
- The parking provided cannot be part of the minimum parking for another business
- Mobile unit must be at least 20 feet from any street and at least 20 feet from any property line
- A site plan must be prepared showing the location of the vending unit, electrical service, parking, trash receptacles, adjacent buildings, etc.
- A site cannot create a hazard or nuisance to the public or adjacent properties. Examples include: customers parking on adjacent property, blocking traffic flow or sidewalks.

CITY OF HERMISTON

Mobile Food Vending Guidelines Yearly License



Where Life is Sweet

Winter 2022

(541)567-5521

OPERATIONS

Basic Operational Requirements

- Hours of operation are between 6 AM and 10 PM
- Vending units must be removed from the site at the end of each day
- No tables or chairs for patrons are allowed
- Vending units must be self-contained with no external water or wastewater connections or tanks
- Awnings must be attached to the vending unit and no poles or other supports may touch the ground
- No lighted signs are permitted except for one "open" style sign

Other Operational Requirements

- At least one trash can of 35 gallons shall be provided and shall be emptied whenever the can is at least $\frac{3}{4}$ full
- The site must be kept clear of trash and debris
- Propane, water, wastewater and other tanks must not be placed on the ground
- The electrical service must be no more than 10 feet from the vehicle and must meet applicable electrical codes and contain a ground fault interrupter system
- Only one vehicle or trailer per site
- No flashing lights, beacons or other attractant lights are permitted. Site lighting must not spill onto adjacent properties or streets.
- Vending of alcoholic beverages is not permitted

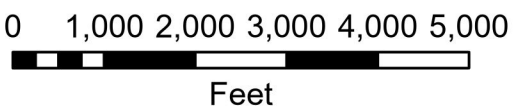
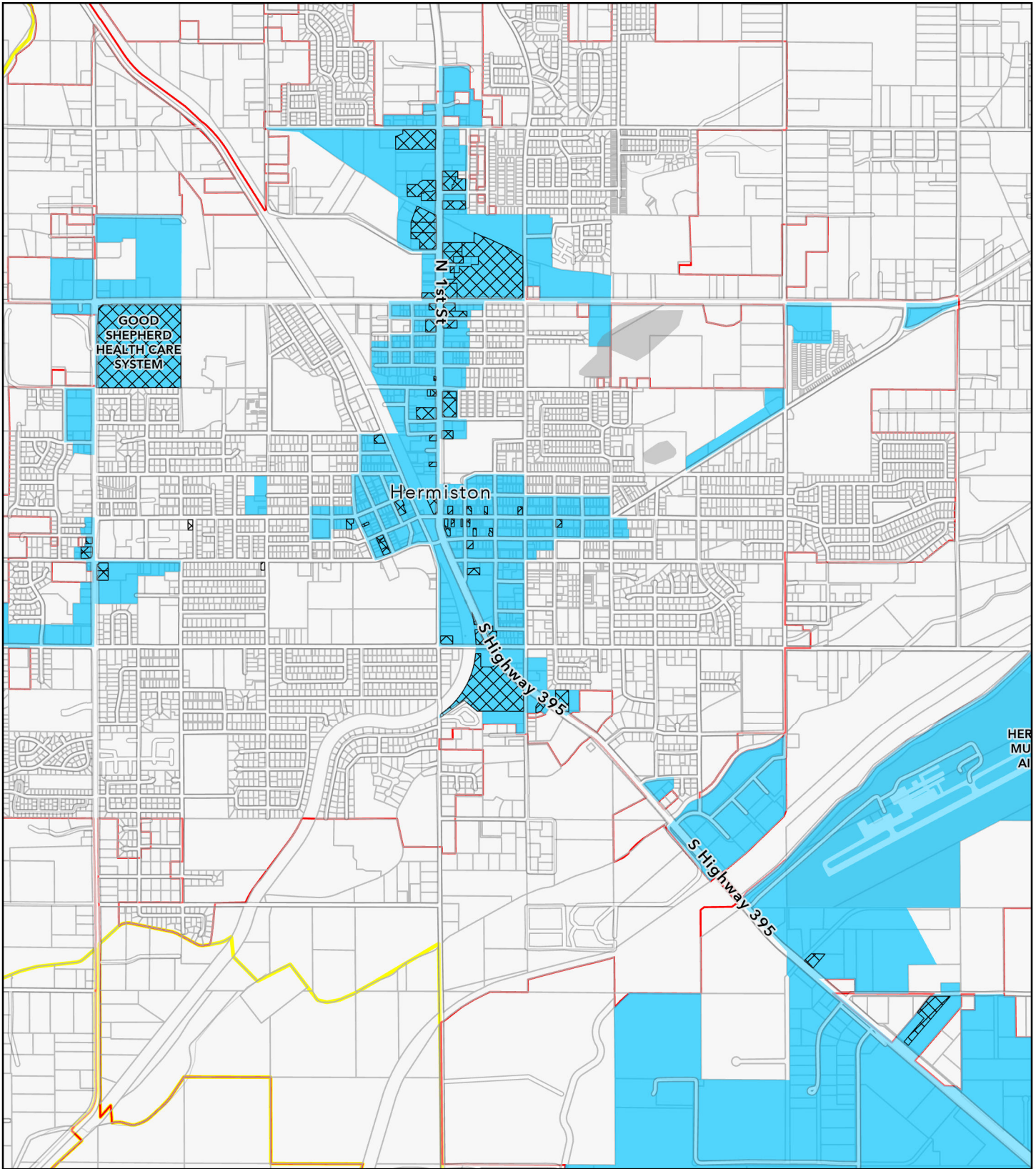
- Mobile vending license, health certificate, and vehicle registration must be displayed at all times
- Vending units must be kept in good repair and free of rust, dents or missing equipment
- Evaporative coolers (swamp coolers) are not permitted to be used at the vending site
- All vending units must be painted white, grey, tan or another neutral color
- Additional requirements can be found in Chapter 116 of the City's Code of Ordinances, available on the City's website
<https://www.codepublishing.com/OR/Hermiston/>

OTHER INFORMATION

Section 9, Item A.

- You may transfer your license to another individual with city approval
- If the city receives numerous complaints or otherwise determines a site to cause a hazard to the public, a license may be revoked
- If a license is not used for a period of one year, the license is revoked
- All mobile food vending must be from a location approved by the city
- All health codes, state codes, and federal codes must be followed at all times
- Mobile Unit licensing information can be found on the County website
www.co.umatilla.or.us/health/

Existing Restaurants

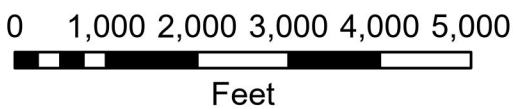
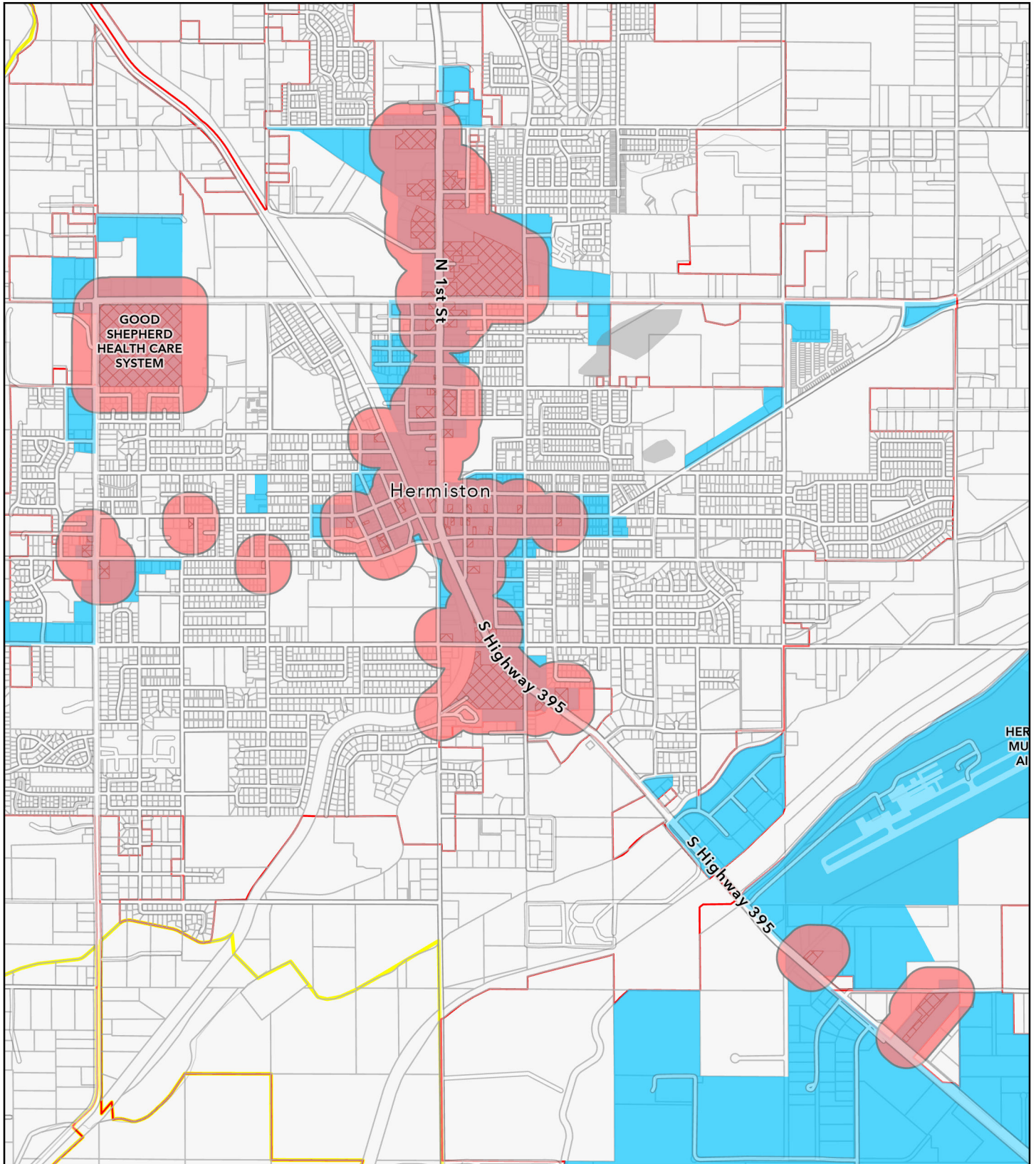


Legend

- Existing Restaurants
- Commercial Zoning
- City_Limits
- Property Line

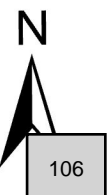


Existing Mobile Vending Exclusion Area

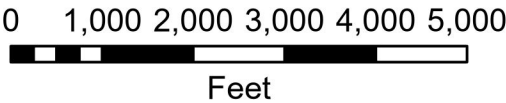
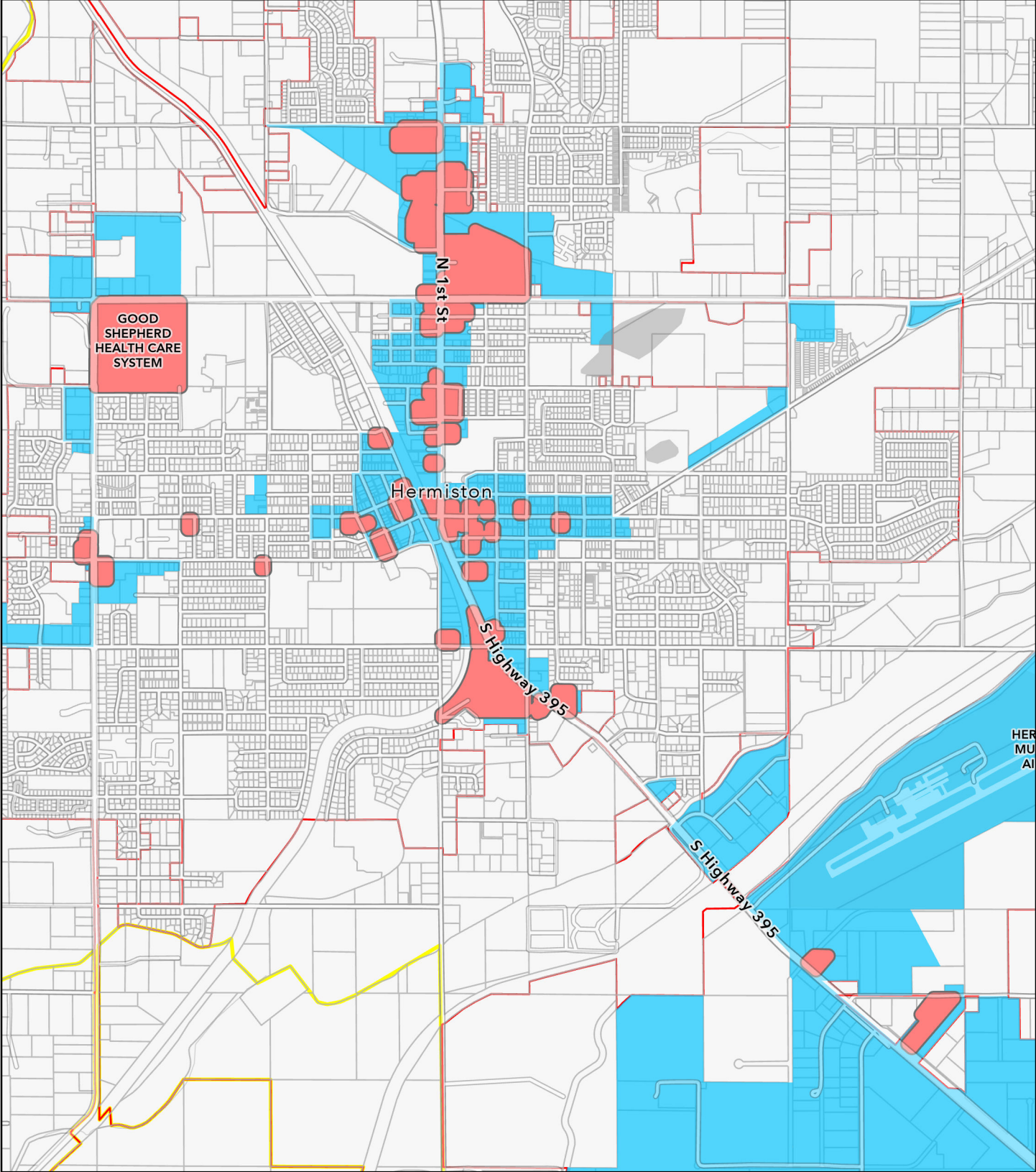


Legend

- 400 Foot Exclusion Buffer
- Commercial Zoning
- Property Line
- City Limits



Potential 100 Foot Exclusion Area



- Legend**
- 100 Foot Exclusion Buffer
 - Commercial Zoning
 - Property Line
 - City Limits





Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
For the Meeting of May 13, 2024

Title/Subject

IGA with City of Pendleton to provide CDBG funded small business grants to support businesses impacted by COVID.

Summary and Background

The City of Pendleton ended up being the lead applicant on a small regional Community Development Block Grant (CDBG) aimed at benefitting small businesses impacted by COVID-19. Part of the regional application included participation by other cities in the area, including Hermiston. Now that the program is winding down, the City of Pendleton was notified that they needed to have IGA's in place with the other cities to memorialize their participation; which is what this action is.

The grants are specifically for businesses which, for whatever reason, had not previously received any of the numerous other sources of federal funding related to COVID-19. The grants are relatively small (\$5,000 each). A group of representatives from the cities of Pendleton, Hermiston, and Milton-Freewater have met a few times over the past couple of years to review and approve applications recommended by Euvalcree, which is the non-profit which is paid to administer the program locally. To date, approximately 10-15 grants have been awarded, with 7 or 8 going to businesses in the Hermiston/Umatilla area.

Tie-In to Council Goals

Goal 1 Economic Development.

Fiscal Information

No fiscal impact.

Alternatives and Recommendation

Alternatives

1. Approve IGA.
2. Reject IGA.

3. Table and request changes.

Recommended Action/Motion

Motion to approve IGA as presented.

Submitted By:

Mark Morgan, Assistant City Manager



CITY OF PENDLETON
REQUEST FOR CITY COUNCIL ACTION

Date Submitted:	Type of Action Requested:	Subject:
May 2, 2024	<input type="checkbox"/> Resolution	Approval of Intergovernmental Agreement (IGA) with the Umatilla County
Date Action Requested:	<input type="checkbox"/> Ordinance	
May 7, 2024	<input checked="" type="checkbox"/> Formal Action/Motion	
Attachments:(list)	<input type="checkbox"/> Other	
Proposed IGA		

TO: Mayor and City Council

FROM: Robb Corbett, City Manager

RECOMMENDATION: Approve the IGA to provide small business grants to support businesses impacted by COVID.

DISCUSSION: On March 16, 2021 the City Council voted to apply for a Community Development Block Grant from the State of Oregon to provide grants to businesses that were impacted by COVID. This grant was written by Greater Oregon Development Corporation (GEODC). The plan was that GEODC would administer the program. The grant was written in a way that created a partnership with the other area cities and Umatilla County and was awarded for \$150,000.

Upon receipt of the award, GEODC determined they were unable to administer the program and Business Oregon proposed that we partner with EUVALCREE, an organization in Ontario, OR.

The program has been underway and has benefitted numerous businesses, including 3 Pendleton businesses. Grant awards have been \$10,000 and are based on a decline in business revenue during the COVID cycle.

As the program winds down, it was noticed that in the process of shifting the administrative duties we failed to secure IGA agreements. Since Pendleton was considered the applicant, the IGA's were to be between the City of Pendleton and the partners. We are working with the State of Oregon and they have affirmed the process we are following to get the paperwork in order by approving these now.

FISCAL IMPACT: \$150,000

COMMUNITY BENEFIT/IMPACT: \$150,000

ALTERNATIVES: I don't think there are any alternatives.

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is entered into by and between the CITY OF PENDLETON, a unit of local government, referred to in this Agreement as “City of Pendleton,” and the CITY OF HERMISTON, a unit of local government, referred to in this Agreement as “City of Hermiston.”

RECITALS:

WHEREAS, ORS 190.003 provides: “As used in ORS 190.003 to 190.130, ‘unit of local government’ includes a county, city, district or other public corporation, commission, authority or entity organized and existing under statute or city or county charter.”

WHEREAS, ORS 190.010 entitled “Authority of Local Governments to Make Intergovernmental Agreement,” provides: “A unit of local government may enter into a written agreement with any other unit or units of local government for the performance of any or all functions and activities that a party to the agreement, its officers or agencies, have authority to perform.

WHEREAS, Business Oregon has announced the availability of Community Development Block Grants (CDBG) for the purpose of responding to emergencies.

WHEREAS, the federal government has identified the following activities as examples of eligible uses of CDBG:

Provide technical assistance grants, loans, and other financial assistance to establish, stabilize and expand microenterprises that provide medical, food delivery, cleaning and other services to support home health and quarantines.

Avoid job loss caused by business closures related to social distancing by providing short term working capital assistance to small businesses to enable retention of jobs held by low- and moderate-income persons.

WHEREAS, the City of Pendleton desires to be the lead applicant for the Umatilla County area within the region and will act on behalf of the parties as lead applicant.

WHEREAS, the City Council of the City of Pendleton held a public hearing about the grant program and voted to support the program and authorized the Pendleton City Manager to execute all necessary documents to carry out the program.

WHEREAS, the grant program will be administered by EUVALCREE, a third party administrator.

WHEREAS, the grants will be accessible to businesses in the jurisdictions of cities with executed intergovernmental agreements.

WHEREAS, the grant application will specify in detail how the area will be served by the

Microenterprise Business Grant Program. Now, therefore,

THE PARTIES AGREE AS FOLLOWS:

1. The parties will create a Microenterprise Business Assistance Program with the City of Pendleton as Lead CDBG Applicant and entity that will administer the Business Grant Program.
2. The parties intend to implement a Business Grant Program by offering grants to qualified low- or moderate income micro-entrepreneurs or employers of low moderate income individuals who have suffered at a 25% decline in business revenue for a minimum of two weeks or have decided to close or contract their businesses to comply with social distancing guidelines.
3. The grant application will contain the necessary details to serve the City of Hermiston with the Microenterprise Business Assistance Grant and how implementation will comply with 2020 and subsequent CDBG distribution program requirements.
4. INDEMNITY. Each party agrees to defend, indemnify and hold the other harmless from and against all claims, suits, losses, damages, liabilities, costs and expenses resulting from or arising out of any negligent performance or failure to perform on the part of the indemnifying party, its officers, employees or agents. The party’s indemnity and hold harmless obligations are subject to the limitations of the Oregon Tort Claims Act and any applicable limitations of the Oregon Constitutions.
5. TERM. This agreement shall be effective upon start date of CDBG Program: Sept 1, 2022.
6. TERMINATION. This agreement may be terminated by any party provided written notice is given to the other party at least thirty (30) days prior to the termination date. Upon the receipt of notice of termination, the parties shall commence negotiations as to the equitable disposition of the improvements made and any outstanding fees and revenues.
7. AMENDMENTS. No amendments to the agreement shall be effective unless made in writing and signed by both parties.

CITY OF PENDLETON

CITY OF HERMISTON

By: _____
Name
Title

By: _____
Name
Title

Dated: _____, 2024

Dated: _____, 2024