City of Avondale

City Council Meeting

Monday, August 26, 2024

Mayor and Council

Kenneth Weise, Mayor

Mike Pineda, Vice Mayor

Tina Conde, Council Member | Curtis Nielson, Council Member

Veronica Malone, Council Member | Gloria Solorio, Council Member

Max White, Council Member

Administration

Ron Corbin, City Manager

Tracy Stevens, Assistant City Manager | Katie Gregory, Assistant City Manager

Dale Nannenga, Deputy City Manager | Nicholle Harris, City Attorney

Marcella Sarmiento, City Clerk

City Council Chamber

11465 West Civic Center Drive

Avondale, AZ 85323

Watch a City Council Meeting Online

Visit the link below to watch a City Council meeting live online:
https://www.avondaleaz.new.swagit.com/views/540/

Please note, the live stream will not be monitored by staff; therefore, anyone wishing to address the City Council shall appear in person to speak.

City Council Meeting
Notice & Agenda
Monday, August 26, 2024

CITY COUNCIL CHAMBER | 11465 WEST CIVIC CENTER DRIVE | AVONDALE AZ, 85323

Request to Speak: Anyone wishing to address the Council regarding items listed on the agenda or under unscheduled public appearance should submit a Request to Speak online at http://www.avondaleaz.gov/requesttospeak prior to consideration of that agenda item.

REGULAR MEETING
5:30 PM

Physical Access to the Council Chambers will be available 30 minutes prior to the meeting.

CALL TO ORDER BY MAYOR
PLEDGE OF ALLEGIANCE & MOMENT OF REFLECTION

1. ROLL CALL BY THE CITY CLERK

2. PRESENTATION ITEMS (DISCUSSION ONLY)

a. NEW EMPLOYEE INTRODUCTIONS

The following new employees will be presented to City Council. This item is for discussion only.

City Manager's Office
- Katie Gregory, Assistant City Manager

Court
- Andrea Sanchez, Court Clerk I
- Juliana Ramirez, Court Clerk I

Finance and Budget Department
- Nayeli Carranza, Finance Specialist

Human Resources Department
- Greg Lacquement, Safety Officer
- James Corlis, Risk Manager

Office of Public Safety
- Jill Kruger, Policy & Procedures Analyst

Public Works Department
- Jazmin Alarcon, Customer Service Rep.
- Anthony Orona, Water Distribution Opr.
- Willie Hall, Wastewater Collections Opr.
- Christopher Ruelas, Wastewater Collections Opr.
- Ryan Gehret, Environmental Technician

b. WAYFINDING MASTER PLAN AMENDMENT - GATEWAY MONUMENTS

City Council will receive an update from staff regarding the Gateway Monument Design. This item is for discussion and feedback only; no Council action will be taken.

3. UNSCHEDULED PUBLIC APPEARANCES

Time is limited per person. Please state your name.

4. CONSENT AGENDA

Items on the consent agenda are of a routine nature or have been previously studied by the City Council at a work session. They are intended to be acted upon in one motion. Council members may pull items from consent if they would like them considered separately.

a. SERIES 12 (RESTAURANT) LIQUOR LICENSE – APSARA ASIAN RESTAURANT

City Council will consider a request to recommend approval to the Arizona Department of Liquor License and Control of an application for a Series 12 (Restaurant) Liquor License submitted by Vuthy Touch for the sale of alcohol at Apsara Asian Restaurant located at 10555 W Indian School Road Ste D101-102 in Avondale and authorize the City Clerk to execute the necessary documents. The Council will take appropriate action.

b. FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF AVONDALE AND AVONDALE PROFESSIONAL FIREFIGHTERS ASSOCIATION LOCAL 3924

City Council will consider a request to amend the Memorandum of Understanding (MOU) between the City of Avondale and Avondale Professional Firefighters Association (APFFA) Local 3924 to: a) incorporate language allowing the option for represented employees to participate in recruitment and retention programs implemented by the City Manager and offered to represented employees in accordance with the program's requirements and conditions set forth in policy and forego eligibility and participation in the Productivity Pay as outlined in the MOU; and b) remove the reference to the "DRAFT Avondale Fire & Medical Labor/Management Process" document in Section 12.1.B and incorporate language indicating that the final document that has been collectively approved by the APFFA and the Fire Chief as of May 28, 2024 and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

c. RESOLUTION 1084-0824 - AUTHORIZING GRANT ACCEPTANCE FROM THE U.S. DEPARTMENT OF TRANSPORTATION FOR SAFE STREETS AND ROADS FOR ALL

City Council will consider a request to: a) adopt Resolution 1084-0824, accepting grant funding from the U.S. Department of Transportation for the Safe Streets and Roads for All program in the amount of $560,000; b) authorize and direct staff to take all steps necessary to cause the execution of the Agreement and to carry out the purpose and intent of this Resolution; and c) authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

d. RESOLUTION 1085-0824 AMENDMENTS TO THE PERSONNEL POLICIES AND PROCEDURES, CHAPTER 7, DRUG & ALCOHOL POLICY

City Council will consider a request to adopt Resolution 1085-0824, amending the Personnel Policies and Procedures, Chapter 7, Drug & Alcohol Policy to add "certified detention officers" to the list of job titles that may be subject to unannounced random screening for illegal drug use and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

e. RESOLUTION 1086-0824 AMENDMENTS TO THE PERSONNEL POLICIES AND PROCEDURES, CHAPTER 17, SEPARATIONS

City Council will consider a request to adopt Resolution 1086-0824, amending the Personnel Policies and Procedures, Chapter 17, Separations to add a section outlining a process for considering and approving rescissions of employee resignations or retirements and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

f. ORDINANCE 2025-0824 – ABANDONMENT OF A PUBLIC UTILITY EASEMENT ON CITY PROPERTY

City Council will consider a request to adopt Ordinance 2025-0824 authorizing the abandonment of a 26-foot-wide public utility easement generally located north of The BLVD and east of Avondale Boulevard, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

g. FINAL PLAT OF LOT 3 OF AVONDALE STATION - PL-23-0228

City Council will consider a request to approve Application PL-23-0228, a request by Beus Gilbert McGroder, PLLC, on behalf of Avondale Owner, LLC, for approval of the Final Plat of Lot 3 of Avondale Station generally located west of 99th Avenue and north of the Encanto Boulevard alignment and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

5. REGULAR AGENDA

a. MOBILE FOOD VENDORS

City Council will receive an update from the Office of Public Safety and the Code Compliance Division regarding Mobile Food Vendors. This item is for discussion and feedback only; no Council action will be taken.

b. PAVEMENT MANAGEMENT PROGRAM UPDATE

City Council will receive an update from staff regarding the City's Pavement Management Program. This item is for discussion and feedback only; no Council action will be taken.

6. SUMMARY OF CURRENT EVENTS FROM MAYOR, VICE MAYOR, AND COUNCIL MEMBERS

(5 minutes)

7. ADJOURNMENT INTO EXECUTIVE SESSION

City Council will consider a request to adjourn the Regular Meeting and hold an Executive Session pursuant to Ariz. Rev. Stat. § 38-431.03 (A)(3) and (A)(4), discussion with the City Attorney or attorneys for the City for legal advice concerning contemplated or pending litigation and to instruct the City Attorney and attorneys for the City on such litigation for the claims and matters of : (i) Scott Dewall, Kyle Herman and Douglas Herman; (ii) Pria DuPont; (iii) Daeng Phongsavath; (iv) Ruth Flintoft v. City of Avondale, et al.; (v) Rogelio Jacquez vs. City of Avondale, et. al.; (vi) Charles Montoya vs. City of Avondale, et al.; (vii) Daniel Melvin v. City of Avondale, et al.; (viii) Luis Perez v. City of Avondale, et al.; (ix) Joscelyn Ramos and Xander Weatherspoon vs. City of Avondale, et. al.; and (x) Keitha Tucker vs. City of Avondale, et al.

Council Members of the City of Avondale will attend either in person or by telephone or video conference call. Individuals with special accessibility needs, including sight or hearing impaired, large print, or interpreter, should contact the City Clerk at 623-333-1200 or TDD 623-333-0010 at least two business days prior to the Council Meeting.

Los miembros del Concejo de la Ciudad de Avondale participaran ya sea en persona o por medio de llamada telefonica o por vídeo. Personas con necesidades especiales de accesibilidad, incluyendo personas con impedimentos de vista u oido, o con necesidad de impresion grande o interprete, deben comunicarse con la Secretaria de la Ciudad at 623-333-1200 o TDD 623-333-0010 cuando menos dos dias habiles antes de la junta del Concejo.

CITY COUNCIL REPORT

ITEM NUMBER: 2.b.

SUBJECT: Wayfinding Master Plan Amendment - Gateway Monuments

MEETING DATE: 8/26/2024

TO: Mayor and Council

FROM: Kimberly Moon, Engineering Department Director

THROUGH: Katie Gregory, Assistant City Manager, (623) 333-1015

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Connected Community - Avondale will work directly and closely with our communities to develop programs and infrastructure that connect residents to the city's resources, the region, and each other.

Completion of a new design for the Gateway Monuments in the Avondale Wayfinding System Master Plan will allow the Avondale community and visitors to identify when they have entered the city at more locations and continue to reinforce the city's brand within the city.

PURPOSE:
City Council will receive an update from staff regarding the Gateway Monument Design. This item is for discussion and feedback only; no Council action will be taken.

BACKGROUND:
In 2015, the City of Avondale developed the Avondale Wayfinding System Master Plan to implement a series of communication and awareness strategies utilizing the recently completed citywide brand identity study (Aspiring, Achieving, Accelerating) and highlighting wayfinding best practices, placement opportunities, and sign designs. Themes reflecting Avondale were also created and communicated through the following sign graphics: Cotton – representing agriculture; Checkered Flag – representing racing; Graduate Caps – representing education.

Included in the Master Plan are Gateway Monuments that allow the Avondale community and visitors to identify when they have entered the city and continue to reinforce the city's brand within the city. To date, 4 out of 6 monuments in the plan have been installed. The remaining 2 locations have conflicts with existing improvements and new locations will have to be identified. At the June 26, 2023, Council meeting, Council requested a new monument design and new locations be identified.

DISCUSSION:
During Engineering's last update of the Wayfinding Master Plan in June 2023, the Council requested an updated design. Engineering will provide a presentation of the proposed designs for new Gateway monuments.

BUDGET IMPACT:
Funding for the Gateway Program is $300,000 and is included in the FY2025 budget.

RECOMMENDATION:
For discussion only.

Contact person for document distribution: *Rick Carr, Kimberly Moon*

CITY COUNCIL REPORT

ITEM NUMBER: 4.a.

SUBJECT: Series 12 (Restaurant) Liquor License – Apsara Asian Restaurant

MEETING DATE: 8/26/2024

TO: Mayor and Council

FROM: Marcella Sarmiento, City Clerk

THROUGH: Tracy Stevens, Assistant City Manager, (623) 333-1014

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:
This agenda item supports the following Avondale Strategic Outcome Area:

- Diverse Recreation and Entertainment Opportunities – Avondale provides residents with the ability to connect with amenities, businesses, and their community, enhancing the opportunity to live, work, and enjoy a healthy, active, and affordable lifestyle.

The approval of this agenda item will promote Avondale community's social connectivity by providing a new social environment for family and friends. This item will increase visitor traffic to Avondale's local businesses.

PURPOSE:
City Council will consider a request to recommend approval to the Arizona Department of Liquor License and Control of an application for a Series 12 (Restaurant) Liquor License submitted by Vuthy Touch for the sale of alcohol at Apsara Asian Restaurant located at 10555 W Indian School Road Ste D101-102 in Avondale and authorize the City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:
Issuance of a Series 12 (Restaurant) liquor license is required to allow alcohol sales on the premises. Series 12 restaurant liquor licenses are exempt from the state-mandated 300-foot separation requirement from churches, schools, or fenced school recreational areas.

Apsara Asian Restaurant is a new establishment located at 10555 W Indian School Road Ste 101-102 in Avondale.

DISCUSSION:
As required by state law and city ordinance, the application was posted for the required period of time. The Police, Fire & Medical, Development & Engineering Services and Finance Departments have reviewed the application and are recommending approval.

BUDGET IMPACT:

The liquor license application fee of $250 has been paid in full.

RECOMMENDATION:

Staff is recommending City Council recommend approval to the Arizona Department of Liquor License and Control of an application for a Series 12 (Restaurant) Liquor License submitted by Vuthy Touch for the sale of alcohol at Apsara Asian Restaurant located at 10555 W Indian School Road Suite D101-102 in Avondale and authorize the City Clerk to execute the necessary documents.

Contact person for document distribution: *Maria James*

State of Arizona
Department of Liquor Licenses and Control

Created 07/02/2024 @ 12:19:27 PM

Local Governing Body Report

LICENSE

Number:		Type:	012 RESTAURANT
Name:	APSARA ASIAN RESTAURANT		
State:	Pending		
Issue Date:		Expiration Date:	
Original Issue Date:			
Location:	10555 W INDIAN SCHOOL ROAD STE D101-102 AVONDALE, AZ 85392 USA		
Mailing Address:	[redacted]		
Phone:	[redacted]		
Alt. Phone:			
Email:	[redacted]		

AGENT

Name:	VUTHY TOUCH
Gender:	Male
Correspondence Address:	[redacted] USA
Phone:	[redacted]
Alt. Phone:	
Email:	[redacted]

OWNER

Name:	V & D TOUCH LLC		
Contact Name:	VUTHY TOUCH		
Type:	LIMITED LIABILITY COMPANY		
AZ CC File Number:	23509033	State of Incorporation:	AZ
Incorporation Date:	03/31/2023		
Correspondence Address:	[redacted] USA		
Phone:	[redacted]		
Alt. Phone:			
Email:	[redacted]		

Officers / Stockholders

Name:	Title:	% Interest:
VUTHY TOUCH	Member	50.00
DEENA HON CHING	Member	50.00

V & D TOUCH LLC - Member

Name:	DEENA HON CHING
Gender:	Female
Correspondence Address:	[redacted] USA
Phone:	[redacted]
[redacted]	
Email:	[redacted]

V & D TOUCH LLC - Member

Name:	VUTHY TOUCH
Gender:	Male
Correspondence Address:	[redacted] USA
Phone:	[redacted]
Alt. Phone:	
Email:	[redacted]

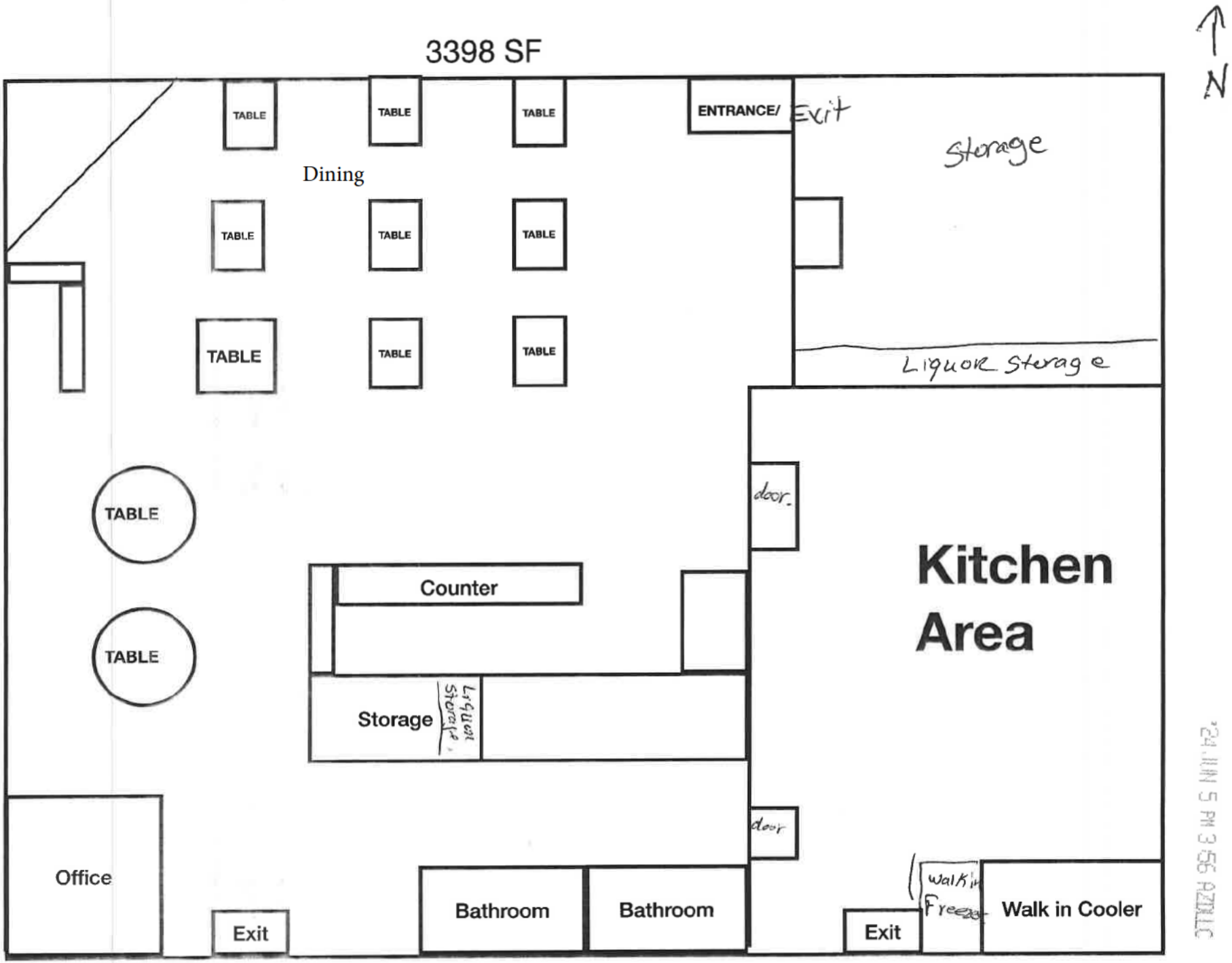
APPLICATION INFORMATION

Application Number: 298691
Application Type: New Application
Created Date: 06/06/2024

QUESTIONS & ANSWERS

012 Restaurant

1) Are you applying for an Interim Permit (INP)?
   No
2) Are you one of the following? Please indicate below.
   Property Tenant
   Subtenant
   Property Owner
   Property Purchaser
   Property Management Company
   PROPERTY TENANT
3) Is there a penalty if lease is not fulfilled?
   Yes
   What is the penalty?
   DEPOSIT NOT REFUNDED
4) Is the Business located within the incorporated limits of the city or town of which it is located?
   Yes
5) What is the total money borrowed for the business not including the lease?
   Please list each amount owed to lenders/individuals.
   ZERO
6) Are there walk-up or drive-through windows on the premises?
   No
7) Does the establishment have a patio?
   No
8) Is your licensed premises now closed due to construction, renovation or redesign or rebuild?
   No
9) What type of business will this license be used for?
   RESTAURANT



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RESTAURANT/HOTEL/MOTEL OPERATION PLAN

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with Black Ink

1. Name of restaurant (Please print): APSARA ASIAN RESTAURANT

2. Must indicate the equipment below by Make, Model, and Capacity:

LIST ONLY THE FOLLOWING - NO ATTACHMENTS

Grill	18" GRILL , 4 BURNER GAS STOVE, GAS FRYER, 4 WOK RINGS
Oven	None
Freezer	WALK-IN FREEZER- B1 DOUBLE DOOR FREEZER
Refrigerator	WALK-IN COOLER, REACH-IN REFRIGE
Sink	FLOOR SINK, MOP SINK, STAINLESS STEEL 3 COMPARTMENT SINK, WALL MOUNT
Dish Washing Facilities	AUTO CHO LOR
Food Preparation Counter (Dimensions)	29"x 71", 34"x36"
Other	50 GALLON WATER HEATER, ICE MAKER, GAS CHARBROILER, STOCK POT

3. Attach a copy of your FULL menu with pricing **INCLUDING NON-ALCOHOLIC BEVERAGES**

4. What percentage of your public premises is used primarily for restaurant dining?

(**Do not include kitchen, bar, hi-top tables, or game area.**) 70 %

5. Does your restaurant have a bar area that is distinct and separate from the dining area? ☐ YES ☑ No

(**If yes, what percentage of the public floor space does this area cover?**) _____ %

6. List the **seating capacity** for:

a) Restaurant dining area of your premises: [100]

(DO NOT INCLUDE PATIO SEATING)

b) Bar area [+ 0]

TOTAL [= 100]

Individuals requiring ADA accommodations please call (602)542-2999

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7. What type of dinnerware is primarily used in your restaurant? ☑ Reusable ☐ Disposable ☐ Both

8. Does your restaurant contain any **games**, **televisions**, or **any other entertainment**? ☐ YES ☑ No

If yes, specify what types and how many (examples: 4-TV's, 2-Pool Tables, 1-Video Game, etc.)

9. Do you have live entertainment or dancing? ☐ YES ☑ No

If yes, what type and how often (example: DJ-2 x a week, Karaoke-2 x a month, Live Band-1 x a month, etc.)

10. List number of employees for each position:

Position	How many
Cooks	4
Bartenders	0
Hostesses	0
Managers	2
Servers	2
Other (Kitchen Help)	4
Other ( )	
Other ( )	

I, (Print Full Name) [redacted], **hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.**

Applicant Signature: [redacted]

Individuals requiring ADA accommodations please call (602)542-2999

Appetizers

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1. Fresh Roll (2) $7.50

Choice of meat: Shrimp, Chicken, pork or Veggie.

Letture, cucumber, basil, beansprouts and rice noodle wrapped in rice paper.
Served with house sauce or peanut sauce.

1. Fresh Roll (2)

2. Lorts (Mini Egg Roll) (8) $12

Ground pork, taro root, onion and peanut wrapped in egg roll shell deep fried to golden brown.

3. Shrimp Roll (8) $12

Marinated shrimp wrapped in egg roll shell deep fried to golden brown.

3. Shrimp Roll (8)

4. Dumpling (8) $10.00 (Pork or Chicken)

Served steam or Fried. Served with savory soy sauce.

5. Fried Chive Dumpling (4) $10

6. Crab Rangoon (8) $11

Crabmeat, celery, carrots and cream cheese wrapped in egg roll skin.

7. Cream Cheese Rangoon (8) $9

Cream cheese and scallion wrapped in egg roll skin.

8. Edamame $7.50

With salt or spicy.

14. Thai Crispy Wings (8)

9. Scallion Pancakes $7.50

10. Crispy Calamari $13.50

Deep fried squid with battered till crispy. Served with sweet chili sauce.

11. Triangel $11

Fried battered tofu till golden brown. Served with peanut sauce.

16. Apsara Beef Stick (5)

12. Plain Wings (8) $9

Fried to golden brown. Served with sweet and chili sauce.

13. Oyster Wings (8) $10.50

14. Thai Crispy Wings (8) $12.00

Fried battered wings tossed with salt, onion, scallion, jalapeños and dry pepper.

17. Angel Wings

15. Sweet & Sour Wings (8) $10.50

16. Apsara Beef Stick (5) $15

Marinated steak with our special lemongrass blend of spice/herb and oyster.
Grill and served with papaya pickle.

17. Angel Wings $15.99

Whole wings stuff with ground pork, lemongrass, mung bean thread noodles, peanuts.

18. Steam Bao

18. Steam Bao (1) $5

Ground pork, black mushroom, jicama, onion, Chinese sausage and egg.

19. Hot & Sour Soup (Small: $6.50 Large: $10.50)

20. Wonton Soup (Small: $6.50 Large:$1050)

21. Egg Drop Soup (Small:$6.50 Large:$10.50)

22. Fried Vegetable Spring roll (4) $8.50

tofu, cabbage, carrot and beansprouts.

22. Fried Vegetable Spring roll

23. Lemongrass Sauce Wings $10.50

23.A. Chicken Fingers (12) $11.00

Battered chicken white meat. served with duck sauce.

SALADS

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24. Larb (Beef)

24. Larb

Choice of meat: Chicken or Pork $15 Beef $17.

Shallow, cilantros, roast rice and fresh mints. (Note: larb beef have lemongrass)

25. Green Papaya Salad $15 Add salty crab. $3 more

Shredded green papaya, shredded carrots, long bean and tomato in tangy dressing sauce.

26. Beef Salad $17

Slice beef, lemongrass, cabbage carrots, onions, red bell pepper, beansprouts, basil and fresh mints mix in anchovy sauce.

27. Cambodian Beef Salad (Plea Sach Ko) $17

Slice beef, ferments fish, lemongrass, cabbage carrots, onions, red bell pepper, beansprouts, basil and fresh mints mix in anchovy sauce.

28. Cambodian Salad (Nhoam)

Choice of Meat: Pork or Chicken $15 Shrimp $17

Cabbage, carrots, onion, cucumber, bell pepper, beansprouts, basil and peanutmix in Lime sauce.

29. Mango Salad

Choice of meat: Chicken $15 Shrimp $17

Shredded mango, shallot, bell pepper, purple cabbage, carrots, toast coconut and peanut.

Cambodian Pho/Porridge

Noodle Choice:
Rice Noodle
Ramen Noodle
Wide Rice Noodle
Flat Egg Noodle

30. Phnom Penh Pho (Dry or Soup) $15

Rice noodle, ground pork, slice pork, pork liver, shrimp and beef meatball in house broth, garnished with beansprouts, fried garlic, cilantros and scallion.

31. Beef Cambodian Pho $15

Rice noodle, slice beef, beef tripe and beef meatball in house broth, garnished with beansprouts, fried garlic, cilantros and scallion.

32. Cambodian Pho

Choice of meat: Chicken, Beef meatball or Vegetable $15 Seafood $18

Rice noodles in house broth, garnished with beansprouts, fried garlic, cilantros and scallion.

33. Porridge (Bor-Bor Kreung)

Choice of meat: Chicken or Pork Blood $15 Seafood $18

Boiled rice porridge, scallion, culantros, beansprouts and fried garlic.

34. Nam Ya

Choice of meat: Chicken, Pork, Beef, Tofu, Veggie $15 Shrimp $17 Combination $18 Seafood $18

Prepare with house broth, coconut milk, lemongrass, nam ya paste, kaffir lime leave, peanut, garnished with shredded cabbage and carrots.

35. Nom Banh Chok (Cambodian Authentic Noodle Dish) $16

Choice of Soup: Fish Lemongrass Soup or Chicken Kari Soup.

36. Beef Stew Noodle (Kaw Ko) $16

Ramen or rice noodle, carrots, beef, beef tripe, onions and cilantro.

37. Wonton Noodle Soup (Mee Kiev) $16

Flat yellow noodle, wonton dumpling, fried garlic, scallion, cilantro and beansprouts.

25. Green Papaya Salad

31. Beef Cambodian Pho

33. Porridge

34. Nam Ya

35. Nom Banh Chok

Please Note:
Our Spicy Level Base on Thai Hot:

Mild: 1X ***Medium: 5X*** ***Hot: 10X*** ***Extra Hot: 15X***

Party Of 5 and More 18% Gratuity will be included. Thank You
Please advise server for any Allegy.

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Soup/Curry

(Come with Side of white rice) Upgrade to Brown Rice or Fried Rice. $1.99

38. Tom Yum (Hot & Sour Thai Soup)

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $17 Shrimp:$18 Combination: $19

Tom yum paste, kaffir leaves, basil, lemongrass and straw mushroom.

39. Tom Kha Gai (Coconut Soup)

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $17 Shrimp:$18 Combination: $19

Coconut milk, galangal, lemongrass, kaffir leaves, straw mushroom, tomato, scallion and cilantro.

40. Vietnamese Soup (Sweet & Sour Soup)

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $17 Fish or Shrimp:$18 Combination: $19

Pineapple, lotus roots, tomato, lemongrass, basil, cilantro, scallion and ma-orm.

41. Cambodian Lemongrass Soup (Somlor Machu Kroeung)

Choice of meat: Beef or Pork Rib. $17

Prepare with lemongrass paste, tamarind, round eggplant, celery and asian basil.

42. Kaeng Curry (Red, Green, Yellow, Pineapple, Mango or Thai Pumpkin)

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp:$17 Combination: $18

Coconut milk, onion, carrots, green bean, slice bamboo and basil.

43. Massaman

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp:$17 Combination: $18

Massaman curry, coconut milk, onion, carrots and potatoes.

44. Panang

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp:$17 Combination: $18

Panang curry, coconut milk, onion, carrots, green beans, slice bamboo and basil.

45. Cambodia Sour Soup (Sngaorochrok)

Choice of meat: Fish, Chicken or Beef. $17

Lemongrass, kaffir leaves, garlic, onions, cilantros, basil and lime.

Noodles Dish

46. Pad Thai

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp:$17 Combination: $18

Shredded cabbage, beansprouts, scallion and ground peanuts. Add shredded egg $1

47. Lo Mein

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp:$17 Combination: $18

Shredded cabbage, beansprouts, scallion.

48. Pad Siew

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp:$17 Combination: $18

Wide rice noodle with egg, onions, carrots and Chinese broccoli.

49. Pad Kee Mao (Drunken Noodle)

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp:$17 Combination: $18

Wide rice noodle with egg, onion, carrots, slice bamboo and basil.

43. Massaman

39. Tom Kha Gai

41. Cambodian Lemongrass Soup

46. Pad Thai

47. Lo Mein

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50. Pad Woon Sen

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp:$17 Combination: $18

Mung bean thread noodle, onions, carrots, slice bamboo and basil.

51. Bee Bong

51. Bee Bong

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp: $17 Combination: $18

Thick Vietnamese noodles with lettuce, beansprouts, shredded carrots, onions, scallion and coconuts milk and peanuts served with warm spring roll and house sauce.

52. Mee Kraw Lar $15

Steamed rice noodle, boiled egg, dried shrimp, peanuts, beansprouts and papaya pickle. Served with house sauce.

53. Lort Cha

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp: $17 Combination: $18

Pin noodle, beansprouts and scallion. ***Add Egg: $1***

52. Mee Kraw Lar

54. Me Ka Tang

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp: $17 Combination: $18 Seafood:$18.00

Wide flat noodle with egg, Chinese broccoli, carrots and baby corn. ***Add Egg: $1***

Stir Fry

(Come with Side of white rice)

Upgrade to Brown Rice or Fried Rice. $1.99

54. Me Ka Tang

55. Mongolian Sauce

Choice of meat: Chicken, Pork or Beef. $15 Shrimp: $17

Onion and snow pea.

56. Lok Lac $18.99

Cube cut steak tossed with onion, black pepper and oyster sauce. Garnish with lettuce, cucumber and tomato.

57. Pad Sweet & Sour

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp: $17 Combination: $18

Fresh pineapple, onions and carrots in sweet & sour sauce.

56. Lok Lac

57.A. Sweet & Sour Chicken $15

Battered chicken white meat tossed in sweet & sour sauce.

58. Pad Ginger

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp: $17 Combination: $18

Fresh ginger, onions and carrots in oyster sauce.

61. Eggplant in Garlic Sauce

59. Pad Garlic

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp: $17 Combination: $18

Fresh garlic, onions and carrots tossed in oyster sauce.

60. Salmon Basil Sauce $18.99

Salmon, onions and carrots tossed in basil sauce.

61. Eggplant in Garlic Sauce

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp: $17 Combination: $18

Fried eggplant tossed in garlic sauce and scallion.

62. Stir Fry Bok Choy

62. Stir Fry Bok Choy

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp: $17 Combination: $18

Bok choy tossed in oyster sauce.

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63. Pad Cashew Nuts

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp: $17 Combination: $18

Cashew nuts, onion and carrots tossed in oyster sauce.

64. Pad Phrik Prow

Choice of meat: Beef, Pork or Chicken. $16

Ground meat tossed with onions, coconuts milk, oyster sauce and basil.

64. Pad Phrik Prow

65. General Tsao's Chicken $15

Can only cooked with breaded chicken.

66. Orange Chicken $15

Can only cooked with breaded chicken.

67. Sesame Chicken $15

Can only cooked with breaded chicken.

67. Sesame Chicken

68. Ah Mok (Cambodian Authentic) $18.99

Steam cat fish, Chinese broccoli, kraffir leave, lemongrass and coconuts milk.

69. Salty Fish with Egg Omelet (Cambodian Authentic) $16.99

Ground pork, salty fish mix with egg. Served with cabbage, cucumber and jalapeños.

70. Basil Sauce

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp: $17 Combination: $18

Onions, carrots, bamboo shoot, broccoli and baby corn.

71. Lemongrass Sauce

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp: $17 Combination: $18

Onions, carrots, bell peppers, coconut milk, peanut and basil.

68. Ah Mok

72. Stir Fry Chicken Ginger (Cambodian Authentic) $16

Shredded ginger, onions and scallion in oyster sauce.

73. Broccoli Oyster Sauce

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp: $17 Combination: $18

74. Stir Fry Lemongrass (Cha Kreung)

Choice of mea: Chicken or Beef $17

Lemongrass, onions, carrots, green bean and bell pepper.

74. Stir Fry Lemongrass

Fried Rice/Rice Plate

75. House Fried Rice

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp: $17 Combination: $18

Egg, onions, scallion, peas & carrots.

76. Basil Fried Rice

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp: $17 Combination: $18

Egg, basil, peas & carrots.

77. Pineapple Fried Rice

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp: $17 Combination: $18

Egg, pineapple, cashew nuts, curry, peas & carrots.

78. Special Seafood Fried Rice $22.99

Calamari, shrimp, mussels, Chinese sausage and chicken.

79. Grill Pork Over Rice (Bai Sach Chrouk) $15 Add Shredded Egg $1

Slice marinate grill pork and side of soup. Served with mixed pickle and scallion sauce.

79. Grill Pork Over Rice

80. Rice Pork Chopped $15 Add Egg $1

Marinate grill pork over rice and side of soup. Served with mixed pickle and scallion sauce.

81. Lemongrass Fried Rice

Choice of meat: Chicken, Pork, Beef, Tofu or Veggie. $15 Shrimp: $17 Combination: $18

Egg, pea & carrots and Lemongrass paste

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Side Order

- **Sticky Rice $5**
- **White Rice (small $1.99 Large $5.99)**
- **Brown Rice $2.99**
- **Rice Noodle $1.99**
- **Ja Kwai (Chinese Donuts) $2 Each**
- **Nom Hing $2 Each**

Dessert

Palm Seed Dessert $7

Mango Sticky Rice $9

Fried Ice Cream $8 (Vanilla, Chocolate, Strawberry or Green Tea)

Beverage

- **Thai Ice Tea $4.99**
- **Vietnamese Ice Coffee $5.99**
- **Minute Maid Orange Juice $3.99**
- **Minute Maid Apple Juice $3.99**
- **Coke, Diet Coke, Sprite, Dr Pepper $3**
- **Sunny D $1.99**
- **Flavor Lemonade $5.99**

(Strawberry, Passion Fruit or Dragon Fruit)

- **Flavor Ice Tea $4.99**

(Strawberry, Passion Fruit, Raspberry, Mango Or Dragon Fruit)

- **Hot Tea $3.50**
- **Unsweet Ice Tea $3.99 Free refill**
- **Fresh Coconuts $5.99**
- **Japanese Soda $3.99**
- **Tiger Milk Tea $4.99**
- **Bottle Water $1.49**

Smoothies

- **(Small: $5.79 Large: $6.29)**

Not real fruit

- **Strawberry**
- **Strawberry Banana**
- **Mango**
- **Taro**
- **Honeydew**
- **Coconuts**
- **Pina Colada**
- **Matcha Green Tea**

Add Boba $1

- **Crystal Boba**
- **Strawberry popping**
- **Mango Popping**
- **Passion Fruit Popping**
- **Lychee Popping**

Please Note:
Our Spicy Level Base on Thai Hot:

Mild: 1X **Medium: 5X** **Hot: 10X** **Extra Hot: 15X**

Party Of 5 and More 18% Gratuity will be included. Thank You

Please advise server for any Allegy.

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Alcoholic Drink Menu

Beer- $5.00

Glass of Wine- $8.00

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RECORDS REQUIRED FOR AUDIT

RESTAURANT/HOTEL/MOTEL

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with Black Ink

In the event of an audit, you will be asked to provide to the Department any documents necessary to determine Compliance with A.R.S. §4-205.02(G). Such documents requested may include however, are not limited to:

1. Name of restaurant (Please print): APSARA ASIAN RESTAURANT
2. All invoices and receipts for the purchase of food and spirituous liquor for the licensed premises.
3. A list of ***all*** food and liquor vendors
4. The restaurant menu used during the audit period
5. A price list for alcoholic beverages during the audit period
6. Mark-up figures on food and alcoholic products during the audit period
7. A recent, ***accurate*** inventory of food and liquor (taken within two weeks of the Audit Interview Appointment)
8. Monthly Inventory Figures - beginning and ending figures for food and liquor
9. Chart of accounts (copy)
10. Financial Statements-Income Statements-Balance Sheets

11. **General Ledger**

A. Sales Journals/Monthly Sales Schedules

1) Daily sales Reports (to include the name of each waitress/waiter, bartender, etc. with sales for that day)
2) Daily Cash Register Tapes - Journal Tapes and Z-tapes
3) Dated Guest Checks
4) Coupons/Specials/Discounts
5) Any other evidence to support income from food and liquor sales

B. Cash Receipts/Disbursement Journals

1) Daily Bank Deposit Slips
2) Bank Statements and canceled checks

12. **Tax Records**

A. Transaction Privilege Sales, Use and Severance Tax Return (copies)

B. Income Tax Return - city, state and federal (copies)

C. Any supporting books, records, schedules or documents used in preparation of tax returns

Individuals requiring ADA accommodations please call (602)542-2999

13. **Payroll Records**

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A. Copies of all reports required by the State and Federal Government

B. Employee Log (A.R.S. §4-119)

C. Employee time cards (actual document used to sign in and out each work day)

D. Payroll records for all employees showing hours worked each week and hourly wages

14. **Off-site Catering Records** (must be complete and separate from restaurant records)

A. All documents which support the income derived from the sale of food off the license premises.

B. All documents which support purchases made for food to be sold off the licensed premises.

C. All coupons/specials/discounts

The sophistication of record keeping varies from establishment to establishment. Regardless of each licensee's accounting methods, the amount of gross revenue derived from the sale of food and liquor must be substantially documented.

REVOCATION OF YOUR LIQUOR LICENSE MAY OCCUR IF YOU FAIL TO COMPLY WITH A.R.S. §4-210(A)7 AND A.R.S. §4-205.02(G).

A.R.S. §4-210(A)7

The licensee fails to keep for two years and make available to the department upon reasonable request all invoices, records, bills or other papers and documents relating to the purchase, sale and delivery of spirituous liquors and, in the case of a restaurant or hotel-motel licensee, all invoices, records, bills or other papers and documents relating to the purchase, sale and delivery of food.

A.R.S. §4-205.02(G)

For the purpose of this section:

1. "Restaurant" means an establishment which derives **at least forty percent (40%)** of its gross revenue from the sale of food
2. "Gross revenue" means the revenue derived from all sales of food and spirituous liquor on the licensed premises regardless of whether the sales of spirituous liquor are made under a restaurant license issued pursuant to this section or under any under any other license that has been issued for the premises pursuant to this article.

I, (Print Full Name) [redacted], **hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.**

Applicant Signature: [redacted]

MAKE A COPY OF THIS DOCUMENT AND KEEP IT WITH RECORDS REQUIRED BY THE STATE

LC:
Amount:

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AGENT/CONTROLLING PERSON QUESTIONNAIRE

DLLC USE ONLY
Job #: 298691
Date Accepted: 07/02/2024
CSR: sg

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with Black Ink

License Number:

ATTENTION APPLICANT: This is a legally binding document. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information will be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED ACCORDINGLY AND SUBMITTED TO THE DEPARTMENT WITH A BLUE OR BLACK LINED FINGERPRINT CARD AND $22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE.

1. **Check the Appropriate Box** → ☑ **Agent** ☑ **Controlling Person**

2. Name: TOUCH (Last) VUTHY (First) _____ (Middle) Birth Date: [redacted] (NOT a public record)

3. Social Security #: [redacted] Drivers License #: [redacted] State Issued: AZ

4. Place of birth: Phom Phen (City) Cambodia (State) (COUNTRY) Height: [redacted] Weight: [redacted] Eyes: [redacted] Hair: [redacted]

5. Name of current/most recent spouse: _____ (Last) _____ (First) _____ (Middle) Birth Date: ___/___/___ (NOT a public record)

6. Are you a bonafide resident of Arizona? Yes ☑ No ☐ If yes, what is your date of residency? 2015

7. Daytime telephone number: [redacted] Email address: [redacted]

8. Premises Name: APSARA ASIAN RESTAURANT Business Phone: 623 / 888 / 8833

9. Premises Address: 10555 W INDIAN SCHOOL RD STE D110-102 AVONDALE, AZ MARICOPA 85392
Street (do not use PO Box) City State County Zip

-101-

Individuals requiring ADA accommodations please call (602)542-2999

10. List your employment or type of business during the past five (5) years, if unemployed, retired, or student, list place of residence address. **(ATTACH ADDITIONAL SHEET IF NECESSARY)**

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
08/2021	CURRENT	[redacted]	[redacted]
4/2016	8/2021	[redacted]	[redacted]

11. Provide your residence address information for the last five (5) years ***A.R.S. §4-202(D)*** **(ATTACH ADDITIONAL SHEET IF NECESSARY)**

FROM Month/Year	To Month/Year	Street	City	State	Zip
09/2020	CURRENT	[redacted]			
06/2016	09/2020	[redacted]			

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12. As an Agent or Controlling Person, will you be managing the day to day operation of the licensed premises? If you answered YES, then answer **#13 below. If NO, skip to #14** — Yes ☑ No ☐

13. Have you attended a DLLC approved Basic and Management Liquor Law Training Course within the past 3 years? **MUST** attach copies of both training certificates. — Yes ☑ No ☐

14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? — Yes ☐ No ☑

15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summons pending against you? (Do not include civil traffic tickets) *A.R.S.§4-202,4-210* — Yes ☐ No ☑

16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? — Yes ☐ No ☑

17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* — Yes ☐ No ☑

18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked, or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* — Yes ☐ No ☑

If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions. CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

I, (Print Full Name) [redacted] **hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.**

Signature: [redacted] **Date:** 05/08/2024

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Certificate # _____

- ☐ On-sale
- ☐ Off-sale
- ☐ On- and off-sale

Certificate of Completion
For
Title 4 **BASIC** Liquor Law Training

A Certificate of Completion must be on a form provided by the Arizona Department of Liquor. Certificates are completed by a state-approved training provider and, when issued, the Certificate is signed by the course participant.

The State requires BASIC Title 4 training only as a prerequisite for MANAGEMENT Title 4 training or as a result of a liquor law violation. Persons required to have BASIC Title 4 training are listed at the base of this Certificate. Licensees sometimes require BASIC Title 4 Training a condition of employment.

A replacement Certificate of Completion for Title 4 training must be available through the training provider for two years after the training completion date.

Student Information

VUTHY TOUCH
[redacted]
(Student Name (please print))

Signature

FEBRUARY 19, 2024
Training Completion Date

FEBRUARY 19, 2027
Certificate Expiration Date
(three years from completion date)

Training Provider Information

AE Liquor License Service
Company Name

9950 W. Van Buren Ste.104, Avondale AZ 85323
Mailing Address

(623) 302-2234
Daytime Contact Phone Number

I, JUANITA ALICIA ESPARZA, certify that the above named individual did successfully complete
Instructor Name (please print)
Title 4 BASIC Training in accordance with A.R.S. §4-112(G)(2) and Arizona Administrative Code (A.A.C.)R19-1-103 using training course content and materials approved by the Arizona Department of Liquor Licenses and Control. I understand that misuse of this Certificate of Completion can result in the revocation of State-approval for the Title 4 Training Provider named in this section as provided by A.A.C. R19-1-103(E) and (F).

[redacted]
Instructor Signature

02 / 19 / 2024
Day Mo Year

Persons required to complete BASIC & MANAGEMENT Title 4 training: 1) owner(s) actively involved in the daily business operations of a liquor-licensed business of a series listed below
2) licensees, agents and managers actively involved in the daily business operations of a liquor-licensed business of a series listed below

In-state Microbrewery (series 3)	Government (series 5)	Bar (series 6)	Beer & Wine Bar (series 7)
Conveyance (series 8)	Liquor Store (series 9)	Private Club (series 14)	Hotel/Motel w/restaurant (series 11)
Restaurant (series 12)	In-state Farm Winery (series 13)		Beer & Wine Store (series 10)

Liquor license applications (initial and renewal) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

The questionnaire (which designates a manager to a location) and the agent change form (which assigns a new agent to active liquor licenses) are not complete until valid Certificates of Completion for all required persons have been submitted to the Department of Liquor.

July 11, 2013

Certificate #_____

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Certificate of Completion
For
Title 4 **MANAGEMENT** Liquor Law Training

A Certificate of Completion must be on a form provided by the Arizona Department of Liquor. Certificates are completed by a state-approved training provider and, when issued, the Certificate is signed by the course participant.

Basic Title 4 training is a prerequisite for MANAGEMENT Title 4 training. A valid Certificate of Completion for BASIC Title 4 training must be on file at the Department of Liquor and satisfactory completion of a State-approved BASIC Title 4 course must be verified by the training provider prior to issuing a Certificate of Completion for MANAGEMENT Title 4 training.

A replacement Certificate of Completion for Title 4 training must be available through the training provider for two years after the training completion date

Student Information

[redacted]

[redacted]

Signature

FEBRUARY 19, 2024
Training Completion Date

FEBRUARY 19, 2027
Certificate Expiration Date
(three years from completion date)

Training Provider Information

AE Liquor License Service
Company Name

9950 W. Van Buren Ste.104, Avondale AZ 85323
Mailing Address

(623) 302-2234
Daytime Contact Phone Number

I, JUANITA ALICIA ESPARZA, certify that the above named individual did successfully complete
Instructor Name (please print)

Title 4 MANAGEMENT Training in accordance with A.R.S. §4-112(G)(2) and Arizona Administrative Code (A.A.C.)R19-1-103 using training course content and materials approved by the Arizona Department of Liquor Licenses and Control. I understand that misuse of this Certificate of Completion can result in the revocation of State-approval for the Title 4 Training Provider named in this section as provided by A.A.C. R19-1-103(E) and (F).

[redacted]
Instructor Signature

02 / 19 / 2024
Mo Day Year

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In state Microbrewery (series 3)
Conveyance (series 8)
Restaurant (series 12)
Government (series 5)
Liquor Store (series 9)
In-state Farm Winery (series 13)
Bar (series 6)
Private Club (series 14)
Beer & Wine Bar (series 7)
Hotel/Motel w/restaurant (series 11)
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July 11, 2013

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ALIEN STATUS

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with Black Ink

Title IV of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (the "Act"), 8 U.S.C. § 1621, provides that, with certain exceptions, only United States citizens, United States non-citizen nationals, non-exempt "qualified aliens" (and sometimes only particular categories of qualified aliens), nonimmigrant, and certain aliens paroled into the United States are eligible to receive state, or local public benefits. With certain exceptions, a professional license and commercial license issued by a State agency is a State public benefit.

Arizona Revised Statutes § 41-1080 requires, in general, that a person applying for a license must submit documentation to the license agency that satisfactorily demonstrates the applicant's presence in the United States is authorized under federal law.

Directions: All applicants must complete Sections I, II, and IV. Applicants who are not U.S. citizens or nationals must also complete Section III.

Submit this completed form and a copy of one or more document(s) from the attached "Evidence of U.S. Citizenship, U.S. National Status, or Alien Status" with your application for license or renewal. If the document you submit does not contain a photograph, you must also provide a government issued document that contains your photograph. You must submit supporting legal documentation (i.e. marriage certificate) if the name on your evidence is not the same as your current legal name.

SECTION I – APPLICANT INFORMATION

APPLICANT NAME (Print or type) Vuthy Touch

SECTION II – CITIZENSHIP OR NATIONAL STATUS DECLARATION

Are you a citizen or national of the United States? ☑ Yes ☐ No - If **yes**, indicate place of birth:

City Phom Phenn State _____ **COUNTRY** [redacted]

If you answered **Yes, 1)** Attach a legible copy of a document from the list below.

2) Name of document: [redacted]

If you answered **No**, you must complete Sections III.

Individuals requiring ADA accommodations please call (602)542-2999

EVIDENCE OF U.S. CITIZENSHIP, U.S. NATIONAL STATUS, OR ALIEN STATUS

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You must submit supporting legal documentation (i.e. marriage certificate) if the name on your evidence is not the same as your current legal name.

Evidence showing authorized presence in the United State includes the following:

1. An Arizona driver license issued after 1996 or an Arizona non-operating identificationcard.

2. A driver license issued by a state that verifies lawful presence in the UnitedStates.

3. A birth certificate or delayed birth certificate showing birth in one of the 50 states, the District of Columbia, Puerto Rico (on or after Jan. 13, 1941), Guam, the U.S. Virgin Islands (on or after January 17, 1917), American Samoa, or the Northern Mariana Islands (on or after November 4, 1986, Northern Mariana Islands local time)

4. A United States certificate of birth abroad.

5. A United States passport. ***Passport must be signed***

6. A foreign passport with a United States visa.

7. An I-94 form with a photograph.

8. A United States citizenship and immigration services employment authorization document or refugee travel document.

9. A United States certificate of naturalization.

10. A United States certificate of citizenship.

11. A tribal certificate of Indian blood.

12. A tribal or bureau of Indian affairs affidavit of birth.

13. Any other license that is issued by the federal government, any other state government, an agency of this state or a political subdivision of this state that requires proof of citizenship or lawful alien status before issuing the license.

Individuals requiring ADA accommodations please call (602)542-2999

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SECTION III – QUALIFIED ALIEN DECLARATION

Applicants who are not citizens or nationals of the United States. Please indicate alien status by checking the appropriate box. Attach a legible copy of a document from the attached list or other document as evidence of your status.

_____
Name of document provided

Qualified Alien Status (8 U.S.C.§§ 1621(a)(1),-1641(b) and (c))

☐ 1. An alien lawfully admitted for permanent residence under the Immigration and Nationality Act (INA)

☐ 2. An alien who is granted asylum under Section 208 of the INA.

☐ 3. A refugee admitted to the United States under Section 207 of the INA.

☐ 4 An alien paroled into the United States for at least one year under Section 212(d)(5) of the INA.

☐ 5. An alien whose deportation is being withheld under Section 243(h) of the INA.

☐ 6. An alien granted conditional entry under Section 203(a)(7) of the INA as in effect prior to April 1, 1980.

☐ . An alien who is a Cuban/Haitian entrant.

☐ 8. An alien who has, or whose child or child's parent is a "battered alien" or an alien subject to extreme cruelty in the United States

Nonimmigrant Status (8 U.S.C. § 1621(a)(2))

9. A nonimmigrant under the Immigration and Nationality Act [8 U.S.C § 1101 et seq.] Non-immigrants are persons who have temporary status for a specific purpose. See 8 U.S.C § 1101(a)(15).

Alien Paroled into the United States for Less Than One Year (8 U.S.C. § 1621(a)(3))

10. An alien paroled into the United States for less than one year under Section 212(d)(5) of the INA

Other Persons (8 U.S.C § 1621(c)(2)(A) and (C)

11. A nonimmigrant whose visa for entry is related to employment in the United States, or

12. A citizen of a freely associated state, if section 141 of the applicable compact of free association approved in Public Law 99-239 or 99-658 (or a successor provision) is in effect [Freely Associated States include the Republic of the Marshall Islands, Republic of Palau and the Federate States of Micronesia, 48 U.S.C. § 1901 *etseq.*];

13. A foreign national not physically present in the United States.

14. ***Otherwise Lawfully Present***

15. A person not described in categories 1-13 who is otherwise lawfully present in the United States.

PLEASE NOTE: The federal Personal Responsibility and Work Opportunity Reconciliation Act may make persons who fall into this category ineligible for licensure. See 8 U.S.C. §

[redacted] [redacted] 05/08/2024

Print Name **Signature** **Date**

Individuals requiring ADA accommodations please call (602)542-2999

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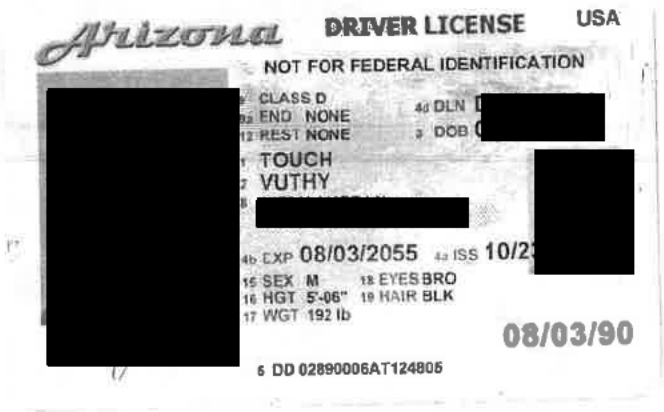

Arizona DRIVER LICENSE USA

NOT FOR FEDERAL IDENTIFICATION

[redacted]

CLASS D
END NONE
REST NONE

4d DLN [redacted]
3 DOB [redacted]

TOUCH
VUTHY
[redacted]

4b EXP 08/03/2055 4a ISS 10/2[redacted]

15 SEX M
16 HGT 5'-06"
17 WGT 192 lb
18 EYES BRO
19 HAIR BLK

08/03/90

6 DD 02890006AT124805

No Payment (CS)

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FINGERPRINT VERIFICATION FORM

Arizona Department of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

DLLC USE ONLY	
Job #:	298691
Date Accepted:	07/02/2024
CSR:	sg

ATTENTION FINGERPRINT TECHNICIAN:

Please follow the instructions below for fingerprinting this applicant.

1. Please fill out or ensure that the applicant has filled out all the required boxes on the fingerprint card prior to taking the fingerprints.
2. Request a valid, unexpired government-issued photo ID from the applicant and compare the physical descriptors on the applicant's photo ID to the applicant and to the information on the fingerprint card.
3. Fill out the information in the boxes below. **Please print clearly**.
4. Once the prints have been taken, place the fingerprint card and this form into the envelope and seal it. Please write your name or identification across the edge of the seal. Return the sealed envelope to the applicant.
   Do not give the applicant the fingerprint card without first sealing it inside the envelope.
5. **Write applicants name on front of sealed envelope.**

PRINT the following information:

Date 6/3/24	**Name of Applicant:** [redacted]
Name of Fingerprint Technician: Adriana Hernandez	
Fingerprint technician's Signature: [redacted]	
Fingerprint technician's Agency/company Name: The UPS Store	**Phone Number:** (623) 925-4759
Type of Photo ID Provided (check one): ☑ Driver's License ☐ Passport ☐ Other (Please specify)	

Individuals requiring ADA accommodations please call (602)542-2999

LC:
Amount:

'24 JUN 5 PM 3:56 AZDLLC

AGENT/CONTROLLING PERSON QUESTIONNAIRE

DLLC USE ONLY	
Job #:	298691
Date Accepted:	07/02/2024
CSR:	sg

Arizona Dept. of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

Type or Print with Black Ink

License Number:

ATTENTION APPLICANT: This is a legally binding document. An investigation of your background will be conducted. Incomplete applications will not be accepted. False or misleading answers may result in the denial or revocation of a license or permit and could result in criminal prosecution.

Attention local governments: Social security and birth date information is confidential. This information will be given to law enforcement agencies for background checks only.

QUESTIONNAIRE IS TO BE COMPLETED ACCORDINGLY AND SUBMITTED TO THE DEPARTMENT WITH A BLUE OR BLACK LINED FINGERPRINT CARD AND $22 FEE. FINGERPRINTS MUST BE DONE BY A LAW ENFORCEMENT AGENCY OR BONA FIDE FINGERPRINT SERVICE.

1. **Check the Appropriate Box** → ☐ **Agent** ☑ **Controlling Person**

2. Name: CHING (Last) DEENA (First) HON (Middle) Birth Date [redacted] (NOT a public record)

3. Social Security #: [redacted] Drivers License #: [redacted] State Issued: AZ

4. Place of birth: Battambant (City) Cambodia (COUNTRY) Height: [redacted] Weight: [redacted] Eyes: [redacted] Hair: [redacted]

5. Name of current/most recent spouse: _____ (Last / First / Middle) Birth Date: ___/___/___ (NOT a public record)

6. Are you a bonafide resident of Arizona? Yes ☑ No ☐ If yes, what is your date of residency? 2015

7. Daytime telephone number: [redacted] Email address: [redacted]

8. Premises Name: APSARA ASIAN RESTAURANT Business Phone: 623 / 888 / 8833

9. Premises Address: 10555 W INDIAN SCHOOL RD STE D110-102 (Street (do not use PO Box)) AVONDALE (City), AZ (State) MARICOPA (County) 85392 (Zip)

Individuals requiring ADA accommodations please call (602)542-2999

'24 JUL 5 PM 3:56 AZDLLC

10. List your employment or type of business during the past five (5) years, if unemployed, retired, or student, list place of residence address. **(ATTACH ADDITIONAL SHEET IF NECESSARY)**

FROM Month/Year	TO Month/Year	DESCRIBE POSITION OR BUSINESS	EMPLOYERS NAME OR NAME OF BUSINESS (Street Address, City, State & Zip)
08/2021	CURRENT	[redacted]	[redacted]
4/2016	8/2021	[redacted]	[redacted]

11. Provide your residence address information for the last five (5) years ***A.R.S. §4-202(D)*** **(ATTACH ADDITIONAL SHEET IF NECESSARY)**

FROM Month/Year	To Month/Year	Street	City	State	Zip
09/2020	CURRENT	[redacted]			
06/2016	09/2020	[redacted]			

(ATTACH ADDITIONAL SHEET IF NECESSARY)

12. As an Agent or Controlling Person, will you be managing the day to day operation of the licensed premises? If you answered YES, then answer **#13 below. If NO, skip to #14** — Yes ☐ No ☑

13. Have you attended a DLLC approved Basic and Management Liquor Law Training Course within the past 3 years? **MUST** attach copies of both training certificates. — Yes ☐ No ☐

14. Have you been cited, arrested, indicted, convicted, or summoned into court for violation of ANY criminal law or ordinance, regardless of the disposition, even if dismissed or expunged, within the past five (5) years? — Yes ☐ No ☑

15. Are there ANY administrative law citations, compliance actions or consents, criminal arrests, indictments or summons pending against you? (Do not include civil traffic tickets) *A.R.S.§4-202,4-210* — Yes ☐ No ☑

16. Has anyone EVER obtained a judgement against you the subject of which involved fraud or misrepresentation? — Yes ☐ No ☑

17. Have you had a liquor application or license rejected, denied, revoked or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* — Yes ☐ No ☑

18. Has an entity in which you are or have been a controlling person had an application or license rejected, denied, revoked, or suspended in or outside of Arizona within the last five years? *A.R.S.§4-202(D)* — Yes ☐ No ☑

If you answered "YES" to any Question 14 through 18 YOU MUST attach a signed statement. Give complete details including dates, agencies involved and dispositions. CHANGES TO QUESTIONS 14-18 MAY NOT BE ACCEPTED

I, (Print Full Name) Deena H Ching **hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.**

Signature: [redacted] **Date:** 05/08/2024

No Payment (BD)

'24 JUN 5 PM 3:53 AZDLLC

FINGERPRINT VERIFICATION FORM

Arizona Department of Liquor Licenses and Control
800 W. Washington St. 5th Floor Phoenix, AZ 85007
(602) 542-5141

DLLC USE ONLY	
Job #:	298691
Date Accepted:	07/02/2024
CSR:	SG

ATTENTION FINGERPRINT TECHNICIAN:

Please follow the instructions below for fingerprinting this applicant.

1. Please fill out or ensure that the applicant has filled out all the required boxes on the fingerprint card prior to taking the fingerprints.
2. Request a valid, unexpired government-issued photo ID from the applicant and compare the physical descriptors on the applicant's photo ID to the applicant and to the information on the fingerprint card.
3. Fill out the information in the boxes below. **Please print clearly**.
4. Once the prints have been taken, place the fingerprint card and this form into the envelope and seal it. Please write your name or identification across the edge of the seal. Return the sealed envelope to the applicant.
   Do not give the applicant the fingerprint card without first sealing it inside the envelope.
5. **Write applicants name on front of sealed envelope.**

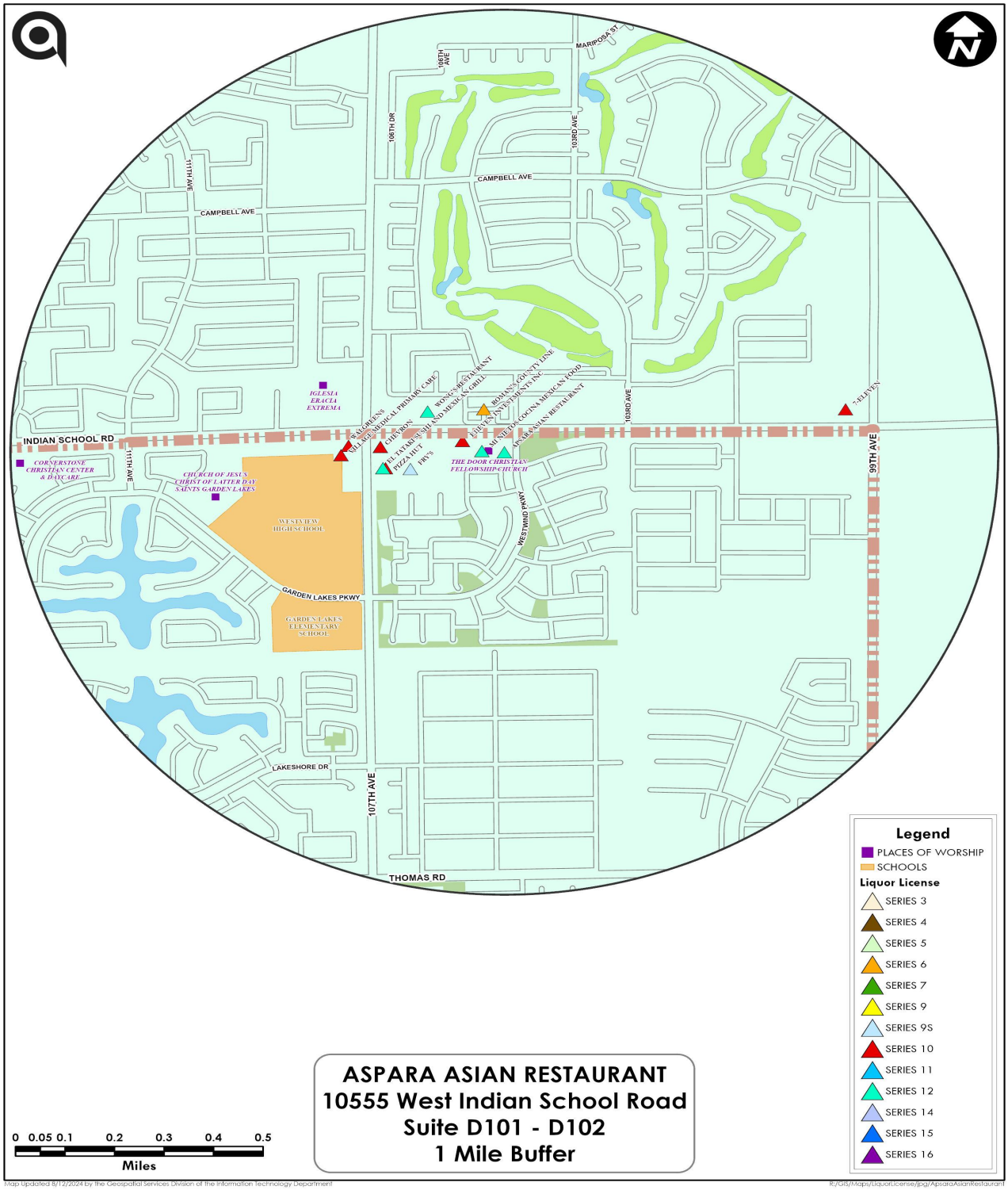
PRINT the following information:

Date: 6/3/2024	Name of Applicant: Deena Chiney
Name of Fingerprint Technician: Adriana Hernandez	
Fingerprint technician's Signature: [redacted]	
Fingerprint technician's Agency/company Name: The UPS Store	Phone Number: (623) 925-4759
Type of Photo ID Provided (check one): ☑ Driver's License ☐ Passport ☐ Other (Please specify)	

Individuals requiring ADA accommodations please call (602)542-2999

Avondale
Aspiring. Achieving. Accelerating.

GIS MAP



ASPARA ASIAN RESTAURANT
10555 West Indian School Road
Suite D101 - D102
1 Mile Buffer

Map Updated 8/12/2024 by the Geospatial Services Division of the Information Technology Department

R:/GIS/Maps/LiquorLicense/jpg/AsparaAsianRestaurant

Harley Maniago
Harley Maniago (Aug 12, 2024 16:13 PDT)

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LICENSE REVIEW FORM

Type of License	12- Restaurant
Applicant's Name	Vuthy Touch
Business Name	Apsara Asian Restaurant
Business Address	10555 W Indian School Road Ste D101-102

Department Comments

The property is currently zoned Westwind Planned Area Development which contains a commercial component that follows the C-2 zoning standards. Restaurants, which are defined in the Zoning Ordinance as "an establishment where food and beverage are served to the public on demand from a menu during stated business hours, served in reusable containers and dinnerware, to be consumed on the premises primarily inside the building … where food sales constitute more than fifty (50) percent of the gross sales receipts for food and beverages" are a permitted use in the C-2 district.

- ☐ **Police Department**
- ☐ **Fire Department**
- ☑ **Development Services**
- ☐ **Finance Department**

- ◉ **Approved**
- ○ **Denied**

Joshua T Orton	Lead Senior Planner
E-Signature	**Title**
Joshua Orton	Jul 9, 2024
Name	**Date**

This license is scheduled for the City Council Meeting on: August 26, 2024

Please complete form by: August 19, 2024

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LICENSE REVIEW FORM

Type of License	12- Restaurant
Applicant's Name	Vuthy Touch
Business Name	Apsara Asian Restaurant
Business Address	10555 W Indian School Road Ste D101-102
Department Comments	
No Concerns	

☐ **Police Department** ☐ **Fire Department**

☐ **Development Services** ☑ **Finance Department**

◉ **Approved** ○ **Denied**

Finance & Budget Business License Finance & Budget Business License (Aug 5, 2024 09:41 PDT) **E-Signature**	Customer Service Representative **Title**
Finance & Budget Business License **Name**	Aug 5, 2024 **Date**

This license is scheduled for the City Council Meeting on: August 26, 2024

Please complete form by: August 19, 2024

Avondale
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LICENSE REVIEW FORM

Type of License	12- Restaurant
Applicant's Name	Vuthy Touch
Business Name	Apsara Asian Restaurant
Business Address	10555 W Indian School Road Ste D101-102

Department Comments

No Comments

- ☐ **Police Department**
- ☑ **Fire Department**
- ☐ **Development Services**
- ☐ **Finance Department**

- ◉ **Approved**
- ○ **Denied**

L.Scott Miller L.Scott Miller (Aug 5, 2024 10:14 PDT) **E-Signature**	Fire Marshal **Title**
L.Scott Miller **Name**	Aug 5, 2024 **Date**

This license is scheduled for the City Council Meeting on: August 26, 2024

Please complete form by: August 19, 2024

Avondale
Aspiring. Achieving. Accelerating.

LICENSE REVIEW FORM

Type of License	12- Restaurant
Applicant's Name	Vuthy Touch
Business Name	Apsara Asian Restaurant
Business Address	10555 W Indian School Road Ste D101-102

Department Comments

No Concerns

- [x] **Police Department**
- [ ] **Fire Department**
- [ ] **Development Services**
- [ ] **Finance Department**

- (●) **Approved**
- ( ) **Denied**

Varney Lopez
Varney Lopez (Aug 5, 2024 13:46 PDT)
E-Signature

Office of Public Safety Lieutenant
Title

Varney Lopez
Name

Aug 5, 2024
Date

This license is scheduled for the City Council Meeting on: August 26, 2024

Please complete form by: August 19, 2024

CITY COUNCIL REPORT

ITEM NUMBER: 4.b.

SUBJECT: First Amendment to Memorandum of Understanding Between the City of Avondale and Avondale Professional Firefighters Association Local 3924

MEETING DATE: 8/26/2024

TO: Mayor and Council

FROM: Andrew Mesquita, Human Resources Director

THROUGH: Ron Corbin, City Manager, (623) 333-1011

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

- Innovative Program and Service Delivery - Avondale will continue to serve as a model of innovation, efficient, and responsive government.

PURPOSE:
City Council will consider a request to amend the Memorandum of Understanding (MOU) between the City of Avondale and Avondale Professional Firefighters Association (APFFA) Local 3924 to: a) incorporate language allowing the option for represented employees to participate in recruitment and retention programs implemented by the City Manager and offered to represented employees in accordance with the program's requirements and conditions set forth in policy and forego eligibility and participation in the Productivity Pay as outlined in the MOU; and b) remove the reference to the "DRAFT Avondale Fire & Medical Labor/Management Process" document in Section 12.1.B and incorporate language indicating that the final document that has been collectively approved by the APFFA and the Fire Chief as of May 28, 2024 and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:
Revisions to the current Memorandum of Understanding (MOU) between the City of Avondale and Avondale Professional Firefighters Association (APFFA) are necessary given the recent adoption of the Public Safety Retention Program (Administrative Policy 98) to ensure represented employees have the option to forego Productivity Pay (as outlined in the MOU) and participate in the retention program in accordance with the provisions outlined in policy. Additionally, the Fire Chief and the APFFA have finalized the draft Avondale Fire & Medical Labor/Management Process document; therefore, it's necessary to remove the reference to "draft" as indicated in the MOU and revise the agreement date.

DISCUSSION:
Beginning in FY2025, the City implemented a new Public Safety Retention Program Policy (AP-98). The provisions of this policy indicate that eligible employees of the Fire & Medical Department who voluntarily elect

in writing to forego their eligibility in Productivity Pay as outlined in the Memorandum of Understanding (MOU) between the Avondale Professional Firefighters Association (APFFA) and the City may convert to the Public Safety Retention Program. In order to facilitate this option, it is necessary to incorporate revisions to the current MOU language.

Additionally, Section 12.1.B of the current MOU includes language that references a “draft” labor/management process document that was revised on 11/12/19. The Fire Chief and APFFA have collectively finalized the labor/management process document as of 5/28/24; therefore, it is necessary to incorporate revisions to the current MOU removing the “draft” reference and updating the revision date. A copy of the document has been included for reference.

BUDGET IMPACT:
There are no direct costs associated with the amendment to the Memorandum of Understanding.

RECOMMENDATION:
Staff recommends Council adopt the proposed amendment to the Memorandum of Understanding between the City of Avondale and Avondale Professional Firefighters Association Local 3924.

Contact person for document distribution: *Andrew Mesquita*

FIRST AMENDMENT
TO
MEMORANDUM OF UNDERSTANDING
BETWEEN
THE CITY OF AVONDALE
AND
AVONDALE PROFESSIONAL FIREFIGHTERS ASSOCIATION
LOCAL 3924
(July 2024 through June 2026)

THIS FIRST AMENDMENT TO THE JULY 2024 TO JUNE 2026 MEMORANDUM OF UNDERSTANDING (this "First Amendment") is entered into as of September 1, 2024, between the City of Avondale, an Arizona municipal corporation (the "City"), and the Avondale Professional Firefighters Association, International Association of Fire Fighters, Local 3924 (the "Association" or "Employee Organization").

RECITALS

A. The City and the Employee Organization entered into the July 2024 to June 2026 Memorandum of Understanding ("MOU"), setting out the parties' agreement concerning wages, hours, and benefits of certain employees in the positions of Firefighter, Fire Engineer, and Fire Captain (the "Represented Employees"). All capitalized terms not otherwise defined in this First Amendment have the same meaning as contained in the MOU.

B. The MOU Article 11 (Productivity Pay), Section 11.1 (Productivity Pay) and the MOU Attachment B (Productivity Pay Table Fiscal Years 2025-2026) outline the years of service payout amounts owed to represented employees measured as of December 1 for each year.

C. Since the approval of the MOU, the City Manager has implemented an additional recruitment and retention program for public safety employees in which certain fire employees would be eligible to participate.

D. The MOU Article 12 (Labor Management Committee), Section 12.1 (Purpose and Governance of Committee) references the "DRAFT" Avondale Fire & Medical Labor/Management Process" document created by the Fire Department Labor Management Committee.

E. Since the approval of the MOU, the Labor Management Committee revised the "DRAFT" Avondale Fire & Medical Labor/Management Process referenced in Article 12 of the MOU.

E. The City and the Employee Organization desire to enter this First Amendment to the MOU to make allowances for the new retention and recruitment program and to recognize the revised Avondale Fire & Medical Labor/Management Process document.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing introduction and recitals, which are incorporated herein by reference, the following mutual covenants and conditions, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Employee Organization hereby agree as follows:

1. The MOU Article 11 (Productivity Pay) is modified to include an additional subsection.

2. The additional subsection is 11.2 and shall read as follows:

Section 11.2 Recruitment and Retention Programs

A Represented Employees may select to participate in recruitment and retention programs implemented by the City Manager and offered to Represented Employees.

B. A Represented Employee's participation in additional recruitment and retention programs shall be in accordance with the applicable program's requirements and conditions as outlined in City policies and procedures. The applicable program requirements and conditions may include, but not limited to, the forfeiture of any future Productivity Pay payouts.

C. If a Represented Employee participates in the Public Safety Retention Program, established in July 2024, and elects to forego their eligibility for Productivity Pay, then the following applies:

1. After making the election to convert from Productivity Pay to the Public Safety Retention Program, the first payout from the Public Safety Retention Program will be reduced by any Productivity Pay received within current cycle period (e.g. Productivity Pay received in cycle 1 years of credited service 1-5 will be deducted from the Public Safety Retention Program payout); and

2. If after the Public Safety Retention Program cycle period payout, the Represented Employee elects to convert back to Productivity Pay, then the Represented Employee forfeits any future participation in the Public Safety Retention Program.

3. The MOU Article 12 (Labor Management Committee) Section 12.1 (Purpose and Governance of Committee) is deleted in its entirety and replaced with following language which shall read as the following:

Section 12.1 Purpose and Governance of Committee

A. There shall be an internal Fire Department Labor Management Committee established with five elected executive board members from the IAFF, Local 3924 and five administrative members appointed by the Fire Chief. The purpose of the Committee is to facilitate positive labor-management relationships by providing a forum for the free discussion of mutual concerns and problems. The Fire Labor Management Committee is not an arm of the City Council, nor a public body or committee created by the City Council and shall not report to the City Council.

B. The Labor/Management Committee will operate from the "Avondale Fire & Medical Labor/Management Process" document that was revised on May 28, 2024.

C. The Labor/Management Committee will meet at mutually scheduled times monthly.

D. Executive board members will not be paid for off duty time spent performing labor/management activities, but will be detailed out for such activities.

4. Effect of Amendment. In all other respects, the MOU is affirmed and ratified and, except as expressly modified herein, all terms and conditions of the MOU shall remain in full force and effect.

5. Effective Date of Amendment. This Amendment is effective as of September 1, 2024.

5. Non-Default. By executing this First Amendment, the Employee Organization affirmatively asserts that (i) the City is not currently in default, nor has been in default at any time prior to this First Amendment, under any of the terms or conditions of the MOU and (ii) any and all claims, known and unknown, relating to the MOU and existing on or before the date of this First Amendment are forever waived.

6. Conflict of Interest. This First Amendment and the MOU may be canceled by the City pursuant to ARIZ. REV. STAT. § 38-511.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties have executed this First Amendment as of the date and year first set forth above.

CITY OF AVONDALE,
An Arizona municipal corporation

_____
Ron Corbin, City Manager

AVONDALE PROFESSIONAL
FIREFIGHTERS ASSOCIATION,
IAFF LOCAL 3924

_____
Ryan Tussing, President

ATTEST:

_____
Marcella Sarmiento, City Clerk

AVONDALE FIRE & MEDICAL

LABOR/MANAGEMENT PROCESS

INTRODUCTION

The members of Avondale Fire & Medical believe the establishment of a Labor and Management Process ("L/M Process"), as outlined below, is an appropriate and effective way to establish and maintain a cooperative relationship between management and labor. Avondale Fire & Medical believes a stable and productive work relationship between labor and management will result in positive and productive outcomes to provide quality service for the public. The goal of this process is to establish a positive relationship between labor and management built upon trust and mutual respect.

STATEMENT OF PHILOSOPHY, PURPOSE, and COMMITMENT

Avondale Fire & Medical is committed to providing the highest level of service to the citizens of Avondale, Arizona, in the most efficient and cost-effective manner possible. All employees should be valued, respected, and provided with the resources necessary to deliver this service safely and professionally. The establishment and operation of the process will enhance the ability of the Avondale Fire & Medical Department and its members to fulfill the commitment to the citizens served.

Avondale Fire and Medical recognizes issues arising in the workplace are best addressed through cooperative action. The department also recognizes the employees affected by workplace operations, policies should be involved in the formulation, planning, analysis, and implementation to improve the delivery of services. The employees should be involved in the discussions that affect the quality of their work life because they can provide realistic and valuable ideas to improve service delivery.

The role and purpose of the L/M Process is to ensure the philosophy and beliefs described herein. Labor and management are committed to guiding and developing projects, programs, and processes to improve the quality of internal customer service and work life, while enhancing service delivery to the citizens of Avondale, Arizona.

L/M purpose is to make Avondale Fire & Medical more successful as an organization. L/M is committed to the quality of the organization's services, internally and externally. The process assists in planning policy and procedures as well as resolving the variety of challenges and issues that may arise. To that end we make the following commitments.

- The Fire Chief, Management, and the Executive Board of IAFF Local 3924 are committed to utilizing the Labor Management process to establish and support solutions to support the adopted Vision, Mission, Core Values of the City of Avondale and the fire department.

- The L/M Process participants will not take actions to circumvent, surprise, or cause suspicion or mistrust.

- The L/M Process requires strong leaders who believe in collaboration, who will take risks, and who will give a little to find common ground. Leaders will act with integrity and work within the L/M Process and value the outcome, regardless of opinion.

- Management and Labor commit to participating in planning and development and not just co-managing. Management may appropriate authority without limiting management rights. Labor shares responsibility and ownership of the L/M team's decision, without comprising values. The L/M Process will not work unless management and labor support this philosophy.

- Participants represent their assigned roles during the L/M Process to share ideas, regardless of their position in the command structure. Outside the L/M process, individuals will carry out their roles within the command structure.

- Labor and Management must continually work on the issues of trust, respect, and credibility inside and outside the L/M Process. The efforts will foster trust, respect, and credibility among the participants individually and transfer seamlessly throughout the city and the department.

- Participants are okay to agree to disagree on issues. When disagreements occur and consensus is not reached, the fire chief will make the final decision. TheL/M Process will continue to work on the areas of agreement and work on developing positive solutions to the disagreements. When consensus is not reached, labor and management may not consider the decision a labor/management consensus.

- A collaborative effort will be made to follow through on solutions, understanding the dynamics may change due to unforeseen challenges. In these situations, the process will be used to design an alternative solution.

- The members of the L/M process will meet and communicate regularly, speak with each other directly, and take care of problems when they are small. Call first, talk with each other before making a big deal out of a conflict.

- Relations are imperative to the process; relationships should not be sacrificed for an outcome. The future is based on the relationships fostered with one another

- Individuals should not have their opinion be held against them. Progressive ideas and innovation are valued to provide better service for the community.
- The goal is to provide quality outcomes for the community and not to take advantage of either group or to abuse the L/M Process.
- The Fire Chief has the final decision-making capability for all decisions.
- The President of IAFF Local 3924 will have the final decision-making capability for labor decisions.

EXPECTATIONS

- In order for this L/M Process to be successful we recognize, and agree, there are certain values expected individually and as members of our respective groups.
    - Each member of the Organization is expected to:
    - Provide input as appropriate on issues being discussed.
    - Keep abreast of departmental communications.
    - Participate in the L/M Process as appropriate.
    - Support the solutions agreed to through the L/M Process
    - Ensuring communication with their representatives and supervisors is a priority.
    - Ensure that solutions agreed through this L/M Process are communicated to the entire Organization.
    - Act in a manner that demonstrates the Organization's Vision, Mission, and Core Values.
- The Fire Chief is expected to:
    - Be available and willing to discuss issues.
    - Support and guide the L/M Process
    - Provide the City Administration, department, and regional perspective as appropriate in discussions.

    - Ensure communication with the Union President and leadership team is a priority.
    - Make a clear distinction between offering a personal opinion and expressing the position of management.
    - Act in a manner that demonstrates the Organization's Vision, Mission, and Core Values.
- The Leadership Team is expected to:
    - Represent the management perspective on issues.
    - Participate in and support this L/M Process and the solutions agreed upon.
    - Make communication with the Fire Chief a priority.
    - Make a clear distinction between offering a personal opinion and expressing the position of the management.
    - Act in a manner that demonstrates the Organization's Vision, Mission, and Core Values.
- The President of Local 3924 is expected to:
    - Be open and willing to discuss issues.
    - Support this L/M Process and the solutions agreed to by the stakeholders in this L/M Process
    - Ensure communication with the Fire Chief and the L3924 membership is a priority.
    - Make a clear distinction between offering a personal opinion and expressing the opinion of the Local
    - Act in a manner that demonstrates the Organization's and Local's Vision, Mission, and Core Values.
- The Executive Board of Local 3924 is expected to:
    - Solicit input from the membership regarding issues being discussed.
    - Represent the labor perspective on issues.
    - Make a clear distinction between offering a personal opinion and expressing the position of the Local.

- Support the L/M Process and the solutions agreed upon.
- Act in a manner that demonstrates the Organization's and Local's Vision, Mission, and Core Values.

GROUND RULES

- Definitions

  - For purposes of this L/M Process, management shall be defined as those full-time regular members of Avondale Fire & Medical above the rank of Captain.
  - For purposes of this L/M Process, labor shall be defined as those full-time regular members of Avondale Fire & Medical the rank of Captain and below.

- Issues Addressed

  - Activities associated with the L/M Process shall be directed toward any issue of organizational concern. While the issues to be addressed shall not otherwise be limited, provisions of existing policies, agreements or procedures may not be altered, amended, or negated any way, except by proper means. Issue priorities will be established by the Steering Committee with input from the L/M Process participants.

- Involvement

  - Participation in this L/M Process is voluntary. Any participant may withdraw from the L/M Process at any time by providing written notice to the other participants. Individual members of the Steering Committee or Subcommittees shall serve until they are replaced.

  - All Avondale Fire & Medical members are expected to review the meeting notices that are distributed and should attend meetings as desired and express their

viewpoint or contact a Subcommittee co-chair prior to the meeting to express their views.

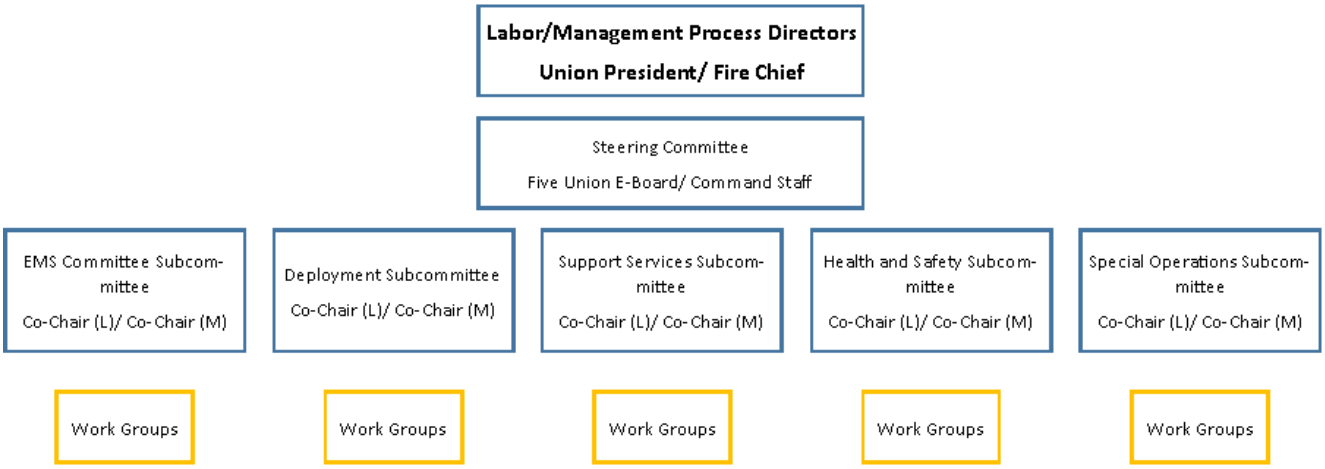
- Annual Retreat

  - A Labor/Management Planning Retreat will be held each year to develop the major organizational goals and objectives for the upcoming year. Funding for this retreat was provided through the discretionary salary funding process in 2007 and are identified by specific line items in the Avondale Fire & Medical budget.
  - Participants will include, as a minimum, the Steering Committee. The number of participants may be increased by mutual agreement keeping in mind operational and fiscal requirements.
  - The participants will express the goals and objectives in the form of action plans, which usually range from five to eight per year. Each action plan will include an achievable goal statement and quarterly objectives which can be measured and reviewed throughout the year. The specific work needed to complete each of the action plans may then be assigned to one or more Subcommittees to work on throughout the year.
  - Progress on the action plans will be reported back to and monitored by the Steering Committee.

- Steering Committee, Sections, Subcommittees and Work Groups

  - The Steering Committee will provide oversight and direction of the L/M Process. Subcommittees and Work Groups may be established by the Steering Committee on an as needed basis. (See Figure 1).
  - Meetings and meeting agendas for Subcommittees will be announced to the entire organization in advance of the meeting and all meetings are open to scheduled attendees agreed upon by the co-chairs. Attendees are encouraged to participate in the discussions that lead to completion of an action item or the goals of that Subcommittee.

    - *Fig 1. Organization Chart*



- <u>Steering Committee</u>
  - Cooperative labor/management activities shall be overseen by the Steering Committee. The purpose of the Steering Committee is to act as the coordinating group and sanctioning body for all labor/management efforts and programs. Under no circumstances shall any joint labor/management effort be undertaken without the express approval of the Steering Committee.
  - The Steering Committee shall conduct L/M Process meetings as necessary; ideally monthly but no less than quarterly to:
    - Communicate and discuss new issues, developments, and concerns.
    - Define and approve areas for organizational improvement activities and to establish priorities for such efforts.
    - Assign project work to Subcommittees.
    - Review, guide, monitor and evaluate the progress of all labor and management activities, including the completion of quarterly goals for action items and the work of the Subcommittees.
    - Decisions of the Steering Committee will be periodically communicated to the members of the Organization in writing.
  - The Steering Committee shall consist of the five Executive Board Members of IAFF Local 3924 and five members of the fire department senior staff as appointed by the Fire Chief.
      - Additional attendees may be approved by request and approval by the steering committee.

- Subcommittees
    - Subcommittees will be formed to complete the work of action items or standing/on-going Departmental needs.
    - Each Subcommittee is overseen and co-chaired by one representative from management and one from labor.
    - Section co-chairs can also serve as Subcommittee co-chairs, as needed.
    - Subcommittee meetings will be scheduled and announced to all members at least two weeks prior to the meeting date.
    - Attendance and participation in Subcommittee meetings will be open.
- Work Groups
    - Representation of the Work Groups will be as determined by the Subcommittee co-chairs with confirmation from the Steering Committee. Work Group assignments should be given to those who have knowledge or special skills that can address action items or on-going departmental issues.
    - Work Groups are created to address issues and projects of a specific nature and/or duration.
    - Final action by Work Groups shall be in the form of recommendations to the Subcommittee co-chairs.

- Leadership & Governance
    - Co-chairs
        - The Steering Committee and Subcommittees shall be jointly chaired by two members, one selected from labor and one from management.
        - The Steering Committee shall be co-chaired by the Fire Chief and the President of IAFF Local 3924.
        - Subcommittees shall be co-chaired by a chief officer and a labor representative specifically selected to serve in this role by the Executive Board of IAFF Local 3924.
        - The responsibility for chairing meetings is the responsibility of labor and management.
        - Chair responsibilities for Subcommittees shall rotate as determined by the Steering Committee. Subcommittee chairs should rotate with consideration of the likely duration of the Subcommittee's project.
        - The co-chairs have the following responsibilities:

- Ensure Subcommittee progress and direction.
- Develop meeting agendas.
- Ensure all points of view are heard at all meetings; the co-chairs have the right to limit the amount of time devoted to any one subject or speaker.
- Ensure that there is balanced membership of employees and management and ensure that the Subcommittees or Work Groups have representatives from all areas of the Organization affected by the work of that L/P Process body.
- Disband Work Groups when their work is completed.
- Ensure that regular meetings of the Subcommittee or Work Group are held.
- Make every effort to contact all Subcommittee or Work Group members by telephone in the event of an emergency meeting.
- Distribute the following via email prior to the Subcommittee. Work Group meeting;
  - Name of the L/P Process body
  - Date, time and location of the meeting
  - List of key items to be discussed.
- Ensure that immediately following a Subcommittee or Work Group meeting, summary minutes of the meeting will be made available to all members.

- In the vast majority of issues, the Subcommittee will be able to reach consensus. However, from time to time, there will be issues on which they simply cannot come to an agreement. When this occurs, as co-chairs of the Steering Committee, the Fire Chief and President of the Local may be of assistance in reaching consensus. If this is not successful, the Statement of Philosophy, Purpose, and Commitment should guide the actions that the Organization takes.

- The Fire Chief has final decision-making authority.

- Governance
  - A quorum of the Steering Committee and Subcommittee must be present to conduct business. For the Steering Committee a quorum shall consist of no less than three labor and three

management members. For Subcommittees, a quorum shall consist of no less than a majority of members, including at least one labor and one management member.

- Decisions of the Steering Committee and Subcommittees shall be by consensus. Consensus does not mean or require a unanimous vote. Consensus decision making shall be defined as follows:
- A group reaches consensus when all members agree upon a single alternative, and each group can honestly say: I believe that you understand my point of view and that I understand yours. Whether or not I prefer this decision, I support the decision because the result was reached fairly and openly and is the best solution for the department at this time.
- The Steering Committee and Subcommittee will keep summary minutes, which shall consist of a record of the actions taken and the

decisions reached. Minutes will be reviewed and approved at the meeting following the meeting at which they were recorded.

- Facilitator(s)
  - The Steering Committee may utilize a neutral facilitator to assist the Steering Committee or Subcommittee.
  - The role of the facilitator may vary but is intended to assist the parties in conducting a long-term, productive, working relationship.
  - The facilitator shall be a neutral individual that is acceptable to all parties.
- Subject Matter Experts
  - The Steering Committee or Subcommittee may, from time to time, have non-committee members participate in meetings because of their subject matter expertise.

L/M PROCESS

- *Issue.* Issues may enter L/M Process in a variety of ways. An issue comes to the Steering Committee from either labor, through the Executive Board. or management, through the Leadership Team. Ideally, issues will be presented in written form and will include proposed solutions. An issue may also be identified by a Subcommittee, the Steering Committee, or come from a source outside the Organization.

- *Committee.* The issue will be reviewed and prioritized by the Steering Committee and may be assigned to a Subcommittee. Assignments are received by the co-chairs. The co-chairs are responsible for getting the issue on their agenda and involving the appropriate players, even if they are not on the Committee or Group.

- *Analyze*. issues should be thoroughly discussed and researched. Consideration will be given to all of the factors and resources required to achieve a positive outcome. Some of the factors include, but are not limited to, departmental policy, City ordinances and policy, and state and federal law. Research will be done on the budgetary resources required. Resources include the impact on the base or supplemental budget, personnel or staffing requirements, special equipment or supplies, and training requirements. Other considerations include the length of time to complete the staff work, write the specifications, develop and complete required training, or process the issue through the system. This part of the L/M Process may require a great amount of work and coordination between members.

- *Decide*. Typically, the Subcommittee makes the decision without going through any formal approval process. Final approval of the Subcommittee work or solutions will be presented to the steering committee who will then approve and manage the implementation process, as well as other departments within the City that will be affected.

- *Educate*. Education follows the decision which includes the classes or training necessary to carry out the decision. The education phase may be the responsibility of the subcommittee or other parties. In either case, the Subcommittee is responsible for making

- sure the education step is completed prior to implementation and the education meets the intent of the decision.
- *Implement*. Implementation is the responsibility of the subcommittee, but usually handed off to the staff members of the organization. Subcommittee retains the responsibility to make sure the implementation step is completed and meets the objectives.
- *Review*. After implementation, the Subcommittee reviews the effectiveness of the program or project. The Subcommittee determines the length of time before the results are reviewed. The review will either indicate the need for a revision, or the process is completed.

- *Revise*. If a revision is necessary, the Subcommittee takes the issue and is put through the process described above. Recommendations based on the research and input received. Programs may continue in this cycle on a regular basis.
- *Complete*. The L/M Process is complete when the Subcommittee reviews the outcomes achieved and does not find it necessary to go through the revision process.
- *Out of Balance*. The L/M Process can get "out of balance". When this occurs, the issue is taken to the Steering Committee Co-chairs. They may decide the issue needs to be handled by the Steering Committee or through another process. This can be done informally. The issue may be returned to the Subcommittee. The issue may return in the original form with clarification or may be modified. The clarity or modification may help the Subcommittee resolve the issue.

PROCEDURE

- All Subcommittees will operate within the guidelines set by L/M Process.
- Meetings are open to all members of the committees, work group, and co-chair invited members.
- Every Subcommittee will have a management and labor co-chair. The management co-chair will be appointed by the Fire Chief or designee and the labor co-chair will be selected by the Executive Board of IAFF Local 3924.
- If a Subcommittee needs to meet on an emergency basis, reasonable effort shall be made to contact every member. Actions taken at a meeting called on an emergency basis shall be reported at their next regularly noticed and scheduled meeting. The meeting must meet the quorum requirements.
- The Steering Committee should meet monthly. Subcommittees and Work Groups will meet as necessary. Notification of such meetings shall be coordinated by the co-chairs.
- The date, time, location and a summary agenda for each Subcommittee shall be distributed to each member of each Subcommittee a minimum of one week prior to the meeting. Items not listed on the agenda may be discussed, however no decision may be made until such time as the item has been properly placed on an agenda.
- In order to ensure that all points of view are heard, Subcommittee and Work Groups members shall attend and participate in meetings and make every effort to represent their respective constituencies. This effort shall include discussion of issues with the people they represent.

COMMUNICATIONS

- *Official Communications.* The Avondale Fire & Medical page on the City's intranet will be the official means of communication from the Steering Committee, Subcommittees and Work Groups. Communication to the Steering Committee or Subcommittees may come from either the intranet page or via email.

- *Distribution and Publication of Minutes.* Minutes, once approved, will be made available Department wide.

- *Agendas and Meeting Times.* The Steering Committee will meet regularly, and at least quarterly. Agenda items must be submitted at least one week prior to the meeting. The Fire Chief will provide meeting notice and agendas to all members no later than the Friday prior to the meeting. Subcommittees will follow a similar procedure.

- *Additional Tracking and Documentation.* All Subcommittees will be expected to track and document their activities and progress.

TRAINING & SUPPORT

- Proper training will be provided to members of the Steering Committee and Subcommittees in key skills such as problem analysis, problem solving, communications, active listening, team building, handling of differences and behavior for effective group functioning. At a

  minimum, all members will receive training in basic labor/management team concepts, the Labor-Management Process, and the process of consensus-based decision making.
- The Avondale Fire and Medical Department is committed to the L/M Process as described above. The most important part of this L/M Process is the Relationship we have between Labor and Management and the mutual trust and respect that makes it all work.

CITY COUNCIL REPORT

ITEM NUMBER: 4.c.

SUBJECT: Resolution 1084-0824 - Authorizing Grant Acceptance from the U.S. Department of Transportation for Safe Streets and Roads for All

MEETING DATE: 8/26/2024

TO: Mayor and Council

FROM: Renee Weatherless, Finance and Budget Director

THROUGH: Ron Corbin, City Manager, (623) 333-1011

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Connected Community - Avondale will work directly and closely with our communities to develop programs and infrastructure that connect residents to the city's resources, the region, and each other.
- Public Health and Safety - Avondale is a city where all people feel safe and secure, relying on trusted public and community-based resources.

This project will study improvements that will enhance safety along Avondale's streets and roads for all modes of transportation.

PURPOSE:
City Council will consider a request to: a) adopt Resolution 1084-0824, accepting grant funding from the U.S. Department of Transportation for the Safe Streets and Roads for All program in the amount of $560,000; b) authorize and direct staff to take all steps necessary to cause the execution of the Agreement and to carry out the purpose and intent of this Resolution; and c) authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:
The U.S Department of Transportation Safe Streets and Roads for All Grant supports planning, infrastructure, behavioral, and operational initiatives to prevent death and serious injury on roads and streets involving all roadway users, including pedestrians; bicyclists; public transportation; micromobility users; motorists; and commercial vehicle operators. For this round of the grant, $817 million total was awarded, and only 11 jurisdictions from Arizona were awarded this grant, including Avondale.

DISCUSSION:
A consultant will develop a Safety Action and Demonstration Plan for the City. A Safety Action and Demonstration Plan is imperative to mitigate accidents within the city. The plan will be designed to keep the

city's streets and roadways safer for everyone traveling within city limits by setting defined goals by identifying hazards and steps to reconcile issues. The city does not have a current Safety Action Plan or Demonstration Plan. Key components of the Safety Action and Demonstration Plan include:

- Safety Committee - comprised of multi-disciplinary staff and key community members to steer the development of the plan
- Data Collection, Safety & Equity Analysis - collect and analyze data and identify emphasis areas.
- Stakeholder and Public Engagement - emphasizing engagement with diverse population groups underrepresented and disproportionately impacted by traffic crashes.
- Identify and Prioritize Solutions - develop strategies for high-risk areas, prioritized list of projects, strategies to improve pedestrian/bicycle safety
- Action Plan and Implementation - data collection and safety analysis, safety dashboard on city website, and a Safety Plan webpage with safety suggestions and activities in progress.
- Demonstration Plans - implement low-cost projects identified in the action plans.

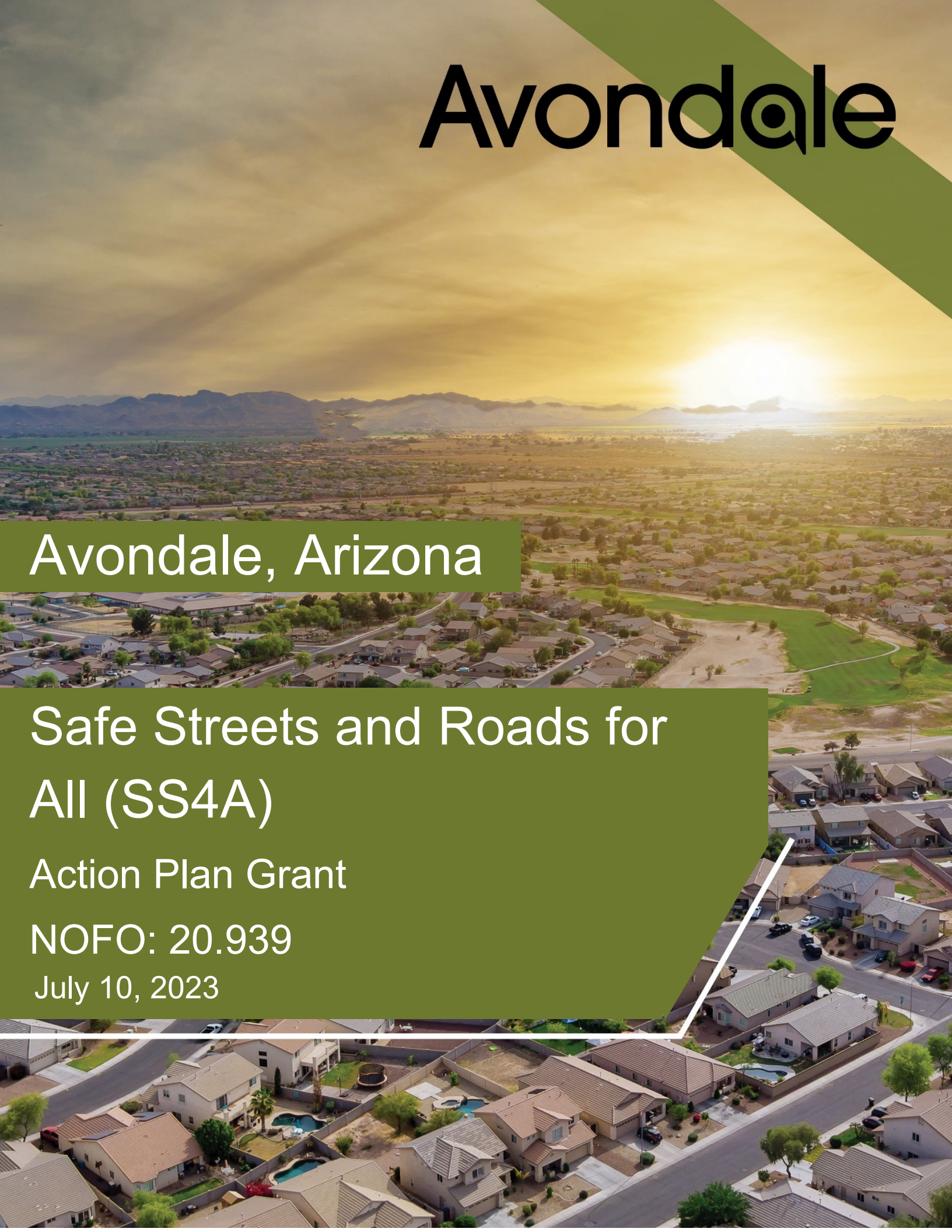
BUDGET IMPACT:

This grant award was anticipated and included in the FY2025 adopted budget. The grant requires a match of $140,000, which is included in the FY2025 adopted budget under project T0416 - Safety Action and Demonstration Plan.

RECOMMENDATION:

Staff recommends City Council adopt a resolution authorizing the Grant Agreement with U.S. Department of Transportation in the amount of $560,000 and authorize staff to take the necessary actions to execute the terms of the agreement.

Contact person for document distribution: *Maggie Lam, Jill Lin*



Avondale

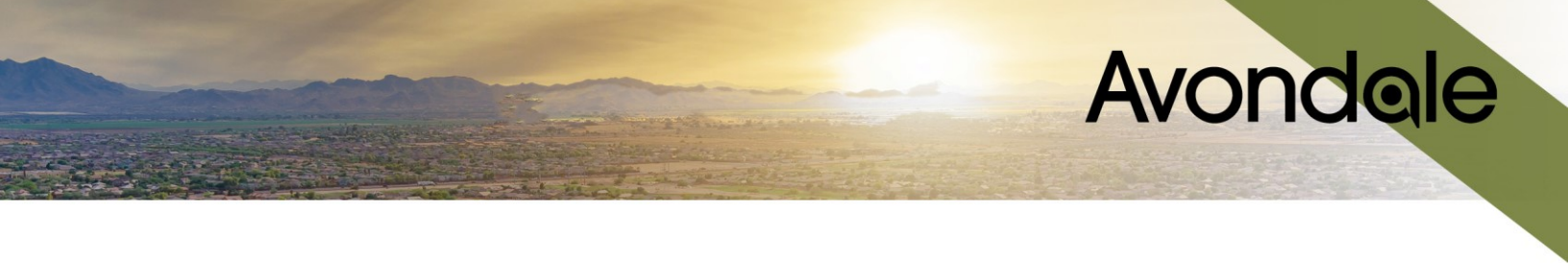
Avondale, Arizona

Safe Streets and Roads for All (SS4A)

Action Plan Grant

NOFO: 20.939

July 10, 2023



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Key Information

Key Information Table	
Lead Applicant Name	City of Avondale
Lead Applicant Unique Entity Identifier (UEI)	GDTNM5BLN9Y4
Eligible Entity Type	Political subdivision of a State
Do you have additional applicants as part of a multijurisdictional group of eligible entities?	N/A
Total Applicant Jurisdiction Population	89,334
Total Applicant Jurisdiction Applicant Census Tract(s)	Maricopa County Census Tracts: Census Tract 610.13 Census Tract 820.23 Census Tract 610.14 Census Tract 820.24 Census Tract 610.15 Census Tract 820.25 Census Tract 610.21 Census Tract 820.26 Census Tract 610.58 Census Tract 820.27 Census Tract 612 Census Tract 822.07 Census Tract 614.01 Census Tract 822.08 Census Tract 614.02 Census Tract 822.09 Census Tract 820.19 Census Tract 822.10 Census Tract 820.20 Census Tract 822.11 Census Tract 820.21 Census Tract 7233.04 Census Tract 820.22 Census Tract 9410
Census Tract(s) of any pilot or demonstration projects	N/A
Total Vehicle-Involved Roadway Fatalities (2017-2021) available in the Fatality Analysis Reporting System (FARS) during the NOFO period	35
Total Average Annual Fatality Rate (per 100,000 population)	7.84
Total Percent of Population in Underserved Communities Census Tract(s)	ETC: 21% CEJST: 39%
Project Title	City of Avondale Safety Action Plan
Application Type	Develop a new Action Plan & Demonstration Plan
Total Federal Funding Requested	$560,000
Total Local Share/Match	$140,000
Total Project Cost	$700,000
Regional Contribution	$0

Narrative

The City of Avondale (City) is a fast-growing community in the Phoenix Metro area. By 2030, Avondale's population is expected to increase by 25%. The rapidly growing population is resulting in an increased number of crashes, and in response the City is requesting **$700,000 to develop the Safety Action Plan and Demonstration Plan** through the Safe Streets and Roads for All (SS4A) grant. The City hopes to develop a safety action plan to help address the community's current and future safety needs. The narrative below addresses the program's criteria of safety impact, equity, and provides additional safety context for Avondale.

GROWTH IN AVONDALE

18,000+	Planned Dwelling Units in the City
25%	Expected population growth by 2030

Safety Impact

Avondale observed 8,773 crashes from 2017 to 2021, based on the ADOT Arizona Crash Information System (ACIS). As shown in **Figure 1**, most crashes are clustered on major arterial roadways and intersections. There are multiple schools and significant pedestrian and bicycle activities along these high crash corridors. **Figure 2** shows crashes over time. Avondale has experienced a continuous increase in crashes. Following the COVID-19 Pandemic, the increasing crash trends continue. Per State DOT crash records and FARS, **35 crashes** resulted in fatalities, 11 of which involved pedestrian or bicyclists, and **193 crashes** resulted in serious injuries. Avondale's annual fatality rate is **7.84** per 100,000 people.

Figure 1. Crashes by Severity

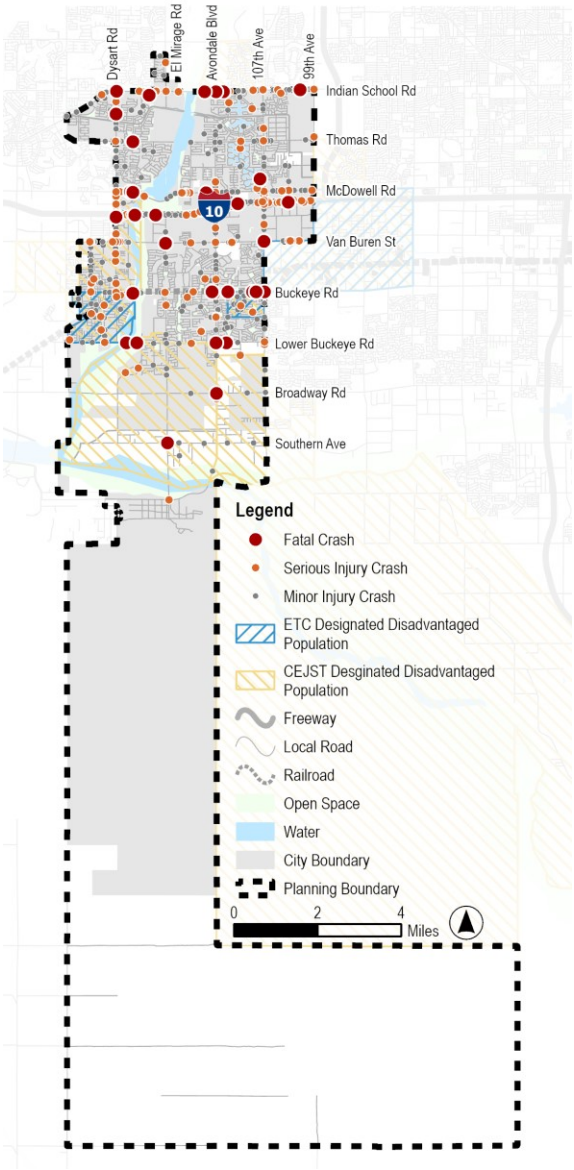
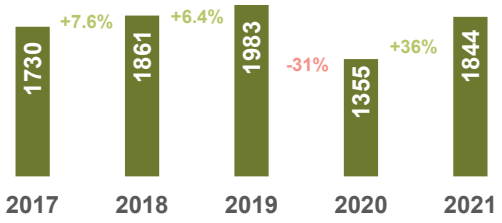


Figure 2. Crashes by Year



Source: Arizona Department of Transportation Arizona Crash Information System (ACIS)

7.84	35	193	11
ANNUAL FATALITY RATE (PER 100,000)	FATALITIES	SERIOUS INJURY CRASHES	PEDESTRIAN FATALITIES

Equity

Avondale is a very diverse community with more than 70% minority. Over 30% of its population is below the age of 18 (2020 Census), and 11.6% of the population are in poverty. The demographic profile of Avondale makes equity and vulnerable road users' important priorities for the City.

Per the Equitable Transportation Community Explorer (ETCE), **21%** of Avondale's population is considered underserved. The Climate and Economic Justice Screening Tool (CEJST) reports that **39%** of the city lives within disadvantaged communities. More than 30% of the fatal crashes and several of the injury crashes appear correlated to areas where vulnerable road users and underserved populations live. Currently, 5% of the city population is without a personal vehicle, and 12% of the population is in poverty, with limited access to a personal vehicle. With this Safety Action Plan, the City intends to:

- Identify transportation infrastructure needs to improve safety for the pedestrian and bicycle community and to aid the population with limited access to personal vehicles.
- Identify high-risk areas and have an extensive public engagement process partnering with low-income residents, vulnerable road users, and local school groups to provide education and information on safe practices, safety initiatives, and pilot demonstration projects.

City's Racial and Equity Goals

- Break down barriers in creating a just and inclusive community for all
- Ensure racial equity in city services and programs to make a tangible difference for all
- Continue to create opportunities to build social capital through community engagement

Underserved Population in Avondale

ETCE	21%
CEJST	39%

Additional Safety Context

The City has identified safety concerns that require attention in the community, including driver visibility, vehicle speeding, crash hot spots, safe crossing infrastructure near schools, and bicycle and pedestrian network connectivity. The City has developed or is working on the following safety related projects that address all modes of transport and the diverse demographics:

- The City has prioritized addressing equity and vulnerable road users in all its infrastructure projects.
- Prior to the pandemic, the City had planned to develop a Strategic Transportation Safety Plan to identify high crash locations and develop safety projects.

- Avondale has implemented a school zone safety campaign and completed Safe Routes to School reviews at all its elementary schools.
- The City is promoting education related to HAWK crossings, speed cushions, and school zone safety within the community.

- The City is constantly monitoring signal phasing and timing to improve safety at crash hot spots to mitigate intersection accidents on the corridor.
- Avondale is currently implementing protected left-turn phasing, resulting from the Road Safety Audits

- Avondale recently completed its **Active Transportation Plan** to identify gaps in pedestrian and Bicycle facilities

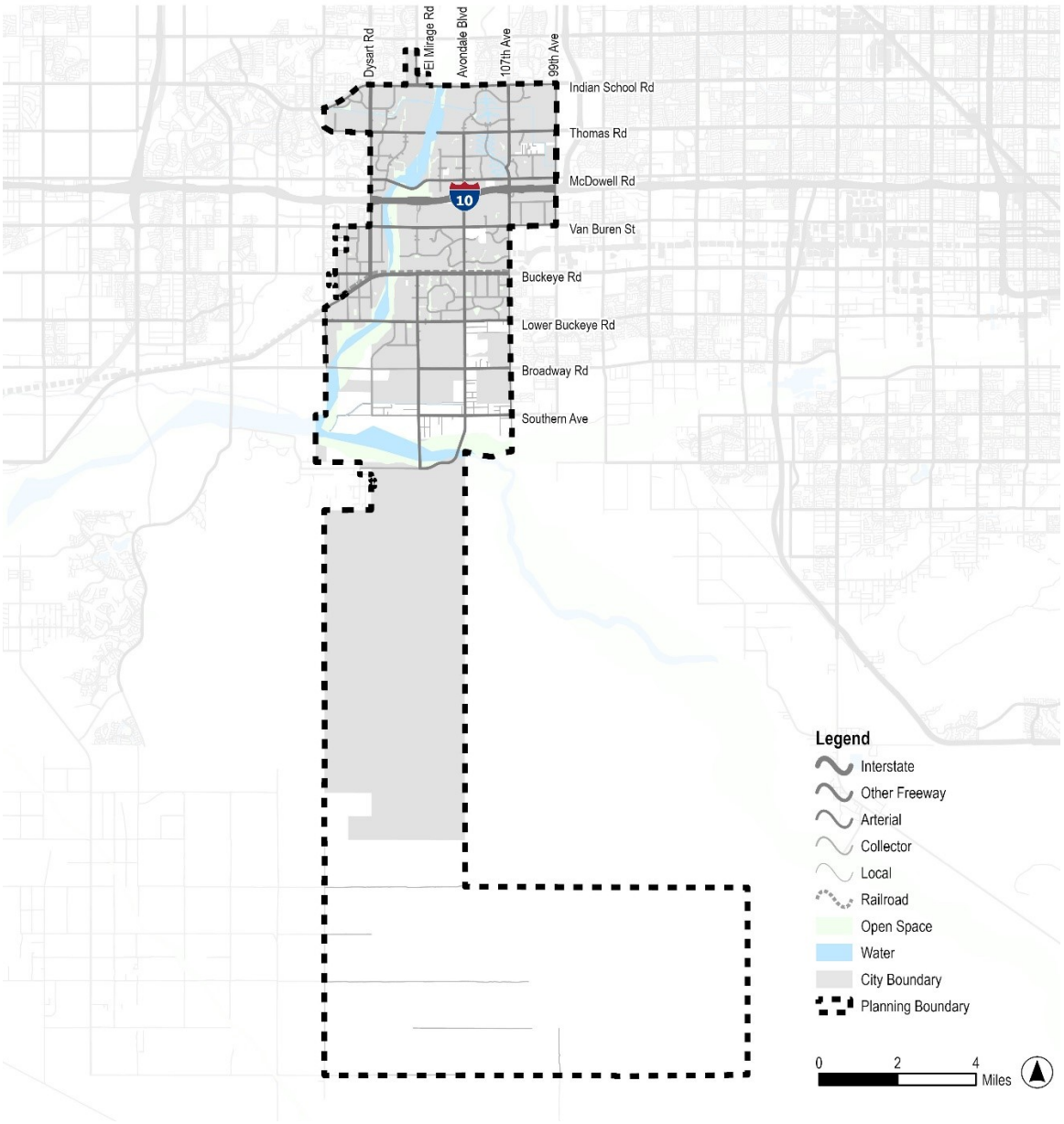
- The City is currently working on the **ADA Transition Plan** to identify and prioritize ADA compliance on its roadway infrastructure

Map

Avondale is a city within the greater Phoenix metro area and is surrounded by Phoenix and Tolleson to the east, Goodyear to the west, and Glendale to the north. Avondale, like its neighboring cities, is experiencing significant population growth causing a strain on their transportation network.

Most roadways within Avondale are under local jurisdiction, with Interstate 10 running east-west through the City. The interstate provides regional access but creates a significant barrier for bicyclists and pedestrians. The Safety Action Plan will aid Avondale with improving safety while also increasing connectivity. The Action Plan will incorporate coordination with the Arizona Department of Transportation (ADOT) and Maricopa County Department of Transportation (MCDOT) to improve safety within Avondale's city limits.

Figure 3. City of Avondale Roadway Network



Budget

The City of Avondale is requesting $700,000 (Federal funding: $560,000 and Local Match: $140,000) through the SS4A Grant Program. The scope of the Safety Action Plan & Demonstration Plan will include:

Safety Committee

Establish a Safety Committee, comprised of multi-disciplinary staff and key community members to steer the development of the Safety Action Plan.

Data Collection, Safety & Equity Analysis

Collect and analyze crash data, types, and patterns. Identify High Injury Network and emphasis areas

Stakeholder and Public Engagement

- Declare an official public commitment regarding the vision and goals of the Action Plan.
- Conduct public engagement, emphasizing engagement with diverse population groups who are underrepresented and disproportionately impacted by traffic crashes

Identify and Prioritize Solutions

- Develop strategies and countermeasures to address "high risk" areas identified through the safety analysis, and by the stakeholders.
- Develop a prioritized list of projects and strategies for implementation with short-, mid-, and long-term timeframes. Conduct Road Safety Audits and Preliminary Assessments of identified projects.
- Assess current policies, plans, guidelines, and standards to identify opportunities to improve safety prioritization.
- Review Transit User Safety and connectivity, strategies, and policies to improve last-mile connections.
- Identify strategies, projects, and policies to improve pedestrian/bicycle safety in the City.
- Develop SRTS maps for recently constructed schools and review existing maps, educate, and advocate the use of these maps for walking or riding to school.

Action Plan and Implementation

- Perform data collection and safety analysis to determine key trends and needs within the transportation network
- Develop a safety evaluation dashboard, hosted on the City's website, to educate and inform the public on the Action Plan progress, safety project status, pilot project application and conclusion and safety educational information
- Develop a Safety Plan webpage with safety suggestions, and current activities that are in progress.

Demonstration Plans: Implement low-cost projects identified in the action plans, with the aim to identify the success of the safety mitigation, and to foster safety education.

Table 1. Estimated Safety Action Plan Budget

Action Plan Task	Budget		
	Federal	Local Match	Total
Project Management	$ 40,000.00	$ 10,000.00	$ 50,000.00
Establishment and coordination with Safety Committee	$ 20,000.00	$ 5,000.00	$ 25,000.00
Data Collection, Safety and Equity Analysis	$ 80,000.00	$ 20,000.00	$ 100,000.00
Stakeholder and Public Engagement	$ 80,000.00	$ 20,000.00	$ 100,000.00
Identify and Prioritize Solutions	$ 120,000.00	$ 30,000.00	$ 150,000.00
Action Plan and Implementation	$ 60,000.00	$ 15,000.00	$ 75,000.00
City of Avondale Safety Action Plan	**$400,000.00**	**$100,000.00**	**$500,000.00**
Demonstration Plan	**$160,000.00**	**$40,000.00**	**$200,000.00**
Total Grant Request	**$560,000.00**	**$140,000.00**	**$700,000.00**

BILLING CODE 4910-9X

DEPARTMENT OF TRANSPORTATION

Office of the Secretary of Transportation

DOT-OST-2023-0048

USDOT FY23 Safe Streets and Roads for All Funding

AGENCY: Office of the Secretary of Transportation, U.S. Department of Transportation (DOT or the Department)

ACTION: Notice of Funding Opportunity (NOFO), Assistance Listing # 20.939

SUMMARY: The purpose of this notice is to solicit applications for Safe Streets and Roads for All (SS4A) grants. Funds for the fiscal year (FY) 2023 SS4A grant program are to be awarded on a competitive basis to support planning, infrastructure, behavioral, and operational initiatives to prevent death and serious injury on roads and streets involving all roadway users, including pedestrians; bicyclists; public transportation, personal conveyance, and micromobility users; motorists; and commercial vehicle operators.[1]

DATES: Applications must be submitted by 5:00 PM EDT on Monday, July 10, 2023. Late applications will not be accepted.

ADDRESSES: Applications must be submitted via Valid Eval, an online submission proposal system used by USDOT, at https://usg.valideval.com/teams/usdot_ss4a_2023_implementation/signup for Implementation Grant applicants, andhttps://usg.valideval.com/teams/usdot_ss4a_2023_planning_demo/signup for Planning and Demonstration Grants. Customer support for Valid Eval can be reached at support@valideval.com.

FOR FURTHER CONTACT INFORMATION: Please contact the SS4A grant program staff via email at SS4A@dot.gov, or call Paul Teicher at 202-366-4114. A telecommunications device for the deaf (TDD) is available at 202-366-3993. In addition, DOT will regularly post answers to questions and requests for clarifications, as well as schedule information regarding webinars providing additional guidance, on DOT's website at https://www.transportation.gov/grants/SS4A. The deadline to submit technical questions is June 16, 2023. The NOFO is listed under opportunity number DOT-SS4A-FY23-01 at grants.gov.

SUPPLEMENTARY INFORMATION: Each section of this notice contains information and instructions relevant to the application process for SS4A grants, and all applicants should read this notice in its entirety so that they have the information they need to submit eligible and competitive applications.

Section	Content
N/A	Summary Information
A	Program Description
B	Federal Award Information
C	Eligibility Information
D	Application and Submission Information
E	Application Review Information
F	Federal Award Administration Information
G	Federal Awarding Agency Contacts

[1]The term "pedestrians" is inclusive of all users of the pedestrian infrastructure, including persons with disabilities.

Section	Content
H	Other Information

Section A (Program Description) describes the Department's goals and purpose in making awards, and Section E (Application Review Information) describes how the Department will select from eligible applications. To support applicants through the process, the Department will provide technical assistance and resources at https://www.transportation.gov/grants/SS4A.

DEFINITIONS

Term	Definition
Applicant's Jurisdiction(s)	The U.S. Census tract/tracts where the applicant operates or performs their safety responsibilities. If an applicant is seeking funding for multiple jurisdictions, all of the relevant Census tracts for the jurisdictions covered by the application should be included.
Complete Streets	Standards or policies that ensure the safe and adequate accommodation of all users of the transportation system, including pedestrians, bicyclists, personal conveyance and micromobility users, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles.[2]
Comprehensive Safety Action Plan	A comprehensive safety action plan (referred to as an Action Plan) is aimed at preventing roadway fatalities and serious injuries in a locality or region or on Tribal land. This can be either a plan developed with a Planning and Demonstration Grant, or a previously developed plan that is substantially similar and meets the eligibility requirements (e.g., a Vision Zero plan or similar plan). See Table 1 for a detailed description.
Equity	The consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, Indigenous and Native Americans, Asian Americans and Pacific Islanders, and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality.
High-Injury Network	Identifies the highest concentrations of traffic crashes resulting in serious injuries and fatalities within a given roadway network or jurisdiction.

[2] The definition is based on the "Moving to a Complete Streets Design Model: A Report to Congress on Opportunities and Challenges," https://highways.dot.gov/sites/fhwa.dot.gov/files/2022-03/Complete%20Streets%20Report%20to%20Congress.pdf. Also see https://highways.dot.gov/complete-streets.

Term	Definition
Micromobility	Any small, low-speed, human- or electric-powered transportation device, including bicycles, scooters, electric-assist bicycles, electric scooters (e-scooters), and other small, lightweight, wheeled conveyances.[3]
Personal Conveyance	A personal conveyance is a device, other than a transport device, used by a pedestrian for personal mobility assistance or recreation. These devices can be motorized or human powered, but not propelled by pedaling (e.g., a wheelchair).[4]
Political Subdivision of a State	A unit of government created under the authority of State law. This includes cities, towns, counties, special districts, certain transit agencies, and similar units of local government. A transit district, authority, or public benefit corporation is eligible if it was created under State law, including transit authorities operated by political subdivisions of a State.
Rural	For the purposes of this NOFO, jurisdictions outside an Urban Area (UA) or located within Urban Areas with populations fewer than 200,000 will be considered rural. Lists of UAs are available on the U.S. Census Bureau website at https://www2.census.gov/geo/docs/reference/ua/2020_Census_ua_list_all.xlsx.
Safe System Approach	A guiding principle to address the safety of all road users. It involves a paradigm shift to improve safety culture, increase collaboration across all safety stakeholders, and refocus transportation system design and operation on anticipating human mistakes and lessening impact forces to reduce crash severity and save lives.[5,6]

[3] Source: FHWA, Public Roads Magazine, Spring 2021, "Micromobility: A Travel Innovation." Publication Number: FHWA-HRT-21-003

[4] https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/813251, see page 127 for the full definition as defined in the 2020 FARS/CRSS Coding and Validation Manual.

[5] See: https://www.transportation.gov/NRSS/SafeSystem

[6] Safety culture can be defined as the shared values, actions, and behaviors that demonstrate a commitment to safety over competing goals and demands.

Term	Definition
Underserved Community	An underserved community as defined for this NOFO is consistent with the Office of Management and Budget (OMB) and DOT definitions of a disadvantaged community designation, which includes any Tribal land; any territory or possession of the United States; or U.S. Census tracts identified in one of the following tools (may only select one option to identify underserved communities): • The interim USDOT Equitable Transportation Community Explorer (ETCE) https://experience.arcgis.com/experience/0920984aa80a4362b8778d779b090723/page/Applicant-Explorer/ • Any subsequent iterations of the ETCE released during the NOFO period; or • The Climate and Economic Justice Screening Tool (CEJST) to identify disadvantaged communities https://screeningtool.geoplatform.gov/ Funds to underserved communities are spent in, and provide benefits to, underserved communities.

A. Program Description

1. Overview

Section 24112 of the Infrastructure Investment and Jobs Act (Pub. L. 117–58, November 15, 2021; also referred to as the "Bipartisan Infrastructure Law" or "BIL") authorized and appropriated $1 billion to be awarded by the Department of Transportation for FY 2023 for the SS4A grant program. This NOFO solicits applications for activities to be funded under the SS4A grant program. The FY 2023 funding will be implemented, as appropriate and consistent with law, in alignment with the priorities in Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64355).

The purpose of SS4A grants is to improve roadway safety by significantly reducing or eliminating roadway fatalities and serious injuries through safety action plan development and refinement and implementation focused on all users, including pedestrians, bicyclists, public transportation users, motorists, personal conveyance and micromobility users, and commercial vehicle operators. The program provides funding to develop the tools to help strengthen a community's approach to roadway safety and save lives and is designed to meet the needs of diverse local, Tribal, and regional communities that differ dramatically in size, location, and experience administering Federal funding.

The FY 2023 NOFO incorporates lessons learned from the FY 2022 NOFO, and substantively differs in a few ways:

- Applications are submitted through Valid Eval instead of Grants.gov. The application structure for the key information table and other application submission details has been standardized through Valid Eval.
- Updated the definition of an underserved community, with different tools to determine whether a U.S. Census tract is an underserved community.
- Planning and Demonstration Grants replaced Action Plan Grants from FY 2022, with a number of substantive changes throughout the NOFO:
  - Section A further clarifies eligible planning and demonstration activities;
  - Section B.3 changed the expected minimum and maximum award range to $100,000 to $10 million;
  - Section B.4 has a longer expected period of performance under certain circumstances;

- Section C.3 has changed eligibility requirements and allows applicants currently developing a comprehensive safety action plan to request additional funding for planning and demonstration; and
- Section E has a revised selection criteria requirement for the "Additional Safety Context" narrative, which is now expected to be between 1 and 2 pages.

- Implementation Grants had the following substantive changes:
  - Section B.3 changed the expected minimum and maximum award range to $2.5 million to $25 million;
  - Section E selection criteria were refined, and a fifth selection criterion specifically for applicants who bundle planning and supplemental planning was added; and
  - Section E award selection considerations were expanded to include rural areas, whether the applicant is identified as a priority community within the Federal Thriving Communities Network, requests less than $10 million, and selections that support diversity amongst the award recipients, in addition to project readiness and percent of funds to underserved communities.

2. Grant Options and Deliverables

The SS4A program provides funding for two main types of grants: **Planning and Demonstration Grants** for comprehensive safety action plans, including supplemental safety planning, and/or safety demonstration activities; and **Implementation Grants**. Planning and Demonstration Grants are used to develop, complete, or supplement a comprehensive safety action plan, as well as carry out demonstration activities that inform an Action Plan. Implementation Grants are used to implement strategies or projects that are consistent with an existing Action Plan and may also bundle funding requests for supplemental planning and demonstration activities that inform an Action Plan. To apply for an Implementation Grant, an eligible applicant must have a qualifying Action Plan; see Section C for what constitutes a qualifying Action Plan. Applicants for Implementation Grants can self-certify that they have one or more plans in place by June 2023 that together are substantially similar to and meet the eligibility requirements for an Action Plan.

i. Planning and Demonstration Grants

Planning and Demonstration Grants have three different types of activities:

a) Develop an Action Plan;
b) Conduct supplemental safety planning to enhance an Action Plan; and
c) Carry out demonstration activities to inform the development of, or an update to, an Action Plan.

The three different types of activities under Planning and Demonstration Grants can either be bundled together into one application, or an applicant may choose to request funding for only one of the activities. Applicants may only apply for a single grant type, but both grant types have the option to include Planning and Demonstration projects under them. The development of, or updates to, an Action Plan must be the intended end result of each supplemental planning and demonstration activity. Further information on which activities can be bundled together are described in Section C.3.i.

a) Action Plan

An Action Plan is the foundation of the SS4A grant program. Grants for Action Plans provide Federal funds to eligible applicants to develop, complete, or enhance an Action Plan.

The primary deliverable is a publicly available Action Plan. For the purposes of the SS4A grant program, an Action Plan includes the components in Table 1. DOT considers the process of developing an Action Plan to be critical for success, and the components reflect a process-oriented set of activities.

Table 1: Action Plan Components

Component	Description
Leadership Commitment and Goal Setting	An official public commitment (e.g., resolution, policy, ordinance) by a high-ranking official and/or governing body (e.g., Mayor, City Council, Tribal Council, metropolitan planning organization [MPO], Policy Board) to an eventual goal of zero roadway fatalities and serious injuries. The commitment must include a goal and timeline for eliminating roadway fatalities and serious injuries achieved through one, or both, of the following: (1) the target date for achieving zero roadway fatalities and serious injuries, OR (2) an ambitious percentage reduction of roadway fatalities and serious injuries by a specific date with an eventual goal of eliminating roadway fatalities and serious injuries.
Planning Structure	A committee, task force, implementation group, or similar body charged with oversight of the Action Plan development, implementation, and monitoring.
Safety Analysis	Analysis of existing conditions and historical trends that provides a baseline level of crashes involving fatalities and serious injuries across a jurisdiction, locality, Tribe, or region. Includes an analysis of locations where there are crashes and the severity of the crashes, as well as contributing factors and crash types by relevant road users (motorists, pedestrians, transit users, etc.). Analysis of systemic and specific safety needs is also performed, as needed (e.g., high-risk road features, specific safety needs of relevant road users, public health approaches, analysis of the built environment, demographics, and structural issues). To the extent practical, the analysis should include all roadways within the jurisdiction, without regard for ownership. Based on the analysis performed, a geospatial identification of higher-risk locations is developed (a High-Injury Network or equivalent).
Engagement and Collaboration	Robust engagement with the public and relevant stakeholders, including the private sector and community groups, that allows for both community representation and feedback. Information received from engagement and collaboration is analyzed and incorporated into the Action Plan. Overlapping jurisdictions are included in the process. Plans and processes are coordinated and aligned with other governmental plans and planning processes to the extent practicable.
Equity Considerations	Plan development using inclusive and representative processes. Underserved communities are identified through data and other analyses in collaboration with appropriate partners. Analysis includes both population characteristics and initial equity impact assessments of the proposed projects and strategies.
Policy and Process Changes	Assessment of current policies, plans, guidelines, and/or standards (e.g., manuals) to identify opportunities to improve how processes prioritize transportation safety. The Action Plan discusses implementation through the adoption of revised or new policies, guidelines, and/or standards, as appropriate.

Component	Description
Strategy and Project Selections	Identification of a comprehensive set of projects and strategies—shaped by data, the best available evidence and noteworthy practices, and stakeholder input and equity considerations—that will address the safety problems described in the Action Plan. These strategies and countermeasures focus on a Safe System Approach and effective interventions and consider multidisciplinary activities. To the extent practicable, data limitations are identified and mitigated. Once identified, the projects and strategies are prioritized in a list that provides time ranges for when the strategies and countermeasures will be deployed (e.g., short-, mid-, and long-term timeframes). The list should include specific projects and strategies, or descriptions of programs of projects and strategies, and explains prioritization criteria used. The list should contain interventions focused on infrastructure, behavioral, and/or operational safety.
Progress and Transparency	Method to measure progress over time after an Action Plan is developed or updated, including outcome data. A means to ensure ongoing transparency is established with residents and other relevant stakeholders. The approach must include, at a minimum, annual public and accessible reporting on progress toward reducing roadway fatalities and serious injuries and public posting of the Action Plan online.

Applicants requesting funds to develop an Action Plan may also request funding for supplemental planning and demonstration activities subsequently described in Section A.2.i.b and A.2.i.c below. The goal of an Action Plan is to develop a holistic, well-defined strategy to prevent roadway fatalities and serious injuries in a locality, Tribe, or region. Further information on eligibility requirements is in Section C.

b) Supplemental Planning

Supplemental action plan activities support or enhance an existing Action Plan. To only fund supplemental Action Plan activities through the SS4A program, an applicant must have an existing Action Plan; have a plan that is substantially similar and meets the eligibility requirements for having an existing plan; or be in the process of completing an Action Plan described in Table 1. Examples of supplemental planning include:

- Topical safety sub-plans focused on topics such as speed management, vulnerable road users, accessibility for individuals with disabilities, Americans with Disabilities Act of 1990 (ADA) transition plans, health equity, safety-focused Intelligent Transportation System implementation, lighting, or other relevant safety topics
- Road safety audits
- Additional safety analysis and expanded data collection and evaluation using integrated data
- Targeted equity assessments
- Required supplemental planning as a condition to receiving an Implementation Grant award as described in Section A.2.ii:
    - Updating Action Plans finalized and last updated in 2020 or earlier
    - Broadening the road user focus to include all road users
    - Updating plan components laid out in Table 1 and missing in an eligible plan
- Follow-up stakeholder engagement and collaboration
- Reporting on the progress from Action Plan implementation for transparency
- Other roadway safety planning activities that enhance an Action Plan

The final deliverable for supplemental planning is a written product that connects to, and enhances, an Action Plan. Final products shall be made publicly available. Additional information on supplemental planning is located at https://www.transportation.gov/grants/SS4A.

c) Demonstration Activities

Demonstration activities inform an Action Plan by testing proposed project and strategy approaches to determine their potential benefits and future scope; demonstration activities are temporary. Demonstration activities must measure potential benefits through data collection and evaluation and inform an Action Plan's list of selected projects and strategies and their future implementation. To receive funds only for demonstration activities through the SS4A program, an applicant must have an existing Action Plan, have a plan that is substantially similar and meets the eligibility requirements for having an existing plan, or be in the process of completing an Action Plan described in Table 1. Demonstration activities could include:

- Feasibility studies using quick-build strategies that inform permanent projects in the future (e.g., use of paint and plastic delineator posts to experiment with impermanent roadway design changes, use of removable barriers to re-allocate roadway space).
- Various MUTCD Engineering Studies that further safety applications of the MUTCD (e.g., evaluating warrants for traffic signal installation, high-visibility crosswalk markings, bike lane treatments, etc.).
- Pilot programs for behavioral or operational activities that include at least one element of the Safe System Approach (e.g., test out a new education campaign's messaging at a small scale, trial changes to how Emergency Medical Services respond to crashes).
- Pilot programs that demonstrate safety benefits of technologies not yet adopted in the community (e.g., variable speed limits, technology for adaptive signal timing, adaptive lighting, Intelligent Transportation Systems, vehicle-to-infrastructure technology, etc.).[7] Eligible technologies must be commercially available and at a prototype or advanced technological readiness level.[8]

Demonstration activities and pilot programs must inform Action Plans through small-scale tests with finite trial periods intended to gauge potential project and strategy effectiveness that will lead to project and strategy selection at a systemic level. The final deliverable is an assessment of the demonstration activities and an updated Action Plan that incorporates the information gathered from the demonstration activities into the Action Plan's list of projects or strategies and/or informs another part of the Action Plan. DOT intends to prioritize demonstration activities that are set up within 18 months (e.g., quick-builds on the roadway, pilot project established).

ii. Implementation Grants

Implementation Grants fund projects and strategies identified in an Action Plan that address roadway safety problems. Implementation Grants may also fund supplemental planning and demonstration activities as described in Section A.2.i, as well as planning, design, and development activities for projects and strategies identified in an Action Plan. DOT encourages Implementation Grant applicants to include supplemental planning and demonstration activities in their application. Applicants must have an existing Action Plan to apply for Implementation Grants or have an existing plan that is substantially similar and meets the eligibility requirements of an Action Plan. If applicants do not have an existing Action Plan, they should apply for Planning and Demonstration Grants and **NOT** Implementation Grants.

The Action Plan components may be contained within several plans. DOT requires applicants who have an Action Plan that is missing components required in Table 1 but still have a substantially similar plan based on the Self-Certification Eligibility Worksheet outlined in Section C to update an Action Plan to contain all components in a Comprehensive Safety Action Plan as outlined in Table 1. Updating an existing Plan to address missing components is a condition to receive Implementation Grant funding, and applicants applying for Implementation Grants can request to use SS4A supplemental planning funds to update an existing Action Plan to conform with all the components in Table 1. Additional information on eligibility requirements and eligible activities is in Section C below.

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[7] Eligible vehicle-to-infrastructure demonstrations use interoperable vehicle-to-infrastructure (V2X) communications capabilities using 4G LTE cellular V2X (C-V2X) technology in the 5.905 – 5.925 GHz spectrum frequency band to enable safety applications for public fleet vehicles.

[8] The corresponding level would be "Development," level 7 Prototype demonstrated in operational environment. See https://www.fhwa.dot.gov/publications/research/ear/17047/17047.pdf.

3. SS4A Grant Priorities

This section discusses priorities specific to SS4A and those related to the Department's overall mission, which are reflected in the selection criteria and NOFO requirements. Successful grant applications will:

- Promote safety to prevent death and serious injuries on public roadways;
- Employ low-cost, high-impact strategies that can improve safety over a wide geographic area;
- Ensure equitable investment in the safety needs of underserved communities, which includes both underserved urban and rural communities;
- Incorporate evidence-based projects and strategies and adopt innovative technologies and strategies;
- Demonstrate engagement with a variety of public and private stakeholders; and
- Align with the Department's mission and Strategic Goals such as safety; climate change and sustainability; equity and Justice40; and workforce development, job quality, and wealth creation.[9]

The Department seeks to award Planning and Demonstration Grants based on safety impact, equity, and other safety considerations. For Implementation Grants, DOT seeks to make awards to projects and strategies that save lives and reduce roadway fatalities and serious injuries; incorporate equity, engagement, and collaboration into how projects and strategies are executed; use effective practices and strategies; consider climate change, sustainability, and economic competitiveness in project and strategy implementation; and will be able to complete the full scope of funded projects and strategies within five years after the establishment of a grant agreement. Additional award consideration will be made for Implementation Grant applicants that have a high percentage of funds that benefit underserved communities, are in rural areas, request less than $10 million in Federal funds, and/or support geographic diversity amongst the Implementation Grant award recipients. Section D provides more information on the specific measures an application should demonstrate to support these goals.

The SS4A grant program aligns with both Departmental and Biden-Harris Administration activities and priorities. The National Roadway Safety Strategy (NRSS, issued January 27, 2022) commits the Department to respond to the current crisis in roadway fatalities by "taking substantial, comprehensive action to significantly reduce serious and fatal injuries on the Nation's roadways," in pursuit of the goal of achieving zero roadway deaths through a Safe System Approach.[10] DOT recognizes that zero is the only acceptable number of deaths on our roads, and SS4A program outcomes align with the NRSS and support the FY 2022-2026 DOT Strategic Plan safety performance goals such as a medium-term goal of a two-thirds reduction in roadway fatalities by 2040.[11] DOT also incentivizes communities to adopt and implement Complete Streets policies that prioritize the safety of all users in transportation network planning, design, construction, and operations, and encourages applicants to use a Complete Streets design model on roadways where adjacent land use suggests that trips could be served by varied modes.[12] For applicants seeking to use innovative technologies and strategies, the Department's Innovation Principles serve as a guide to ensure innovations reduce deaths and serious injuries while committing to the highest standards of safety across technologies.[13]

This NOFO aligns with and considers Departmental policy priorities that have a nexus to roadway safety and grant funding. Consistent with the Department's implementation of Executive Order 14008, Tackling the Climate Crisis at Home and Abroad (86 FR 7619), the Department seeks to fund applications that address equity and environmental justice, particularly for communities that have experienced decades of underinvestment and are most impacted by climate change, pollution, and environmental hazards.[14] Additionally, DOT seeks to fund projects that reduce greenhouse gas emissions in the transportation sector, including those that improve safety for low- and zero-emission modes of travel. Applicants should also consider the incorporation of evidence-based

[9] FY 2022-2026 USDOT Strategic Plan https://www.transportation.gov/dot-strategic-plan.
[10] https://www.transportation.gov/NRSS.
[11] https://www.transportation.gov/dot-strategic-plan.
[12] More information on Complete Streets can be found at https://highways.dot.gov/complete-streets.
[13] https://www.transportation.gov/priorities/innovation/us-dot-innovation-principles. Released January 6, 2022.
[14] See the definition of an underserved community, which includes Census tracts identified in the OMB CEJST and DOT ETCE tools.

climate resilience measures and features; reduce the lifecycle greenhouse gas emissions from project materials; avoid adverse environmental impacts to air or water quality, wetlands, and endangered species; and address the disproportionate negative environmental impacts of transportation on disadvantaged communities.

Consistent with Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009), the Department seeks to award funds under the SS4A grant program that will create proportional impacts to all populations in a project area, remove transportation related disparities to all populations in a project area, and increase equitable access to project benefits. An important area for DOT's focus is the disproportionate, adverse safety impacts that affect certain groups on our roadways, particularly people walking, biking, and rolling in underserved communities. In accordance with the Americans with Disabilities Act of 1990 (ADA), awards focused on infrastructure and demonstration activities must ensure that newly constructed facilities in the public right-of-way are accessible to, and usable by, individuals with disabilities to the extent that it is not structurally impracticable to do so. The ADA also requires that, when an existing facility is altered, the altered facility be made accessible to and usable by individuals with disabilities to the maximum extent feasible (28 CFR 35.151[a] and 35.151[b]). See Section E of this NOFO for climate and equity-related selection criteria and Section F for related award administration requirements.

The Department intends to use the SS4A program to support the creation of good-paying jobs with the free and fair choice to join a union and the incorporation of strong labor standards and training and placement programs, especially registered apprenticeships, in project planning stages, consistent with Executive Order 14025, Worker Organizing and Empowerment (86 FR 22829), and Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64335). The Department also intends to use the SS4A program to support wealth creation, consistent with the Department's Equity Action Plan through the inclusion of local inclusive economic development and entrepreneurship such as the utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned Businesses, or 8(a) firms.

B. Federal Award Information

1. Total Funding Available

The BIL established the SS4A program with $5,000,000,000 in advanced appropriations in Division J, including $1,000,000,000 for FY 2023. Additionally, DOT has $177,213,000 in FY 2022 carryover funds set aside for Planning and Demonstration Grants as well as certain eligible safety planning and demonstrative activities that may be included under an Implementation Grant request. Therefore, this Notice makes available up to $1,177,213,000 for FY 2023 grants under the SS4A program. Refer to Section D for greater detail on additional funding considerations and Section D.5 for funding restrictions.

2. Availability of Funds

Grant funding obligation occurs when a selected applicant and DOT enter into a written grant agreement after the applicant has satisfied applicable administrative requirements. Unless authorized by DOT in writing after DOT's announcement of FY 2023 SS4A grant awards, any costs incurred prior to DOT's obligation of funds for activities ("pre-award costs") are ineligible for reimbursement and may not be used as matching funds. All SS4A funds must be expended within five years after the grant agreement is executed and DOT obligates the funds.

3. Award Size and Anticipated Quantity

In FY 2023, DOT expects to award hundreds of Planning and Demonstration Grants and up to one hundred Implementation Grants. The Department reserves the right to make more, or fewer, awards. DOT reserves the discretion to alter minimum and maximum award sizes upon receiving the full pool of applications and assessing the needs of the program in relation to the SS4A grant priorities in Section A.3. Federal funding requests must be made in whole dollar amounts (no cents).

iii. Planning and Demonstration Grants

For Planning and Demonstration Grants, award amounts will be based on estimated costs, with an expected minimum of $100,000 and an expected maximum of $10,000,000 for all applicants. The Department expects larger award amounts for a metropolitan planning organization (MPO), an application comprised of a multijurisdictional group of entities that is regional in scope (e.g., a multijurisdictional group of counties, a council of governments and cities within the same region), or those who are conducting activities in a large geographic area. The Department will consider applications with funding requests under the expected minimum award amount. DOT reserves the right to make Planning and Demonstration Grant awards less than the total amount requested by the applicant.

An application that engages multiple jurisdictions in the same region is encouraged in order to ensure collaboration across multiple jurisdictions and leverage the expertise of agencies with established financial relationships with DOT and knowledge of Federal grant administration requirements. For applicants developing a new Action Plan, the application may propose the development of a single Action Plan covering all jurisdictions, several plans for individual jurisdictions, or a system to administer sub-awards to entities within its jurisdiction.

Of the total amount available, DOT anticipates that it will award at least $250 million for demonstration activities that will inform the development of an Action Plan, as described in Section A.

iv. Implementation Grants

For Implementation Grants, DOT expects the minimum award will be $2,500,000 and the maximum award will be $25,000,000. DOT reserves the right to make Implementation Grant awards less than the total amount requested by the applicant.

4. Start Dates and Period of Performance

DOT expects to obligate SS4A award funding via a signed grant agreement between the Department and the recipient, as flexibly and expeditiously as possible, within 12 months after awards have been announced. Applicants who have never received Federal funding from DOT before are encouraged to partner with eligible applicants within the same region, such as an MPO, that have established financial relationships with DOT and knowledge of Federal grant administration requirements. While States are not eligible applicants and cannot be a co-applicant (which includes State Departments of Transportation and similar State-level entities), eligible applicants are encouraged to separately coordinate with States and other entities experienced with administering Federal grants, outside of the SS4A grant award process, to ensure effective administration of a grant award. The expected period of performance for Planning and Demonstration Grant agreements is between 12 months and 5 years, depending on the scope and extent of the grant activities. The period of performance for Planning and Demonstration Grant and Implementation Grant agreements may not exceed five years.

5. Data Collection Requirements

Under BIL, the Department shall post on a publicly available website best practices and lessons learned for preventing roadway fatalities and serious injuries pursuant to strategies or interventions implemented under SS4A. Additionally, DOT shall evaluate and incorporate, as appropriate, the effectiveness of strategies and interventions implemented under the SS4A grant program.[15] The Department intends to measure safety outcomes through a combination of grant agreement activities and data collections, DOT data collections already underway, and program evaluations separate from the individual grant agreements in accordance with Section F.3.iii. The grant data-collection requirements reflect the need to build evidence of noteworthy strategies and what works. The Department expects to use the data and outcome information collected before and after evaluations. See Section F for more information about post-award reporting requirements.

[15] BIL specifically cites *Countermeasures That Work: A Highway Safety Countermeasure Guide for State Highway Safety Offices, Ninth Edition* or any successor document, but DOT also is to consider applied research focused on infrastructure and operational projects and strategies.

C. Eligibility Information

1. Eligible Applicants

Eligible applicants for SS4A grants are:

(1) a metropolitan planning organization (MPO);
(2) a political subdivision of a State or territory;
(3) a federally recognized Tribal government; and
(4) a multijurisdictional group of entities described in any of the aforementioned three types of entities.

A multijurisdictional group of entities described in (4) should identify a lead applicant as the primary point of contact. For the purposes of this NOFO, a **political subdivision of a State** under (2), above, is defined as a unit of government under the authority of State law. This includes cities, towns, counties, special districts, and similar units of local government. A transit district, authority, or public benefit corporation is eligible if it was created under State law, including transit authorities operated by political subdivisions of a State. States are not eligible applicants, but DOT encourages applicants to coordinate with State entities, as appropriate. Eligible MPOs, transit agencies, and multijurisdictional groups of entities with a regional scope are encouraged to support subdivisions of a State such as cities, towns, and counties with smaller populations within their region. The Department strongly encourages applications that involve multijurisdictional partnerships for Planning and Demonstration Grants and for applicants who have never received Federal funding and can apply with entities experienced in executing DOT grants.

An eligible applicant for an Implementation Grant must also meet at least one of these conditions:
(1) have ownership and/or maintenance responsibilities over a roadway network;
(2) have safety responsibilities that affect roadways; or
(3) have agreement from the agency that has ownership and/or maintenance responsibilities for the roadway within the applicant's jurisdiction.

For the purposes of this NOFO, an applicant's jurisdiction is defined as the U.S. Census tracts where the applicant operates or performs their safety responsibilities.

2. Cost Sharing or Matching

The Federal share of a SS4A grant may not exceed 80 percent of total eligible activity costs. Recipients are required to contribute a local matching share of no less than 20 percent of eligible activity costs. Unless otherwise authorized by statute, all matching funds must be from non-Federal sources. Matching funds may include funding from the applicant, or other eligible non-Federal sources. In accordance with 2 CFR § 200.306, grant recipients may use in-kind or cash contributions toward local match requirements so long as those contributions meet the requirements under 2 CFR § 200.306(b). Any in-kind contributions used to fulfill the cost-share requirement for both Planning and Demonstration Grants and Implementation Grants must:

- Be in accordance with the cost principles in 2 CFR § 200 Subpart E;
- Include documented evidence of completion within the period of performance; and
- Support the execution of the eligible activities in Section C.4.

SS4A funds will reimburse recipients only after a grant agreement has been executed, allowable expenses are incurred, and valid requests for reimbursement are submitted. Grant agreements are expected to be administered on a reimbursement basis, and at the Department's discretion alternative funding arrangements may be established on a case-by-case basis.

3. Grant Eligibility Requirements

If an applicant is eligible for both a Planning and Demonstration Grant and an Implementation Grant, the applicant may only apply for a Planning and Demonstration Grant **or** an Implementation Grant, not both. An eligible applicant may only submit one application to the funding opportunity. Implementation Grant applicants may request funds to bundle supplemental planning and demonstration activities as described in Section A.2.i to update an Action Plan, with funds to implement projects and strategies. Planning and Demonstration Grant funding recipients are not precluded from applying for Implementation Grants in future funding rounds. SS4A award recipients from FY 2022 are eligible to apply in FY 2023.

i. Planning and Demonstration Grant Eligibility Requirements

Eligibility requirements are contingent on whether an applicant is requesting funds to develop a new Action Plan, conduct supplemental planning to update an existing Action Plan, and/or carry out demonstration activities to inform the development of or update to an Action Plan. Any applicant that meets the eligibility requirements may apply for a Planning and Demonstration Grant to develop an Action Plan. Applicants applying to develop an Action Plan may also bundle supplemental planning and demonstration activities into their funding request. Applicants with an existing Action Plan may also apply to update their Action Plan. The development of an Action Plan must include all relevant road users and be at a broad, systemic geographic level (e.g., the entire eligible applicant's jurisdiction, and cannot be for a few road segments within a jurisdiction).

If a higher-level jurisdiction (e.g., an MPO or county would be a higher-level jurisdiction for a city or town) has an existing plan in place, or is in the process of completing an Action Plan, an eligible applicant can apply for supplemental planning or demonstration activities without its own plan as long as: 1) the higher-level jurisdiction's Action Plan's geographic boundaries covers the eligible applicant's jurisdiction; 2) the proposed activities are coordinated with the high-level jurisdiction, and the application demonstrates such coordination; and 3) the activities will inform the Action Plan of the higher-level jurisdiction. Duplicative efforts (e.g., requesting funds to develop an Action Plan even though a higher-level jurisdiction already received an FY 2022 award that covers the same area, multiple applicants requesting to carry out the same types of demonstration activities in the same area) will be identified and assessed for merit within the context of other jurisdictions and their planning and demonstration activities. The Department encourages complementary but distinctive activities, including but not limited to demonstration activities that will help inform the development of an Action Plan in an FY 2022 award.

ii. Implementation Grant Eligibility Requirements

To apply for an Implementation Grant, the applicant must certify that they have an existing plan that is substantially similar to an Action Plan. The plan or plans must be uploaded as an attachment to the application or provided as web links to publicly available sites. Applicants should use the Self-Certification Eligibility Worksheet to determine eligibility.[16] The existing plan must be focused, at least in part, on the roadway network within the applicant's jurisdiction. The components required for an existing plan to be substantially similar to an Action Plan may be found in multiple plans. State-level Action Plans (e.g., a Strategic Highway Safety Plan required in 23 U.S.C. § 148, State Highway Safety Plans required in 23 U.S.C. § 402, Commercial Vehicle Safety Plans required in 49 U.S.C. § 31102, etc.) as well as Public Transportation Agency Safety Plans in 49 U.S.C. § 5329 cannot be used as an established plan to apply for an Implementation Grant. If a higher-level jurisdiction (e.g., an MPO, county, etc.) has an existing plan in place that meets the plan eligibility requirements, an eligible applicant covered within the Action Plan's geographic boundaries could apply without its own plan as long as the other eligibility requirements are met.

Further, Implementation Grant applicants who meet any of the following conditions must update their Action Plan during the execution of a grant agreement to align with all the Comprehensive Safety Action Plan components in Table 1 as a condition to receiving SS4A funds:

- Self-Certification Eligibility Worksheet areas that include a "no" response;

[16] https://www.transportation.gov/grants/ss4a/self-certification-worksheet.

- Safety focus in the qualifying Action Plan does not include all road users, including pedestrians, bicyclists, and motor vehicle safety; or
- Action Plans last updated more than three years ago (to apply in the first place, applicants must have a plan that was finalized and/or last updated between 2018 and June 2023)

Implementation Grant applicants are encouraged to request supplemental planning funding in their application to complete missing components of an existing plan but may choose to complete such activities without Federal funding.

4. Eligible Activities and Costs

i. Eligible Activities

Broadly, eligible activity costs must comply with the cost principles set forth in 2 CFR, Subpart E (i.e., 2 CFR § 200.403 and § 200.405). DOT reserves the right to make cost eligibility determinations on a case-by-case basis. Eligible activities for grant funding include the following three elements:

A. Developing a comprehensive safety action plan or Action Plan (i.e., the activities in Table 1, as well as the supplemental planning and demonstration activities described in Section A.2);
B. Conducting planning, design, and development activities for projects and strategies identified in an Action Plan; and
C. Carrying out projects and strategies identified in an Action Plan.

For Implementation Grants, activities *must* include element (C) "carrying out projects and strategies identified in an Action Plan," and *may* include element (B) "conducting planning, design, and development activities for projects and strategies identified in an Action Plan" and/or element (A) "supplemental planning or demonstration activities." Projects and strategies identified in element (C) must be either infrastructure, behavioral, or operational activities identified in the Action Plan, and must be directly related to addressing the safety problem(s) identified in the application and Action Plan. Applicants may "bundle" different projects, strategies, supplemental planning, and/or demonstration activities into one Implementation Grant application, even if they address different safety problems or are located in different areas. Examples of eligible Implementation Grant activities are listed on the SS4A website located at https://www.transportation.gov/grants/SS4A. The following activities are **not** eligible for element (C) "projects and strategies" nor demonstration activity funding:

- Projects and strategies whose primary purpose is not roadway safety.
- Projects and strategies exclusively focused on non-roadway modes of transportation, including air, rail, marine, and pipeline. Roadway intersections with other modes of transportation (e.g., at-grade highway rail crossings, etc.) are eligible activities.
- Capital projects to construct new roadways used for motor vehicles. New roadway facilities exclusively for non-motorists (e.g., a shared use path) is an eligible activity if the primary purpose is safety related.
- Infrastructure projects primarily intended to expand capacity to improve Levels of Service for motorists on an existing roadway, such as the creation of additional lanes.
- Maintenance activities for an existing roadway primarily to maintain a state of good repair. However, roadway modifications on an existing roadway in support of specific safety-related projects identified in an Action Plan are eligible activities.
- Development or implementation of a public transportation agency safety plan (PTASP) required by 49 U.S.C. § 5329. However, a PTASP that identifies and addresses risks to pedestrians, bicyclists, personal conveyance and micromobility users, transit riders, and others may inform Action Plan development.

Projects, strategies, and demonstration activities must have equity—the consistent, fair, just, and impartial treatment of all people—at their foundation. This includes traffic enforcement strategies. As part of the Safe

System Approach adopted in the USDOT's National Roadway Safety Strategy, any activities related to compliance or enforcement efforts to make our roads safer should affirmatively improve equity outcomes as part of a comprehensive approach to achieve zero roadway fatalities and serious injuries. The SS4A program can be used to support safety projects and strategies that address serious safety violations of drivers (e.g., speeding, alcohol and drug-impaired driving, etc.), so long as the proposed strategies are data-driven and demonstrate a process in alignment with goals around community policing and in accordance with Federal civil rights laws and regulations.[17] Funds may not be used, either directly or indirectly, to support or oppose union organizing.

ii. Project and Strategy Location

For Implementation Grants, applications must identify the problems to be addressed, the relevant geographic locations (e.g., corridors, intersections, etc.), and the projects and strategies they plan to implement based on their Action Plan or established plan. This should include specific intervention types, address common safety risk characteristics, and be located on the Action Plan's High-Injury Network to the extent practicable. To provide flexibility in the implementation of projects and strategies that involve systemic safety strategies or bundling of similar countermeasures, an applicant may wait to finalize site locations as part of executing the grant agreement, if necessary, upon approval of the Department, and as long as the identified site locations are primarily on the High-Injury Network and designs remain consistent with the intent of the award.

D. Application and Submission Information

1. Address to Request Application Package

All grant application materials can be accessed at grants.gov under opportunity number DOT-SS4A-FY23-01. Applicants must submit their applications via Valid Eval at https://usg.valideval.com/teams/usdot_ss4a_2023_implementation/signup for Implementation Grant applicants, and https://usg.valideval.com/teams/usdot_ss4a_2023_planning_demo/signup for Planning and Demonstration Grants under the Notice of Funding Opportunity Number cited herein. Potential applicants may also request paper copies of materials at:

Telephone: 202-366-4114
Mail: U.S. Department of Transportation
1200 New Jersey Avenue SE
W84-322
Washington, DC 20590

2. Content and Form of Application Submission

The Planning and Demonstration Grant, and the Implementation Grant, respectively, have different application submission and supporting document requirements.

i. Planning and Demonstration Grant Application Submissions

The application must include the following: Standard Forms (SF); Key Information Questions; Project Narrative and Summary Budget Narrative. This information must be submitted via Valid Eval at https://usg.valideval.com/teams/usdot_ss4a_2023_planning_demo/signup. More detailed information about each application material is provided below. The necessary file formats for each application component will be displayed on the Valid Eval intake site.

- **Standard forms:** All applicants must submit the following Standard Forms: Application for Federal Assistance (SF-424), Budget Information for Non-Construction Programs (SF-424A), Assurances for Non-Construction Programs (SF-424B), and Disclosure of Lobbying Activities (SF-LLL).

[17] For one such example, see https://cops.usdoj.gov/RIC/Publications/cops-p157-pub.pdf.

- **Key Information Questions:** Below is a preview list of the questions that are asked on USDOT's automated proposal website at https://usg.valideval.com/teams/usdot_ss4a_2023_planning_demo/signup. After registering in the system, the applicant will be prompted to answer these questions on the website.

Table 2: Example Planning and Demonstration Application Key Information Table

Title	Instructions
Lead Applicant Name	This should be consistent with Q. 8.a. of the SF-424.
Lead Applicant Unique Entity Identifier (UEI)	See Section D.3 below for more information about obtaining a UEI from SAM.gov.
Eligible Entity Type	See Section C.1.
Do you have additional applicants as part of a multijurisdictional group of eligible entities?	List of additional applicants.
Total Applicant Jurisdiction Population	2020 U.S. Census American Community Survey.
Total Applicant Jurisdiction Applicant Census Tract(s)	List of all Census tracts covered by the jurisdiction.
Census Tract(s) of any pilot or demonstration projects (if applicable)	Census tracts where pilot or demonstration projects would take place.
Total Count Motor Vehicle-Involved Roadway Fatalities that includes the last five years of data made available in the Fatality Analysis Reporting System (FARS) during the NOFO period	From the Fatality Analysis Reporting System (FARS) for the applicant jurisdiction. Use 2016-2020 data; or if available, 2017-2021 data. NOTE: The 2021 FARS data is expected to be released early in the NOFO period.
Total Average Annual Fatality Rate (per 100,000 population	The fatality rate calculated using the 5-year annual average from the total count of fatalities based on FARS data, divided by the population of the applicant's jurisdiction based on 2020 U.S. Census ACS population data.
Total Percent of Population in Underserved Communities Census Tract(s)	The population in underserved communities should be a percentage obtained by dividing the population living in Census tracts with an Underserved Community designation divided by the total population living in the jurisdiction.
Project Title	A concise, descriptive title for the project. This should be the same title used in the SF-424 form and the application narrative.
Application Type (select all that apply)	Develop a new Action Plan; Conduct Supplemental Planning to update an Action Plan; Demonstration Activities to inform development of an Action Plan.
Description of Supplemental Planning and Demonstration Activities (if relevant)	See Section A.2.i.
Total Federal Funding Request	Must be a whole number (no cents).
Total Local share/Match	**Must be equal to, or greater than, 20% of total project cost.**
Total Project Cost	Sum of Total Federal Funding Request and Total Local share/Match.

Title	Instructions
Regional Coordination	Questions on your application in relation to overlapping jurisdictions that received an award in FY 2022 or are applying for a grant in FY 2023.

- **Narrative*:*** In narrative form, the applicant must respond to the Planning and Demonstration Grant selection criteria described in Section E.1.i to affirm its alignment with SS4A safety considerations and address the criteria. The narrative must be no longer than 2 pages.

  For applicants requesting funding for demonstration activities to inform an Action Plan: you must provide a brief schedule showing when the activities will be in place (e.g., hardware installed, when the pilot would begin, etc.), and the start/end dates of the work. If anticipated to be a schedule constraint, applicants should include in the narrative any potential timeline implications of meetings administration requirements in Section F such as domestic preference and any required waivers, the National Environmental Policy Act requirements, as well as any applicable permitting and approval timeframes.

- **Self-Certification Eligibility Worksheet:** If only applying for supplement planning and/or demonstration activities that will inform the update of an existing plan, applications must either demonstrate their existing plan is eligible by attaching the filled out Self-Certification Eligibility Worksheet, or be in the process of developing a comprehensive safety action plan. If applying to develop a new Action Plan, applicants do not need to include the worksheet even if supplemental planning and/or demonstration activities are included.

- **Map:** The applicant must submit a map in a PDF format that shows the location of the jurisdiction and highlights the roadway network under the applicant's jurisdiction.

- **Budget:** Applicants are required to provide a brief budget summary and a high-level overview of estimated activity costs, as organized by all major cost elements. Funding sources should be grouped into two categories: Federal Funding share, and non-Federal share funds. The costs or value of in-kind match should also be provided. This budget shall not include any previously incurred expenses, or costs to be incurred before the time of award. DOT requires applicants use SF-424A to provide this information. Additionally, applicants must summarize the amount of funding going towards the three eligible activities for a Planning and Demonstration Grant (developing a new Action Plan, conducting supplemental planning to update an existing plan, and carrying out demonstration activities to inform the development or update of an Action Plan).

ii. Implementation Grant Application Submissions

The application must include the following: Standard Forms (SF); Key Information Questions; Project Narrative and Summary Budget Narrative. This information must be submitted via Valid Eval at https://usg.valideval.com/teams/usdot_ss4a_2023_implementation/signup. More detailed information about each application material is provided below. The necessary file formats for each application component will be displayed on the Valid Eval intake site.

- **Standard forms:** All applicants must submit the following Standard Forms: Application for Federal Assistance (SF-424), Budget Information for Construction Programs (SF-424C), Assurances for Construction Programs (SF-424D), and Disclosure of Lobbying Activities (SF-LLL).

- **Key Information Questions:** This is a preview list of the questions that are asked on USDOT's automated proposal website at https://usg.valideval.com/teams/usdot_ss4a_2023_implementation/signup. After registering in the system, the applicant will be prompted to answer these questions on the website.

Table 3: Example Implementation Grant Application Key Information Table

Title	Instructions
Lead Applicant Name	This should be consistent with Q. 8.a. of the SF-424.
Lead Applicant Unique Entity Identifier (UEI)	See Section D.3 below for more information about obtaining a UEI from SAM.gov.[18]
Eligible Entity Type	See Section C.1.
Do you have additional applicants as part of a multijurisdictional group of eligible entities?	List of additional applicants.
Total Applicant Jurisdiction Population	2020 U.S. Census American Community Survey.
Total Applicant Jurisdiction Applicant Census Tract(s)	List of all Census tracts covered by the jurisdiction.
Total Applicant Jurisdiction Count of Motor Vehicle-Involved Roadway Fatalities that includes the last five years of data made available in FARS during the NOFO period	From the Fatality Analysis Reporting System (FARS) for the applicant jurisdiction. Use 2016-2020 data; or if available, 2017-2021 data. NOTE: The 2021 FARS data is expected to be released early in the NOFO period.
Total Jurisdiction Average Annual Fatality Rate (per 100,000 population)	The fatality rate calculated using the 5-year annual average from the total count of fatalities based on FARS data, divided by the population of the applicant's jurisdiction based on 2020 U.S. Census ACS population data.
Census Tract(s) of the project(s)	Census tract(s) where project(s) would take place.
Specific project location(s)	Names of corridors or intersections, latitude/longitude coordinates, or other description of project limits.
Percent of Population in Underserved Communities in the project area Census Tract(s)	The population in underserved communities should be a percentage obtained by dividing the population living in Census tracts with an Underserved Community designation divided by the total population living in the jurisdiction.
Project Area Fatalities 2017-2021	Count of fatalities in the project area(s). May use source other than FARS.
Project Area Serious Injuries 2017-2021 OR Project Area Injuries Severity Unknown 2017-2021	Count of serious injuries in the project area(s). Applicants without reliable serious injury data may use suspected serious injury figures. Please cite source.
Project Title	A concise, descriptive title for the project. This should be the same title used in the SF-424 form and the application narrative.
Project Goals	One sentence summary of the safety problem(s) this project will address.

[18] https://sam.gov/content/home

Title	Instructions
Applicant roadway safety responsibility (select all that apply):	• Ownership and/or maintenance responsibilities over a roadway network; • Safety responsibilities that affect roadways; • Have an agreement from the agency that has ownership and/or maintenance responsibilities for the roadway within the applicant's jurisdiction
Primary project purpose (select one)	• Infrastructure Projects and Strategies • Behavioral Project and Strategies • Operational or Technology Projects and Strategies
Roadway users that this project will <u>significantly</u> benefit (check all that apply)	• Pedestrians • Bicyclists • Micromobility Users (e.g., scooters, etc.) • Transit Users • Commercial Motor Vehicles • Motorists • Emergency Medical Services • Other (please specify)
Does this project include major construction, minor construction, or both?	• Major construction projects • Minor construction projects • Neither major nor minor constructions projects
Does your project include Demonstration Activities?	See Section A.2.i.
Would you consider accepting funding for only demonstration activities and/or supplemental planning?	Yes, no, n/a.
Total Federal Funding Request	Must be a whole number (no cents).
Total Local share/Match	**Must be equal to, or greater than, 20% of total project cost.**
Total Project cost	Sum of Total Federal Funding Request and Total Local share/Match.
Total Federal Funds Allocated to Underserved Communities	Funds to be spent in Census tracts identified as underserved through the DOT Equitable Transportation Community Explorer tool.
Supplemental Planning Activities (A) Federal Funding Request	
Supplemental Planning Activities (A) Total Project Costs	
Planning, Design, and Development Activities for Projects/Strategies (B) Federal Funding Request	
Planning, Design, and Development Activities for Projects/Strategies (B) Total Project Costs	
Carrying Out Projects and Strategies (C) Federal Funding Request	

Title	Instructions
Carrying Out Projects and Strategies (C) Total Project Costs	
Existing Comprehensive Safety Action Plan (or equivalent)	Link to or attachment,

a) Narrative

The Department recommends that the narrative follows the outline below to address the program requirements and assist evaluators in locating relevant information. The narrative may not exceed 12 pages in length, excluding cover pages and the table of contents. The Self-Certification Eligibility Worksheet and Budget sections do not count towards the 12-page limit. Appendices may include documents supporting assertions or conclusions made in the 12-page narrative and also do not count towards the 12-page limit. If possible, website links to supporting documentation should be provided rather than copies of these supporting materials. If supporting documents are submitted, applicants should clearly identify within the narrative the relevance of each supporting document. Letters of support will only be considered if they are submitted with the application as one consolidated set of support letters in one supporting attachment.

I.	Overview	See D.2.ii.a.I
II.	Location	See D.2.ii.a.II
III.	Response to Selection Criteria	See D.2.ii.a.III and Section E.1.ii
IV.	Project Readiness	See D.2.ii.a.IV

I. Overview

This section should provide an introduction, describe the safety context, jurisdiction, and any high-level background information that would be useful to understand the rest of the application.

II. Location

This section of the application should describe the jurisdiction's location, the jurisdiction's High-Injury Network or equivalent geospatial identification (geographic or locational data using maps) of higher risk locations, and potential locations and corridors of the projects and strategies. Note that the applicant is not required to provide exact locations for each project or strategy; rather, the application should identify which geographic locations are under consideration for projects and strategies to be implemented and what analysis will be used in a final determination.

III. Response to Selection Criteria

This section should respond to the criteria for evaluation and selection in Section E.1.ii of this Notice and include a compelling narrative to highlight how the application aligns with criteria #1 Safety Impact; #2 Equity, Engagement, and Collaboration; #3 Effective Practices and Strategies; #4 Other DOT Strategic Goals; #5 Additional Safety Context (only if applying for supplemental planning and/or demonstration activities).

Note, criterion #1 Safety Impact assesses "implementation cost" information, which will be described in SF-424C, Budget of the narrative, and the Key Information Table. The Federal funding requested per person(s) killed or seriously injured from 2017-2021 in the Key Information Table should be itemized by separating different locations and/or different sets of proposed projects and strategies that address a similar safety problem and match the itemization in the Budget.

The applicant must respond to each of the four criteria 1-4 and respond to criterion #5 if applying for supplemental planning and/or demonstration activities. Applicants are not required to follow a specific narrative format, but the

structure should clearly identify the narrative associated with each selection criterion. To the extent practical, DOT encourages applicants to incorporate existing content from their Action Plan/established plan(s).

IV. Project Readiness

The applicant must provide information to demonstrate the applicant's ability to substantially execute and complete the full scope of work in the application proposal within five years of when the grant is executed, with a particular focus on design and construction, as well as environmental, permitting, and approval processes. Applicants should indicate if they will be seeking permission to use roadway design standards that are different from those generally applied by the State in which the project is located. As part of this portion of the narrative, the applicant must include a detailed activity schedule that identifies all major project and strategy milestones. Examples of such milestones include State and local planning approvals; start and completion of National Environmental Policy Act (NEPA) and other Federal environmental reviews and approvals including permitting; design completion; right of way acquisition; approval of plans, specifications, and estimates; procurement; State and local approvals; public involvement; partnership and implementation agreements; and construction. Environmental review documentation should describe in detail known project impacts, and possible mitigation for those impacts. When a project results in impacts, an award recipient must take steps to engage the public. At a minimum, the project readiness narrative and detailed project activity schedule must include the applicability and disposition of: NEPA and Federal environment reviews and approvals; utility relocation; and right-of-way acquisition. For additional guidance and resources, visit https://www.transportation.gov/grants/SS4A.

b) Self-Certification Eligibility Worksheet

Attach a completed Self-Certification Eligibility Worksheet.

c) Budget

This section of the application should describe the budget for the SS4A proposal. Applicants are required to provide a brief budget summary and provide a high-level overview of estimated activity costs, as organized by all major cost elements. The budget shall provide itemized estimates of the costs by separating different locations and/or different sets of proposed projects and strategies that address a similar safety problem, and then providing additional details about those from the itemized list at the component level. This information should include capital costs for infrastructure safety improvements and costs associated with behavioral and operational safety projects and strategies. The section should also distinguish between the three eligible activity areas: (A) supplemental planning and demonstration activities in support of an existing Action Plan; (B) conducting planning, design, and development activities for projects and strategies identified in an Action Plan; and (C) carrying out projects and strategies identified in an Action Plan.

Funding sources should be grouped into two categories: SS4A funding Federal share, and non-Federal share funds. Estimated costs or value of in-kind matches should also be provided. The budget should show how each source of funds will be spent. This budget should not include any previously incurred expenses, or costs to be incurred before the time of award and obligation because these expenses are not eligible for reimbursement or cost-sharing. DOT requires applicants use form SF-424C, and the applicant must also provide the information in Table 4 below.

Table 4: Supplemental Estimated Budget

Activities	Federal Funding Request	Total Project Cost	Federal Funds to Underserved Communities
Itemized Estimated Costs of the (A) supplemental action plan activities			
Item #1	$0.00	$0.00	
Item #2	$0.00	$0.00	

Activities	Federal Funding Request	Total Project Cost	Federal Funds to Underserved Communities
Subtotal Budget for (A) supplemental action plan activities	**$0.00**	**$0.00**	**$0.00**
Itemized Estimated Costs of the (B) planning, design, and development activities			
Location or Project #1	$0.00	$0.00	**$0.00**
Individual Component for #1	$0.00	$0.00	
Individual Component for #1	$0.00	$0.00	
Location or Project #2	$0.00	$0.00	**$0.00**
Individual Component for #2	$0.00	$0.00	
Individual Component for #2	$0.00	$0.00	
Subtotal Budget for (B) conducting planning, design, and development activities	**$0.00**	**$0.00**	**$0.00**
Itemized Estimated Costs of the (C) proposed projects and strategies			
Location or Project #1	$0.00	$0.00	**$0.00**
Individual Component for #1	$0.00	$0.00	
Individual Component for #1	$0.00	$0.00	
Location or Project #2	$0.00	$0.00	**$0.00**
Individual Component for #2	$0.00	$0.00	
Individual Component for #2	$0.00	$0.00	
Subtotal Budget for (C) carrying out projects and strategies	**$0.00**	**$0.00**	**$0.00**

3. Unique Entity Identifier and System for Award Management (SAM)

Each applicant is required to: (i) be registered in SAM (https://sam.gov/content/home) before submitting its application; (ii) provide a valid unique entity identifier in its application; and (iii) continue to maintain an active SAM registration with current information at all times during which it has an active Federal award or an application or plan under consideration by a Federal awarding agency. DOT may not make a Federal award to an applicant until the applicant has complied with all applicable unique entity identifier and SAM requirements and, if an applicant has not fully complied with the requirements by the time DOT is ready to make an award, DOT may

determine that the applicant is not qualified to receive an award and use that determination as a basis for making an award to another applicant.

4. Submission Dates and Times

Applications must be submitted by 5:00 PM EDT on Monday, July 10, 2023. Late applications will not be accepted.

5. Funding Restrictions

Per BIL requirements, not more than 15 percent of the $1 billion in FY 2023 funds made available to carry out the SS4A program may be awarded to eligible applicants in a single State.[19] In addition, 40 percent of the total funds made available in FY 2023 and all $177 million of the funds carried over from FY 2022 must be awarded for developing an Action Plan, including supplemental planning to update an existing Action Plan, or demonstration activities to inform the development of or update an Action Plan (total $577 million). Due in part to these restrictions, in FY 2022, nearly all the eligible applicants requesting funds for Action Plan development were awarded, while less than 20 percent of Implementation Grant applications were awarded.

6. Other Submission Requirements

The format of the Section D.2 application submission should be in PDF format, with font size no less than 12-point Times New Roman, margins a minimum of 1 inch on all sides, and include page numbers. The necessary file formats for each application component will be displayed on the Valid Eval intake site.

The complete application must be submitted via Valid Eval, an online submission proposal system used by USDOT at https://usg.valideval.com/teams/usdot_ss4a_2023_implementation/signup for Implementation Grant applicants, and https://usg.valideval.com/teams/usdot_ss4a_2023_planning_demo/signup for Planning and Demonstration Grant applicants.

E. Application Review Information

1. Selection Criteria

This section specifies the criteria DOT will use to evaluate and select applications for SS4A grant awards. The Department will review merit criteria for all complete applications from eligible applicants. Planning and Demonstration Grants, and Implementation Grants, respectively, each have their own set of application review and selection criteria.

i. Planning and Demonstration Grant Selection Criteria

For Planning and Demonstration Grants, the Department will use three evaluation criteria. The Department will evaluate quantitative data in two selection criteria areas: #1 Safety Impact; and #2 Equity. The Department will also assess the narrative for #3 Additional Safety Context. Costs will also be considered.

Selection Criterion #1: Safety Impact

The activities are in jurisdictions that will likely support a significant reduction or elimination of roadway fatalities and serious injuries involving various road users, including pedestrians, bicyclists, public transportation users, personal conveyance and micromobility users, motorists, and commercial operators, within the timeframe proposed by the applicant. The Department will assess safety impact using two quantitative ratings:

[19] Funding for Tribal lands will be treated as their own State and will not count toward a State's 15% limit.

- The count of roadway fatalities from the most recent set of 5-year data[20] based on DOT's FARS data, an alternative traffic crash dataset, or a comparable data set with roadway fatality information.[21]
- The fatality rate, which is calculated using 5-year annual average from the total count of fatalities (based on FARS data or an alternative traffic crash dataset) divided by the 2020 population of the applicant's jurisdiction based on 2020 ACS population data from the U.S. Census. The rate should be normalized per 100,000 persons.

Selection Criterion #2: Equity

The activities will ensure equitable investment in the safety needs of underserved communities in preventing roadway fatalities and injuries, including rural communities. The Department will assess the equity criterion using one quantitative rating:

- The percentage of the population in the applicant's jurisdiction that resides in an Underserved Community Census tract.[22] Population of a Census tract, either a tract that is Underserved Community or not, must be based on 2020 ACS population data from the U.S. Census.

Selection Criterion #3: Additional Safety Context

The applicant must address these considerations in narrative form. The Department will assess whether the applicant has: described the scope of work to be performed; the roadway safety issues that necessitate further Action Plan development, supplemental planning, and /or demonstration activities, as applicable; and how the funded activities will inform an Action Plan and support the identification of projects and strategies that will:

- Lead to a significant reduction or elimination of roadway fatalities and serious injuries involving various road users;
- Employ low-cost, high-impact strategies that can improve safety over a wider geographical area;
- Involve engaging with a variety of public and private stakeholders;
- Adopt innovative technologies to promote safety and equity; and
- Be evidence-based or build evidence around what works.

Applicants applying to carry out demonstration activities to inform the development of an Action Plan will also be assessed as to whether their approach to measuring the potential benefits of the demonstration activities through data collection and evaluation are described, and the extent to which the activities will be set up (e.g., quick builds on the roadway, pilot project established) within 18 months of executing a grant agreement.

Additional Consideration: Budget Costs

The Department will assess the extent to which the budget and costs to perform the activities required to execute the Planning and Demonstration Grant are reasonable, necessary, and allocable based on 2 CFR § 200.404 and 405, and the extent to which the application delineates the breakdown of Federal funds requested between developing an Action Plan, conducting supplemental planning to update an existing plan, and/or carrying out demonstration activities to inform the development or update of an Action Plan.

ii. Implementation Grant Selection Criteria

Implementation Grants have five merit criteria: #1 Safety Impact; #2 Equity, Engagement, and Collaboration; #3 Effective Practices and Strategies; #4 Other DOT Strategic Goals; and #5 Supplemental Planning and Demonstration Activities. DOT will only evaluate selection criterion #5 Supplemental Planning and Demonstration

[20] At the time of NOFO publication this would be 2016-2020 data; however, the 2021 data is expected to be released early in the NOFO period.
[21] https://cdan.dot.gov/query
[22] https://experience.arcgis.com/experience/0920984aa80a4362b8778d779b090723/page/Applicant-Explorer/

Activities for Implementation Grant applicants requesting funds to conduct supplemental planning and/or carry out demonstration activities. Two considerations will also be used in the selection process: Project Readiness, and Additional Considerations. The response to each criterion, to the extent practicable, should be aligned with the applicant's Action Plan. Below describes the specific content the applicant should respond to for each of these criteria.

Selection Criterion #1: Safety Impact

DOT will assess whether the proposal is likely to: significantly reduce or eliminate roadway fatalities and serious injuries; employ low-cost, high-impact strategies over a wide geographic area; and include evidence-based projects and strategies. Safety impact is the most important criterion and will be weighed more heavily in the review and selection process. The Department will assess the applicant's description of the safety problem, safety impact assessment, and costs as part of the Safety Impact criterion:

- Description of the safety problem. DOT will assess the extent to which:
  - The safety problem to be addressed is described, including historical trends, fatal and serious injury crash locations, contributing factors, and crash types by category of road user.
  - Crashes and/or crash risk are displayed in a High-Injury Network, hot spot analysis, or similar geospatial risk visualization.
  - Project and strategy locations are described in relation to the High-Injury Network and geospatial information.
  - Safety risk is summarized from risk models, hazard analysis, the identification of high-risk roadway features, road safety audits/assessments, near miss data, and/or other proactive safety analyses.

- Safety impact assessment. DOT will assess the extent to which projects and strategies:
  - Align with and comprehensively address the identified safety problems.
  - Are primarily on a High-Injury Network or address high-risk roadway features correlated with severe crash types.
  - Significantly reduce or eliminate roadway fatalities and serious injuries involving various road users.
  - Use low-cost, high-impact strategies and projects over a wide geographical area.
  - Use evidence-based, Proven Safety Countermeasures or other effective safety countermeasures to significantly improve existing roadways.[23]
  - Use evidence-based Countermeasures that Work with four or five stars to address persistent behavioral safety issues and consider equity in their implementation.[24]
  - Measure safety impact through models, studies, reports, proven noteworthy practices, Crash Modification Factors (CMF), and other information on project and strategy effectiveness.
  - Will have safety benefits that persist over time.[25]

- Implementation Costs. DOT will assess the extent to which the projects and strategies:
  - Are itemized and summarized in a logical manner, including capital costs for infrastructure, behavioral, and operational safety improvements.

[23] https://safety.fhwa.dot.gov/provencountermeasures/
[24] https://www.nhtsa.gov/sites/nhtsa.gov/files/2021-09/Countermeasures-10th_080621_v5_tag.pdf
[25] https://highways.dot.gov/safety/data-analysis-tools

- Fund locations with past traffic fatalities and serious injuries and is expected to prevent fatalities and serious injuries per funds requested. Injuries will be weighted and combined with fatalities to assess this figure in relation to the Federal funding request.[26]

Selection Criterion #2: Equity, Engagement, and Collaboration

This criterion supports the legislative requirements to assess the extent to which the application ensures the equitable investment in the safety needs of underserved communities and demonstrates engagement with a variety of public and private stakeholders. The response to this criterion should focus on equity, engagement, and collaboration in relation to the implementation of the projects and strategies. DOT will assess the extent to which projects and strategies:

- Ensure equitable investment in underserved communities in preventing roadway fatalities and serious injuries, including rural communities.
- Are designed to decrease existing disparities identified through equity analysis.
- Consider key population groups (e.g., people in underserved communities, children, seniors, Black, Latino, Indigenous and Native Americans, Asian Americans and Pacific Islanders, other persons of color, persons with disabilities, persons who live in rural areas, and persons otherwise adversely affected by persistent poverty or inequality) to ensure the impact to these groups is understood and addressed.
- Include equity analysis, both quantitative and qualitative, and stakeholder engagement in underserved communities as part of the development and implementation process.[27]
- Include meaningful engagement with the public, including public involvement for underserved communities, community benefit agreements, and relevant stakeholders such as private sector and community groups, as part of implementation.
- Leverage partnerships within their jurisdiction, with other government entities, non-governmental organizations, the private sector, academic institutions, and/or other relevant stakeholders to achieve safety benefits while preventing unintended consequences for persons living in the jurisdiction.
- Inform representatives from areas impacted on implementation progress and meaningfully engage over time to evaluate the impact of projects and strategies on persons living in the jurisdiction.
- Align with the equity analysis performed as part of the development of an existing Action Plan.

Selection Criterion #3: Effective Practices and Strategies

DOT will assess the extent to which the applicant demonstrates how it applies policies, guidelines, standards, and practices to promote systemic safety improvements. DOT will assess the extent to which the projects and strategies reflect effective safety practices that:

- Demonstrate how updated policies, guidelines, and standards improve safety decision making.
- Are supported by an existing Complete Streets Policy that prioritizes safety in standard agency procedures and guidance, or other roadway safety policies that have eliminated barriers to prioritizing the safety of all users.
- Incorporate practices that promote efficiency within the planning and road management lifecycle (e.g., dig once, etc.).
- Consider the impacts of land use and the built environment to promote transportation efficient design.

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[26] The weighting will use the Benefit Cost Analysis Guidance 2023 Update: https://www.transportation.gov/sites/dot.gov/files/2023-01/Benefit%20Cost%20Analysis%20Guidance%202023%20Update.pdf. One fatality equals 20.9 serious injuries, or 55.2 injured severity unknowns.

[27] See Table 1 under "Equity Considerations" for what equity analysis entails.

- Leverage a Safe System Approach that uses multiple activities and interventions to address safety problems.
- Encompass at least three of the five Safe System Approach elements in the National Roadway Safety Strategy (Safer People, Safer Roads, Safer Speeds, Safer Vehicles, and Post-Crash Care) to address the identified safety problem.
- Include a mix of infrastructure, behavioral, operational, and/or post-crash safety activities.
- Involve widely implemented improvements based on high-risk roadway features correlated with particularly severe crash types, including design features that reinforce appropriate motor vehicle speeds.
- Incorporate technologies that promote safety and/or equity.
- Improve safety for all road users along a roadway by providing accessible facilities (e.g., Public-Rights-of-Way Accessibility Guidelines [PROWAG]) and correcting barriers to individuals with disabilities.[28]
- Improve multimodal networks for people outside of a motor vehicle, including people who are walking, biking, rolling, public transit users, and have disabilities.

Selection Criterion #4: Other DOT Strategic Goals

This program's focus on equity and safety is also advanced by considerations of how applications address climate and sustainability considerations, as well as whether applications support economic competitiveness. DOT will assess the extent to which the projects and strategies use safety strategies to support the Departmental strategic goals of climate change, sustainability, workforce, and economic competitiveness, and the extent to which the proposal is expected to:

Climate and Sustainability

- Reduce motor vehicle-related pollution such as air pollution and greenhouse gas emissions.
- Increase safety of lower-carbon travel modes such as public transit, micromobility and active transportation (e.g., people biking and walking).
- Improve multimodal transportation systems that incorporate affordable transportation options such as public transit, micromobility, and active transportation such as walking and biking to transit stops and stations.
- Reduce the lifecycle greenhouse gas emissions from the project materials such as the use of lower-carbon pavement and construction materials.
- Support fiscally responsible land use and transportation efficient design that reduces greenhouse gas emissions through land use and zoning reform, rural main street revitalization, growth management, and equitable transit-oriented development.
- Includes evidence-based climate resilience measures or features such as enhanced storm water management practices, upgrading infrastructure using the Federal Flood Risk Management Standard, and nature-based solutions that improve the built and/or natural environment.

Economic Competitiveness

- Lead to increased economic or business activity due to enhanced safety features for all road users.
- Increase mobility and expand connectivity for all road users to critical community services such as education and healthcare, jobs, and business opportunities, especially for people in underserved communities.
- Address the unique challenges rural and Tribal communities face related to mobility and economic development, including isolation and transportation cost burden.

[28] https://www.access-board.gov/prowag/

Workforce

- For skilled construction labor needed on the project, incorporate strong labor standards (e.g., wages and benefits at or above prevailing; use of project labor agreements, registered apprenticeship programs).
- For non-construction work on the project, commit to supporting training opportunities as part of the project, including pre-apprenticeship or apprenticeship readiness programs and youth service, with a description of how training and job opportunities on the project will lead into registered apprenticeship or good-paying jobs.
- Track and publish aggregate workforce data, including information on demonstrating that employment opportunities are available to historically underserved workers in the community.
- Include Local inclusive economic development and entrepreneurship such as utilization of Disadvantaged Business Enterprises, Minority-owned Businesses, Women-owned businesses, or 8(a) firms.

Selection Criterion #5: Supplemental Planning and Demonstration Activities

Implementation Grant applicants should only respond to this selection criterion if supplemental planning and/or demonstration activities are included in the application. DOT will assess whether the applicant has described the scope of supplemental planning or demonstration work to be performed; the roadway safety issues that necessitate further Action Plan development, including supplemental planning, and /or demonstration activities, as applicable; and how the funded activities will inform an Action Plan and support the identification of projects and strategies that will:

- Lead to a significant reduction or elimination of roadway fatalities and serious injuries involving various road users;
- Employ low-cost, high-impact strategies that can improve safety over a wider geographical area;
- Involve engaging with a variety of public and private stakeholders;
- Adopt innovative technologies to promote safety and equity; and
- Be evidence-based or build evidence around what works.

Applicants applying to carry out demonstration activities will also be assessed as to whether their approach to measuring the potential benefits of the demonstration activities through data collection and evaluation are described, and the extent to which the activities will be set up (e.g., quick builds on the roadway, pilot project established) within 18 months of executing a grant agreement.

Consideration: Project Readiness

Applications will be reviewed for Project Readiness, which will be a consideration for application selection. Project Readiness focuses on the extent to which the applicant will be able to substantially execute and complete the full scope of work in the Implementation Grant application within five (5) years of when the grant is executed. This includes information related to required design and construction standards, as well as environmental, permitting, and approval processes. DOT will evaluate the extent to which the application:

- Documents all applicable local, State, and Federal requirements.
- Includes information on activity schedule, required permits and approvals, the National Environmental Policy Act (NEPA) class of action and status, State Transportation Improvement Program (STIP) and Transportation Improvement Program (TIP) status (if applicable), public involvement, right-of-way acquisition plans, procurement schedules, multi-party agreements, utility relocation plans and risk and mitigation strategies, as appropriate.
- Is reasonably expected to begin any construction-related projects in a timely manner consistent with all applicable local, State, and Federal requirements.

Additional Considerations

The Department may consider the following when SS4A Implementation Grant awards:

- The percentage of Implementation Grant funds that will be spent in, and provide safety benefits to, locations in Census tracts designated as underserved communities as defined by this NOFO.[29]
- Whether the applicant is in a rural area.
- Whether the applicant is identified as a priority community within the federal Thriving Communities Network.[30]
- Whether the applicant would enhance the geographic diversity of Implementation Grant award recipients.
- Federal funding requests under $10 million.

2. Review and Selection Process

This section addresses the BIL requirement to describe the methodology for evaluation in the NOFO, including how applications will be rated according to selection criteria and considerations, and how those criteria and considerations will be used to assign an overall rating. The SS4A grant program review and selection process consists of eligibility reviews, merit criteria review, and Senior Review. The Secretary makes the final selections.

Among well-rated applicants, the Secretary may prioritize applicants and jurisdictions that did not receive an SS4A grant in FY 2022 over applicants that did receive an FY 2022 award. The Secretary may also prioritize applications that will use demonstration activities or supplemental planning as part of the development of, or update to, an Action Plan.

i. Planning and Demonstration Grant Review and Selection Process

a) Overall Selection Process and Ratings

The process for the application review is described below:

Teams of Department and contractor support staff will review all applications to determine eligibility based on the eligibility information in Section C.

- Eligible Action Plan applications received by the deadline will be reviewed for their merit based on the selection criteria in Section E.1.i.
- If multiple applications are received from the same applicant, the last one submitted will be reviewed.
- Applications are rated numerically based on Merit Criteria #1 Safety Impact and #2 Equity Criteria.
- The #3 Additional Safety Context criterion narrative will be reviewed and assessed, and then receive a rating of "High," "Medium," "Low," or "Not Qualified." Applications that do not address the #3 Additional Safety Context are deemed "not qualified" and will not be considered for award.
- The Teams will note which of the three Planning and Demonstration Grant activities—develop a new Action Plan, conduct supplemental planning to update an existing plan, and carry out demonstration activities to inform the development or update of an Action Plan—are requested in an application.
- In order to ensure that final selections will meet the statutory requirement that no more than 15 percent of program funds may be awarded to eligible applicants in one State, applications will have their State location denoted. Awards to Federally recognized Tribal governments are not counted towards this 15 percent maximum.

[29] See the definition of an underserved community, which includes Census tracts identified in the OMB CEJST and DOT ETCE tools.
[30] Thriving Community Networks include the Rural Partner Network, Energy Communities, or DOT Thriving Communities Initiative

- The Teams will examine the locations of the applicants to identify if an applicant is requesting funds in a geographic area that received an Action Plan Grant in FY 2022, as well as any potential overlap in geographic boundaries in funding requests for FY 2023. DOT will assess the extent to which the application is duplicative of existing or proposed activities and reserves the right to request applicants with duplicative funding requests to consolidate their efforts as one multijurisdictional group prior to receiving an award. DOT may decline to fund duplicative applications irrespective of their individual merits.

b) Additional Safety Context Criterion Rating Methodology

For the #3 Additional Safety Context, the Department will assess the narrative's alignment to the selection criterion, and will determine a rating of "high," "medium," "low," or "non-responsive."

	High	Medium	Low	Non-Responsive
Rating Scale	The application is very responsive to the criteria and is expected to advance safety planning. The narrative has clear descriptions of the work scope and the roadway safety problem to be addressed. The proposed approach will strongly inform an Action Plan. **For demonstration activities only**: The activities are likely to be put in place within 18 months. The narrative clearly describes how the activities will be measured and evaluated.	The application is responsive to the criteria and is performing safety planning activities. The narrative has descriptions of the work scope and the roadway safety problem to be addressed. The proposed approach will inform an Action Plan. **For demonstration activities only**: The activities have a possibility of being put in place within 18 months. The narrative describes how the activities will be measured and evaluated.	The application is minimally responsive to the criteria. The proposed approach is weakly tied to an Action Plan. **For demonstration activities only**: It is unclear if the activities will be put in place within 18 months. The narrative provides minimal detail on how the activities will be measured and evaluated.	The narrative indicates the proposal is counter to the criteria, does not contain sufficient information, or is not connected to an Action Plan. **For demonstration activities only**: No timeline schedule is provided. Detail on how the activities will be measured and evaluated are not included.

ii. Implementation Grant Review and Selection Process

a) Overall Selection Process and Ratings

Teams of Department and contractor support staff review all applications to determine whether they are eligible applicants based on the eligibility information in Section C. If multiple applications are received from the same applicant, the last one submitted will be reviewed. All eligible Implementation Grant applications received by the deadline will be reviewed and receive ratings for each of these criteria: #1 Safety Impact; #2 Equity, Engagement, and Collaboration; #3 Effective Practices and Strategies; #4 Other DOT Strategic Goals. Based on the criteria ratings, the Department will assign an overall application rating of "Highly Recommended," "Recommended," "Acceptable," or "Not Recommended" as a result of evaluation team consensus discussion. The selection criteria are considered in numeric order of most to least important (e.g., criterion #1 Safety Impact will be considered most heavily, followed by #2 Equity, Engagement, and Collaboration as the second most important, etc.).

Implementation Grant applications that include supplemental planning or demonstration activities will also be reviewed for criterion #5 Additional Safety Context and quantitative Key Information Table information on fatality counts, fatality rate per 100,000 persons, and percentage of population in underserved communities, but it will not affect the overall Implementation Grant rating. Instead, DOT will use the information to determine whether the supplemental planning and/or demonstration activities should be funded as part of the overall project. DOT is more likely to fund, as part of an overall implementation project, supplemental planning and demonstration activities that rate well on criterion #5. Alternatively, DOT may award an Implementation Grant but exclude proposed supplemental planning or demonstration activities from the scope of the award if those activities were not rated well under criterion #5.

b) Safety Impact Criterion Rating Methodology

For the #1 Safety Impact criterion, the Department will assess three subcomponents, and for each determine a rating of "high," "medium," and "low," or "non-responsive." The three subcomponents are: the description of the safety problem; the safety impact assessment; and the implementation costs.

The sub-ratings will use the guidelines below:

	High	Medium	Low	Non-responsive
Description of the Safety Problem	The narrative and supporting information demonstrate the proposal is addressing a substantial safety problem. The narrative is well-articulated and is strongly supported by data and analysis. The narrative links the specific safety problem to relevant historical data at intervention locations and describes whether the locations are on their High-Injury Network or equivalent.	The narrative and supporting information demonstrate the proposal is addressing an existing safety problem. Narrative articulates the description, is generally supported by data and analysis. The narrative links the specific safety problem to relevant historical data and refers to the High-Injury Network or equivalent.	The narrative and supporting information demonstrate the proposal is addressing a safety problem more minor in scope. The narrative is not well-articulated, and the supporting data and analysis are limited. The narrative provides an overall connection between the safety problem and the jurisdiction's historical data.	The narrative and supporting information do not address a safety problem.
Safety Impact	The projects and strategies have comprehensively addressed the safety problem. The projects and strategies proposed are highly effective, based on evidence, use a systemic approach, are mostly on a High-Injury Network, and have benefits that persist over time.	The projects and strategies address the safety problem. Most of the projects and strategies proposed are effective measures, based on evidence, use a systemic approach, are at least partially on a High-Injury Network, and have benefits that persist over time.	The projects and strategies address the safety problem to a limited degree. Some or none of the projects and strategies proposed are effective measures, based on evidence, use a systemic approach, or have benefits that persist over time.	The projects and strategies do not address the safety problem.

	High	Medium	Low	Non-responsive
Implementation Costs	The costs for the implementation of the projects and strategies are clearly articulated, well-summarized, and reasonable. The projects and strategies address locations that have many historical fatalities and serious injuries, and are expected to prevent a significant number of fatalities and serious injuries per funds requested.	The costs for the implementation of the projects and strategies are summarized and appear to be reasonable. The projects and strategies address locations that have some historical fatalities and serious injuries, and are expected to prevent some fatalities and serious injuries per funds requested.	The costs for the implementation of the projects and strategies are not well-articulated or missing key details, and it is uncertain whether the costs are reasonable. The projects and strategies address locations that have very few to no historical fatalities and serious injuries and may have minimal impact.	Cost information and/or fatality and serious injury information at the location level are not provided.

c) Other Criteria Rating Methodology

For the merit criteria #2 Equity, Engagement, and Collaboration, #3 Effective Practices and Strategies, and #4 Other DOT Strategic Goals, the Department will consider whether the application narrative is clear, direct, responsive to the selection criterion focus areas, logical, and includes specific details and examples, which will result in a rating of "high, "medium," "low," or "non-responsive."

	High	Medium	Low	Non-Responsive
Rating Scale	The application is substantively responsive to the criteria, with clear, direct, and logical narrative. Compelling, specific details, as well as quantified or illustrative examples, are provided.	The application is moderately responsive to the criteria, with mostly clear, direct, and logical narrative. Some details and examples are provided.	The application is minimally responsive to the criteria and is somewhat addressed in the narrative. General information is provided.	The narrative indicates the proposal is counter to the criteria or does not contain sufficient information.

All applications will receive a Project Readiness evaluation, as described below. The reviewers will use the application materials outlined in Section D to assess the applicant's Project Readiness and will provide a rating of either "Likely" or "Unlikely."

	Likely	Unlikely
Rating Scale	Based on the information provided in the application and the proposed scope of the projects and strategies, it is likely the applicant can complete all projects and strategies within a five-year time horizon. Application provides information on NEPA status, utility relocation, and right-of-way acquisition.	Based on the information provided in the application and the proposed scope of the projects and strategies, it is uncertain whether the applicant can complete all projects and strategies within a five-year time horizon. Application is missing information on NEPA status, and whether utility relocation and/or right-of-way acquisition is required.

Implementation Grant applications that include supplemental planning and/or demonstration activities will be assessed on the extent to which the narrative aligns with the selection criterion #5 Additional Safety Context and will be evaluated to determine a rating of "high," "medium," "low," or "non-responsive."

	High	Medium	Low	Non-Responsive
Rating Scale	The application is very responsive to the criteria and is expected to advance safety planning. The narrative has clear descriptions of the work scope and the roadway safety problem to be addressed. The proposed approach will strongly inform an Action Plan. **For demonstration activities only**: The activities are likely to be put in place within 18 months. The narrative clearly describes how the activities will be measured and evaluated.	The application is responsive to the criteria and is performing safety planning activities. The narrative has descriptions of the work scope and the roadway safety problem to be addressed. The proposed approach will inform an Action Plan. **For demonstration activities only**: The activities have a possibility of being put in place within 18 months. The narrative describes how the activities will be measured and evaluated.	The application is minimally responsive to the criteria. The proposed approach is weakly tied to an Action Plan. **For demonstration activities only**: It is unclear if the activities will be put in place within 18 months. The narrative provides minimal detail on how the activities will be measured and evaluated.	The narrative indicates the proposal is counter to the criteria, does not contain sufficient information, or is not connected to an Action Plan. **For demonstration activities only**: The narrative provides no timeline schedule or detail on how the activities will be measured and evaluated.

iii. Senior Review Team Phase

a) Planning and Demonstration Grant Senior Review Team Phase

For the Planning and Demonstration Grants, the Secretary will review the three quantitative criteria ratings as well as the rating from the Additional Safety Context and select projects that are most advantageous to the U.S. Government's interest. The Secretary will consult with a Senior Review Team (SRT) to make the determinations.

b) Implementation Grant Senior Review Team Phase

Once every Implementation Grant application has been assigned an overall rating based on the methodology above, all "Highly Recommended" applications will be included in a list of Applications for Consideration. The SRT will also review all "Highly Recommended" applications that received an "Unlikely" project readiness rating, and either remove those applicants from the Applications for Consideration or recommend a reduced scope to remove components that reduced the project's readiness, so that if awarded the applicant would be likely to complete the scope of work within five years of the grant agreement execution. The Secretary will consider the applications with a reduced scope due to the Unlikely project readiness in the same way as applications with a "Likely" rating.

Additionally, to ensure the funding awards align to the extent practicable to the program goal of equitable investment in the safety needs of underserved communities, the SRT may review "Recommended" applications and set a threshold based on the percentage of funds that will be spent in, and provide safety benefits to, locations

within underserved communities. Any "Recommended" applications at or above that threshold will be included in the proposed list of Applications for Consideration.

For applications that would not otherwise be included on the list of Applications for Consideration, the SRT may include applications with supplemental planning and demonstration activity funding that received a "High" rating for selection criterion #5 Additional Safety Context. The SRT may recommend the Secretary to fund a reduced scope of only the supplemental planning and demonstration activities for these applications.

For each grant type, the SRT will present the list of Applications for Consideration to the Secretary, either collectively or through a representative of the SRT. The SRT may advise the Secretary on any application on the list of Applications for Consideration, including options for reduced awards; the Secretary makes final selections. If an Implementation Grant application includes supplemental planning and demonstration activities, DOT may award just those activities as a standalone Planning and Demonstration Grant based on the rating received in selection criterion #5 Additional Safety Context. The Secretary's final selections identify the applications that best address program requirements and are most worthy of funding.

3. Additional Information

Prior to entering into a grant agreement, each selected applicant will be subject to a risk assessment as required by 2 CFR § 200.206. The Department must review and consider any information about the applicant that is in the designated integrity and performance system accessible through SAM (currently the Federal Awardee Performance and Integrity Information System [FAPIIS]). An applicant may review information in FAPIIS and comment on any information about itself that a Federal awarding agency previously entered. The Department will consider comments by the applicant, in addition to the other information in FAPIIS, in making a judgment about the applicant's integrity, business ethics, and record of performance under Federal awards when completing the review of risk posed by applicants.

Because award recipients under this program may be first-time recipients of Federal funding, DOT is committed to implementing the program as flexibly as permitted by statute and to provide assistance to help award recipients through the process of securing a grant agreement and delivering both Planning and Demonstration Grant activities and Implementation Grant projects and strategies. Award recipients are encouraged to identify any needs for assistance in delivering the Implementation Grant projects and strategies so that DOT can provide directly, or through a third party, sufficient support and technical assistance to mitigate potential execution risks.

4. Anticipated Announcement and Federal Award Dates

The Department anticipates making two rounds of awards for this NOFO: one earlier round of awards only focused on applications requesting Planning and Demonstration Grants, and a later round of awards that will encompass Implementation Grants as well as Planning and Demonstration Grant applicants who did not receive funding in the earlier round. The earlier round is anticipated to be in October 2023, and the later round is anticipated to be in December 2023.

F. Federal Award Administration Information

1. Federal Award Notices

Following the evaluation outlined in Section E, the Secretary will announce awarded applications by posting a list of selected recipients at .The posting of the list of selected award recipients will not constitute an authorization to begin performance. Following the announcement, the Department will contact the point of contact listed in the SF-424 to initiate negotiation of a grant agreement unless the applicant notifies DOT of a changed contact via SS4A@dot.gov after July 10.

2. Administrative and National Policy Requirements

i. Climate Change and Environmental Justice

Each applicant selected for SS4A grant funding must demonstrate effort to consider climate change and environmental justice impacts as described in Section A. Projects that have not sufficiently considered climate change and environmental justice in their planning, as determined by the Department, will be required to do so before receiving funds, consistent with Executive Order 14008, Tackling the Climate Crisis at Home and Abroad (86 FR 7619).

ii. Equity and Barriers to Opportunity

Each applicant selected for SS4A grant funding must demonstrate effort to improve equity and reduce barriers to opportunity as described in Section A. Projects that have not sufficiently considered equity and barriers to opportunity in their planning, as determined by the Department, will be required to do so before receiving funds, consistent with Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009).

iii. Civil Rights and Title VI

As a condition of a grant award, grant recipients should demonstrate that the recipient has a plan for compliance with civil rights obligations and nondiscrimination laws, including Title VI of the Civil Rights Act of 1964 and implementing regulations (49 CFR § 21), the Americans with Disabilities Act of 1990 (ADA), and Section 504 of the Rehabilitation Act, all other civil rights requirements, and accompanying regulations. This should include a current Title VI plan, completed Community Participation Plan, and a plan to address any legacy infrastructure or facilities that are not compliant with ADA standards. DOT's and the applicable Operating Administrations' Office of Civil Rights may work with awarded grant recipients to ensure full compliance with Federal civil rights requirements.

iv. National Environmental Policy Act of 1969 (NEPA)

Funding recipients must comply with NEPA under 42 U.S.C. § 4321 et seq. and the Council on Environmental Quality's NEPA implementing regulations at 40 CFR §§ 1500-1508, where applicable.

v. Domestic Preference Requirements

As expressed in Executive Order 14005, Ensuring the Future Is Made in All of America by All of America's Workers (86 FR 7475), it is the policy of the executive branch to maximize, consistent with law, the use of goods, products, and materials produced in, and services offered in, the United States. Infrastructure projects and demonstration activities are subject to the Build America, Buy America Act (Pub. L. No 117–58, div. G §§ 70901–70927) as clarified in OMB Memorandum M-22-11.[31] The Department expects all recipients to comply with this requirement. Projects under this notice will be subject to the domestic preference requirements at § 70914 of the Build America, Buy America Act.

vi. Labor and Workforce

Each applicant selected for SS4A grant funding must demonstrate, to the full extent possible consistent with the law, an effort to create good-paying jobs with the free and fair choice to join a union and incorporation of high labor standards. To the extent that applicants have not sufficiently considered job quality and labor rights in their planning, as determined by the Department of Labor, the applicants will be required to do so before receiving funds, consistent with Executive Order 14025, Worker Organizing and Empowerment (86 FR 22829), and Executive Order 14052, Implementation of the Infrastructure Investment and Jobs Act (86 FR 64335).

[31] Pub. L. No. 117-58, division. G, Title IX, Subtitle A, 135 Stat. 429, 1298 (2021). For additional information on § 70914, see OMB-22-11. https://www.whitehouse.gov/wp-content/uploads/2022/04/M-22-11.pdf

vii. Federal Contract Compliance

As a condition of grant award and consistent with EO 11246, Equal Employment Opportunity (30 FR 12319, and as amended), all Federally assisted contractors are required to make good faith efforts to meet the goals of 6.9 percent of construction project hours being performed by women, in addition to goals that vary based on geography for construction work hours and for work being performed by people of color. Under Section 503 of the Rehabilitation Act and its implementing regulations, affirmative action obligations for certain contractors include an aspirational employment goal of 7 percent workers with disabilities.

The U.S. Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) is charged with enforcing Executive Order 11246, Section 503 of the Rehabilitation Act of 1973, and the Vietnam Era Veterans' Readjustment Assistance Act of 1974. OFCCP has a Mega Construction Project Program through which it engages with project sponsors as early as the design phase to help promote compliance with non-discrimination and affirmative action obligations. OFCCP will identify projects that receive an award under this notice and are required to participate in OFCCP's Mega Construction Project Program from a wide range of Federally- assisted projects over which OFCCP has jurisdiction and that have a project cost above $35 million. DOT will require project sponsors with costs above $35 million that receive awards under this funding opportunity to partner with OFCCP, if selected by OFCCP, as a condition of their DOT award.

viii. Critical Infrastructure Security and Resilience

It is the policy of the United States to strengthen the security and resilience of its critical infrastructure against both physical and cyber threats. Each applicant selected for SS4A grant funding must demonstrate, prior to the signing of the grant agreement, effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the activities. Award recipients that have not appropriately considered and addressed physical and cyber security and resilience in their planning, design, and oversight, as determined by the Department and the Department of Homeland Security, will be required to do so before receiving Implementation Grant funds for construction, consistent with Presidential Policy Directive 21, Critical Infrastructure Security and Resilience and the National Security Presidential Memorandum on Improving Cybersecurity for Critical Infrastructure Control Systems. Additionally, funding recipients must be in compliance with 2 CFR § 200.216 and the prohibition on certain telecommunications and video surveillance services or equipment.

ix. Other Administrative and Policy Requirements

All awards will be administered pursuant to the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards found in 2 CFR § 200 as adopted by the Department at 2 CFR § 1201. Additionally, as permitted under the requirements described above, applicable Federal laws, rules, and regulations of the relevant operating administration (e.g., the Federal Highway Administration, etc.) administering the activities will apply to the activities that receive SS4A grants, including planning requirements, Stakeholder Agreements, and other requirements under the Department's other highway and transit grant programs. DOT anticipates grant recipients to have varying levels of experience administering Federal funding agreements and complying with Federal requirements, and DOT will take a risk-based approach to SS4A program grant agreement administration to ensure compliance with all applicable laws and regulations.

In connection with any program or activity conducted with or benefiting from funds awarded under this notice, recipients of funds must comply with all applicable requirements of Federal law, including, without limitation, the Constitution of the United States; the conditions of performance, nondiscrimination requirements, and other assurances made applicable to the award of funds in accordance with regulations of the Department of Transportation; and applicable Federal financial assistance and contracting principles promulgated by the Office of Management and Budget. In complying with these requirements, recipients, in particular, must ensure that no concession agreements are denied, or other contracting decisions made on the basis of speech or other activities protected by the First Amendment. If the Department determines that a recipient has failed to comply with applicable Federal requirements, the Department may terminate the award of funds and disallow previously incurred costs, requiring the recipient to reimburse any expended award funds.

3. Reporting

i. Progress Reporting on Grant Activity

Reporting responsibilities include quarterly program performance reports using the Performance Progress Report (SF-PPR) and quarterly financial status using the SF-425 (also known as the Federal Financial Report or SF-FFR).[32]

Budget and recipient performance information will be gathered on a quarterly basis in a Performance Progress Report (SF-PPR). To fulfill the data collection requirements and in accordance with the USDOT Public Access Plan, award recipients must consider, budget for, and implement appropriate data management, for data and information outputs acquired or generated during the course of the grant.[33, 34] Federally recognized Tribal governments receiving grants may request alternative data collection requirements during grant agreement formulation, as appropriate. Applicants are expected to account for data and performance reporting in their budget submission.

ii. Post Award Reporting Requirements/Reporting of Matters Related to Integrity and Performance

All award recipients shall submit a report by the end of the period of performance that describes:

- The costs of each eligible project and strategy carried out using the grant;
- The roadway safety outcomes and any additional benefits (e.g., increased walking, biking, or transit use without a commensurate increase in serious and fatal crashes, etc.) that each such project and strategy has generated, as—
  - Identified in the grant application; and
  - Measured by data, to the maximum extent practicable;
- The percent of funds spent in, and providing benefits to, underserved communities; and
- The lessons learned and any recommendations relating to future projects or strategies to prevent death and serious injury on roads and streets.

Implementation Grant recipients must also provide: geo-coordinate information identifying specific project location(s); crash data on serious injury and fatalities in the locations where projects and strategies are implemented on an annual basis and at the end of the period of performance, which are expected to include crash characteristics and contributing factor information associated with the safety problems being addressed; and quantitative and qualitative project benefits documented in a final report.

Award recipients carrying out demonstration activities must also measure potential benefits through data collection and evaluative activities and report to the Department how the demonstration activities informed an Action Plan's list of projects and strategies and future implementation.

If the total value of a selected applicant's currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds $10,000,000 for any period of time during the period of performance of this Federal award, then the applicant during that period of time must maintain the currency of information reported in SAM that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Pub. L. No.110–417, as amended (41 U.S.C. § 2313). As required by section 3010 of Pub. L. No. 111–212, all information posted in the designated integrity and performance system on or after

[32] https://www.grants.gov/forms/post-award-reporting-forms.html
[33] https://doi.org/10.21949/1520559
[34] United States. Department of Transportation. (2022) *DOT Public Access* [Home page]. https://doi.org/10.21949/1503647

April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available. Additionally, if applicable funding recipients must be in compliance with the audit requirements in 2 CFR § 200, Subpart F.

iii. Program Evaluation

As a condition of grant award, SS4A grant recipients may be required to participate in an evaluation undertaken by DOT, or another agency or partner. The evaluation may take different forms such as an implementation assessment across grant recipients, an impact and/or outcomes analysis of all or selected sites within or across grant recipients, or a benefit/cost analysis or assessment of return on investment. The Department may require applicants to collect data elements to aid the evaluation and/or use information available through other reporting. As a part of the evaluation, as a condition of award, grant recipients must agree to: (1) make records available to the evaluation contractor; (2) provide access to program records, and any other relevant documents to calculate costs and benefits; (3) in the case of an impact analysis, facilitate the access to relevant information as requested; and (4) follow evaluation procedures as specified by the evaluation contractor or DOT staff.

Recipients and sub-recipients are also encouraged to incorporate program evaluation including associated data collection activities from the outset of their program design and implementation to meaningfully document and measure the effectiveness of their projects and strategies. Title I of the Foundations for Evidence-Based Policymaking Act of 2018 (Evidence Act), Pub. L. No. 115–435 (2019) urges Federal awarding agencies and Federal assistance recipients and sub-recipients to use program evaluation as a critical tool to learn, to improve equitable delivery, and to elevate program service and delivery across the program lifecycle. Evaluation means "an assessment using systematic data collection and analysis of one or more programs, policies, and organizations intended to assess their effectiveness and efficiency" (codified at 5 U.S.C. § 311). For grant recipients, evaluation expenses are allowable costs (either as direct or indirect), unless prohibited by statute or regulation, and such expenses may include the personnel and equipment needed for data infrastructure and expertise in data analysis, performance, and evaluation (2 CFR §200).

G. Federal Awarding Agency Contacts

For further information concerning this notice, please contact the Office of the Secretary via email at SS4A@dot.gov. In addition, up to the application deadline, the Department will post answers to common questions and requests for clarifications on the Department's website at https://www.transportation.gov/grants/SS4A. To ensure applicants receive accurate information about eligibility or the program, the applicant is encouraged to contact the Department directly, rather than through intermediaries or third parties, with questions. Department staff may also conduct briefings on the SS4A grant selection and award process upon request.

H. Other Information

1. Publication of Application Information

Following the completion of the selection process and announcement of awards, the Department intends to publish a list of all applications received along with the names of the applicant organizations and a few relevant data fields from the application. This includes unsuccessful applicants. The Department may share application information within the Department or with other Federal agencies if the Department determines that sharing is relevant to the respective program's objectives.

2. Department Feedback on Applications

The Department will not review applications in advance, but Department staff are available for technical questions and assistance. DOT expects to hold "virtual-office hours" to further describe how to submit a complete application; for more information visit https://www.transportation.gov/grants/SS4A. The deadline to submit technical questions is June 16, 2023. The Department strives to provide as much information as possible to assist

applicants with the application process. Unsuccessful applicants may request a debrief up to 30 days after the selected funding recipients are publicly announced on https://www.transportation.gov/grants/SS4A. Program staff will address questions to SS4A@dot.gov throughout the application period.

3. Grant Application Resources

The Department will provide resources to help interested applicants understand the different DOT discretionary grant programs through webinars, frequently asked questions, and other materials provided such as the SS4A program website https://www.transportation.gov/grants/SS4A. Additional grant applications resources for this and other Departmental grant programs can be found on the DOT Navigator at www.transportation.gov/dot-navigator. User-friendly information and resources regarding DOT's discretionary grant programs relevant to rural applicants can be found on the Rural Opportunities to Use Transportation for Economic Success (ROUTES) website at www.transportation.gov/rural.

RESOLUTION NO. 1084-0824

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, APPROVING THE GRANT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF TRANSPORTATION'S FEDERAL HIGHWAY ADMINISTRATION RELATING TO THE ACCEPTANCE AND USE OF SAFE STREETS AND ROADS FOR ALL GRANT FUNDING FOR THE DEVELOPMENT OF A SAFETY ACTION AND DEMONSTRATION PLAN.

WHEREAS, the United States Department of Transportation's Federal Highway Administration (the "FHWA") has selected the City of Avondale (the "City") to receive Safe Streets and Roads for All ("SS4A") grant funds to develop a Safety Action and Demonstration Plan (the "Grant"); and

WHEREAS, the FHWA has awarded the City SS4A grant funding in the amount of $560,000.00 (the "SS4A Funding") and the City intends to contribute $140,000.00 (the "Recipient Share") to the SS4A Funding and use the total funding to develop a Safety Action and Demonstration Plan that (1) identifies local initiatives to prevent death and serious injury on the City's roads and streets and (2) tests selected identified initiatives by implementing them on a limited scale to observe their efficacy and suitability for larger deployment in other areas or on a more widespread basis in the City; and

WHEREAS, the City desires to accept the Grant and use the SS4A Funding and the Recipient Share to develop a Safety Action and Development Plan; and

WHEREAS, the City agrees, in connection with using the SS4A Funding and the Recipient Share, to follow the general terms and conditions under the Fiscal Year 2023 SS4A Grant Program.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The City Council hereby authorizes (i) the acceptance of the Grant for SS4A Funding in an amount not to exceed $560,000.00, (ii) the contribution of the Recipient Share to the SS4A Funding, (iii) using the total funding to develop a Safety Action and Demonstration Plan with the FHWA and (iv) the acceptance of the general terms and conditions under the Fiscal Year 2023 SS4A Grant Program (the "Agreement") in substantially the form and substance attached hereto as Exhibit A and incorporated herein by reference.

SECTION 3. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute and submit the Agreement and any other necessary or desirable instruments in connection with the Grant Program and to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, August 19, 2024.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Sarmiento, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
RESOLUTION NO. 1084-0824

[Agreement]

See following pages.

1. Federal Award No.
[insert FA Number]

2. Effective Date
See No. 16 Below

3. Assistance Listings No.
20.939

4. Award To
City of Avondale
11465 W Civic Center Dr
Avondale, AZ 85323

Unique Entity Id.: **GDTNM5BLN9Y4**
TIN No.: **86-6000233**

5. Sponsoring Office
U.S. Department of Transportation
Federal Highway Administration
Office of Safety
1200 New Jersey Avenue, SE
HSSA-1, Mail Drop E71-117
Washington, DC 20590

6. Period of Performance
Effective Date of Award – 01/31/2027

7. Total Amount

Federal Share:	$560,000
Recipient Share:	$140,000
Other Federal Funds:	$ 0
Other Funds:	$ 0
Total:	$700,000

8. Type of Agreement
Grant

9. Authority
Section 24112 of the Infrastructure Investment and Jobs Act (Pub. L. 117–58, November 15, 2021; also referred to as the "Bipartisan Infrastructure Law" or "BIL")

10. Procurement Request No.
[insert PR Number]

11. Federal Funds Obligated
$560,000

12. Submit Payment Requests To
See Article 5.

13. Accounting and Appropriations Data
[insert Data]

14. Description of the Project

This award will be used by the City of Avondale to develop a Safety Action Plan and to conduct a few low-cost demonstration activities.

RECIPIENT

15. Signature of Person Authorized to Sign

_____

Signature Date

Name: Ron Corbin

Title: City Manager

FEDERAL HIGHWAY ADMINISTRATION

16. Signature of Agreement Officer

_____

Signature Date

Name:

Title: Agreement Officer

U.S. DEPARTMENT OF TRANSPORTATION

GRANT AGREEMENT UNDER THE FISCAL YEAR 2023 SAFE STREETS AND ROADS FOR ALL GRANT PROGRAM

This agreement is between the United States Department of Transportation's (the "**USDOT**") Federal Highway Administration (the "**FHWA**") and the City of Avondale, AZ (the "**Recipient**").

This agreement reflects the selection of the Recipient to receive a Safe Streets and Roads for All ("**SS4A**") Grant for the City of Avondale Safety Action and Demonstration Plan.

The parties therefore agree to the following:

ARTICLE 1
GENERAL TERMS AND CONDITIONS

1.1 General Terms and Conditions.

(a) In this agreement, "**General Terms and Conditions**" means the content of the document titled "General Terms and Conditions Under the Fiscal Year 2023 Safe Streets and Roads for All ("SS4A") Grant Program,", which is available at https://www.transportation.gov/grants/ss4a/grant-agreements under "Fiscal Year 2023." Articles 7–30 are in the General Terms and Conditions. The General Terms and Conditions are part of this agreement.

(b) The Recipient acknowledges that it has knowledge of the General Terms and Conditions. Recipient also states that it is required to comply with all applicable Federal laws and regulations including, but not limited to, the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR part 200); National Environmental Policy Act (NEPA) (42 U.S.C. § 4321 et seq.); and Build America, Buy America Act (BIL, div. G §§ 70901-27).

(c) The Recipient acknowledges that the General Terms and Conditions impose obligations on the Recipient and that the Recipient's non-compliance with the General Terms and Conditions may result in remedial action, termination of the SS4A Grant, disallowing costs incurred for the Project, requiring the Recipient to refund to the FHWA the SS4A Grant, and reporting the non-compliance in the Federal-government-wide integrity and performance system.

ARTICLE 2
APPLICATION, PROJECT, AND AWARD

2.1 Application.

Application Title: City of Avondale Safety Action and Demonstration Plan

Application Date: 7/6/2023

2.2 Award Amount.

SS4A Grant Amount: $560,000

2.3 Federal Obligation Information.

Federal Obligation Type: Single

2.4 Budget Period.

Budget Period: See Block 6 of Page 1

2.5 Grant Designation.

Designation: Planning and Demonstration

ARTICLE 3
SUMMARY PROJECT INFORMATION

3.1 Summary of Project's Statement of Work.

The award will be used to develop a Safety Action Plan and implement a few minor demonstration projects.

The project will be completed in one phase as follows: A consultant will assist in the creation of the Action Plan. After completion of the Action Plan (AP), City staff will choose one or more projects from the AP to conduct as demonstration projects.

3.2 Project's Estimated Schedule.

Action Plan Schedule

Milestone	Schedule Date
Planned Draft Plan Completion Date:	12/31/2025
Planned Final Plan Completion Date:	06/30/2026
Planned Final Plan Adoption Date:	10/31/2026
Planned SS4A Final Report Date:	01/31/2027

Demonstration Activity Schedule

Milestone	Schedule Date
Planned Construction Start Date	03/01/2027
Planned Evaluation Period End Date:	10/31/2027

Planned SS4A Final Report Date:	12/31/027

3.3 Project's Estimated Costs.

(a) Eligible Project Costs

Eligible Project Costs	
SS4A Grant Amount:	$560,000
Other Federal Funds:	$ 0
State Funds:	$ 0
Local Funds:	$140,000
In-Kind Match:	$ 0
Other Funds:	$ 0
Total Eligible Project Cost:	$700,000

(b) Cost Classification Table – Planning and Demonstration Grants with demonstration activities and Implementation Grants Only

Cost Classification	Total Costs	Non-SS4A Previously Incurred Costs	Eligible Costs
Land, structures, rights-of-way, appraisals, etc. (Demonstration funds)	$100,000	$20,000	**$80,000**
Architectural and engineering fees	$600,000	$120,000	**$480,000**
Project Total	**$700,000**	**$140,000**	**$560,000**

(c) Indirect Costs

Indirect costs are allowable under this Agreement in accordance with 2 CFR part 200 and the Recipient's approved Budget Application. In the event the Recipient's indirect cost rate changes, the Recipient will notify FHWA of the planned adjustment and provide supporting documentation for such adjustment. This Indirect Cost provision does not operate to waive the limitations on Federal funding provided in this document. The Recipient's indirect costs are allowable only insofar as they do not cause the Recipient to exceed the total obligated funding.

ARTICLE 4

RECIPIENT INFORMATION

4.1 Recipient Contact(s).

Raj Thoutam
Senior Traffic Engineer
City of Avondale

11465 W Civic Center Dr
Avondale, AZ 85323
(623) 333-4217
rthoutam@avondaleaz.gov

4.2 Recipient Key Personnel.

Name	Title or Position
Rajanikanth Thoutam	Sr. Traffic Engineer
Ward Stanford	Assistant Traffic Engineer
Kimberly Moon	Engineering Director/City Engineer
Robert Baer	Budget Manager
Allie Bland	Senior Accountant

4.3 USDOT Project Contact(s).

Stephen Parker
Safe Streets and Roads for All Program Manager
Federal Highway Administration
Office of Safety
HSSA-1, Mail Stop: E71-117
1200 New Jersey Avenue, S.E.
Washington, DC 20590
202-366-2822
Stephen.Parker@dot.gov
SS4A.FHWA@dot.gov

and

Ashley Cucchiarelli
Agreement Officer (AO)
Federal Highway Administration
Office of Acquisition and Grants Management
HCFA-33, Mail Stop E62-310
1200 New Jersey Avenue, S.E.
Washington, DC 20590
202-493-2402
Ashley.cucchiarelli@dot.gov
HCFASS4A@dot.gov

and

Glen Robison
Safety Specialist
FHWA, Arizona Division
602-382-8961

ARTICLE 5
USDOT ADMINISTRATIVE INFORMATION

5.1 Office for Subaward and Contract Authorization.

USDOT Office for Subaward and Contract Authorization: FHWA Office of Acquisition and Grants Management

SUBAWARDS AND CONTRACTS APPROVAL

Note: See 2 CFR § 200.331, Subrecipient and contractor determinations, for definitions of subrecipient (who is awarded a subaward) versus contractor (who is awarded a contract).

Note: Recipients with a procurement system deemed approved and accepted by the Government or by the Agreement Officer (the "**AO**") are exempt from the requirements of this clause. See 2 CFR 200.317 through 200.327. Note: This clause is only applicable to grants that do not include construction.

In accordance with 2 CFR 200.308(c)(6), unless described in the application and funded in the approved award, the Recipient must obtain prior written approval from the AO for the subaward, transfer, or contracting out of any work under this award above the Simplified Acquisition Threshold. This provision does not apply to the acquisition of supplies, material, equipment, or general support services. Approval will be issued through written notification from the AO or a formal amendment to the Agreement.

The following subawards and contracts are currently approved under the Agreement by the AO. This list does not include supplies, material, equipment, or general support services which are exempt from the pre-approval requirements of this clause.

5.2 Reimbursement Requests

(a) The Recipient may request reimbursement of costs incurred within the budget period of this agreement if those costs do not exceed the amount of funds obligated and are allowable under the applicable cost provisions of 2 C.F.R. Part 200, Subpart E. The Recipient shall not request reimbursement more frequently than monthly.

(b) The Recipient shall use the DELPHI iSupplier System to submit requests for reimbursement to the payment office. When requesting reimbursement of costs incurred or credit for cost share incurred, the Recipient shall electronically submit supporting cost detail with the SF-270 (Request for Advance or Reimbursement) or SF-271 (Outlay Report and Request for Reimbursement for Construction Programs) to clearly document all costs incurred.

(c) The Recipient's supporting cost detail shall include a detailed breakout of all costs incurred, including direct labor, indirect costs, other direct costs, travel, etc., and the Recipient shall identify the Federal share and the Recipient's share of costs. If the Recipient does not provide sufficient detail in a request for reimbursement, the Agreement Officer's Representative (the "**AOR**") may withhold processing that request until the Recipient provides sufficient detail.

(d) The USDOT shall not reimburse costs unless the AOR reviews and approves the costs to ensure that progress on this agreement is sufficient to substantiate payment.

(e) In the rare instance the Recipient is unable to receive electronic funds transfers (EFT), payment by EFT would impose a hardship on the Recipient because of their inability to manage an account at a financial institution, and/or the Recipient is unable to use the DELPHI iSupplier System to submit their requests for disbursement, the FHWA may waive the requirement that the Recipient use the DELPHI iSupplier System. The Recipient shall contact the Division Office Lead Point of Contact for instructions on and requirements related to pursuing a waiver.

(f) The requirements set forth in these terms and conditions supersede previous financial invoicing requirements for Recipients.

ARTICLE 6
SPECIAL GRANT TERMS

6.1 SS4A funds must be expended within five years after the grant agreement is executed and DOT obligates the funds, which is the budget period end date in section 10.3 of the Terms and Conditions and section 2.4 in this agreement.

6.2. The Recipient demonstrates compliance with civil rights obligations and nondiscrimination laws, including Titles VI of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), and Section 504 of the Rehabilitation Act, and accompanying regulations. Recipients of Federal transportation funding will also be required to comply fully with regulations and guidance for the ADA, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and all other civil rights requirements.

6.3 SS4A Funds will be allocated to the Recipient and made available to the Recipient in accordance with FHWA procedures.

6.4 The Recipient of a Planning and Demonstration Grant acknowledges that the Action Plan will be made publicly available and agrees that it will publish the final Action Plan on a publicly available website.

6.5 The Recipient of a Planning and Demonstration Grant that involves a demonstration activity agrees to provide an assessment of each demonstration activity and update the existing Action Plan, which will incorporate the information gathered in the Action Plan's list of projects or strategies and/or inform another part of the existing Action Plan. The Recipient also agrees that demonstration activities are temporary in nature and must be removed and/or ended following the conclusion of the project if the assessment of the demonstration activities does not affirm that the activities provide safety benefits.

6.6 The Government's execution of this agreement does not in any way constitute pre-approval or waiver of any of the regulations imposed upon Recipient under the applicable Federal rules, regulations and laws regarding SS4A projects undertaken in accordance with the terms and conditions of this agreement. The Recipient shall comply with all applicable Federal requirements before incurring any costs under this agreement.

6.7 There are no other special grant requirements.

ATTACHMENT A
PERFORMANCE MEASUREMENT INFORMATION

Study Area: City of Avondale (Citywide)
Baseline Measurement Date: 03/01/2027
Baseline Report Date: 05/01/2027

Table 1: Performance Measure Table

Measure	Category and Description	Measurement Frequency and Reporting Deadline
Safety Performance [for Implementation Grants and Planning and Demonstration Grants with demonstration activities]	Fatalities: Total annual fatalities in the project location(s)	Annually and within 120 days after the end of the period of performance
Safety Performance [for Implementation Grants and Planning and Demonstration Grants with demonstration activities]	Serious Injuries: Total annual serious injuries in the project location(s) [if available]	Annually and within 120 days after the end of the period of performance
Safety Performance [for Implementation Grants and Planning and Demonstration Grants with demonstration activities]	Crashes by Road User Category: Total annual crashes in the project location(s) broken out by types of roadway users involved (e.g., pedestrians, bicyclists, motorcyclist, passenger vehicle occupant, commercial vehicle occupant)	Annually and within 120 days after the end of the period of performance
Equity [for all Grants]	Percent of Funds to Underserved Communities: Funding amount (of total project amount) benefitting underserved communities, as defined by USDOT	Within 120 days after the end of the period of performance
Costs [for all Grants]	Project Costs: Quantification of the cost of each eligible project carried out using the grant	Within 120 days after the end of the period of performance
Outcomes and Benefits		

Measure	Category and Description	Measurement Frequency and Reporting Deadline
[for Implementation Grants and Planning and Demonstration Grants with demonstration activities]	Quantitative Project Benefits: Quantification of evidence-based projects or strategies implemented (e.g., miles of sidewalks installed, number of pedestrian crossings upgraded, etc.)	Within 120 days after the end of the period of performance
Outcomes and Benefits [for Implementation Grants and Planning and Demonstration Grants with demonstration activities]	Qualitative Project Benefits: Qualitative description of evidence-based projects or strategies implemented (e.g., narrative descriptions, testimonials, high-quality before and after photos, etc.)	Within 120 days after the end of the period of performance
Outcomes and Benefits [for Implementation Grants and Planning and Demonstration Grants with demonstration activities]	Project Location(s): GIS/geo coordinate information identifying specific project location(s)	Within 120 days after the end of the period of performance
Lessons Learned and Recommendations [for all Grants]	Lessons Learned and Recommendations: Description of lessons learned and any recommendations relating to future projects or strategies to prevent death and serious injury on roads and streets.	Within 120 days after the end of the period of performance

ATTACHMENT B
CHANGES FROM APPLICATION

Describe all material differences between the scope, schedule, and budget described in the application and the scope, schedule, and budget described in Article 3. The purpose of Attachment B is to clearly and accurately document any differences in scope, schedule, and budget to establish the parties' knowledge and acceptance of those differences. See Article 11 for the Statement of Work, Schedule, and Budget Changes. If there are no changes, please insert "N/A" in Section 3.3 of the table.

Scope: No change

Schedule: The schedule has been revised to more accurately reflect the estimated project timeline.

Budget: No change

The table below provides a summary comparison of the project budget.

	Application		**Section 3.3**	
Fund Source	$	%	$	%
Previously Incurred Costs (Non-Eligible Project Costs)				
Federal Funds			N/A	
Non-Federal Funds			N/A	
Total Previously Incurred Costs			N/A	
Future Eligible Project Costs				
SS4AFunds			N/A	
Other Federal Funds			N/A	
Non-Federal Funds			N/A	
Total Future Eligible Project Costs			N/A	
Total Project Costs			N/A	

ATTACHMENT C
RACIAL EQUITY AND BARRIERS TO OPPORTUNITY

1. Efforts to Improve Racial Equity and Reduce Barriers to Opportunity.

The Recipient states that rows marked with "X" in the following table align with the application:

	A racial equity impact analysis has been completed for the Project. *(Identify a report on that analysis or, if no report was produced, describe the analysis and its results in the supporting narrative below.)*
	The Recipient or a project partner has adopted an equity and inclusion program/plan or has otherwise instituted equity-focused policies related to project procurement, material sourcing, construction, inspection, hiring, or other activities designed to ensure racial equity in the overall delivery and implementation of the Project. *(Identify the relevant programs, plans, or policies in the supporting narrative below.)*
	The Project includes physical-barrier-mitigating land bridges, caps, lids, linear parks, and multimodal mobility investments that either redress past barriers to opportunity or that proactively create new connections and opportunities for underserved communities that are underserved by transportation. *(Identify the relevant investments in the supporting narrative below.)*
	The Project includes new or improved walking, biking, and rolling access for individuals with disabilities, especially access that reverses the disproportional impacts of crashes on people of color and mitigates neighborhood bifurcation. *(Identify the new or improved access in the supporting narrative below.)*
	The Project includes new or improved freight access to underserved communities to increase access to goods and job opportunities for those underserved communities. *(Identify the new or improved access in the supporting narrative below.)*
	The Recipient has taken other actions related to the Project to improve racial equity and reduce barriers to opportunity, as described in the supporting narrative below.
X	The Recipient has not yet taken actions related to the Project to improve racial equity and reduce barriers to opportunity but intends to take relevant actions described in the supporting narrative below.
	The Recipient has not taken actions related to the Project to improve racial equity and reduce barriers to opportunity and will not take those actions under this award.

2. Supporting Narrative.

This is an Action Plan and as such the work to craft the Plan will be conducted with a view of incorporating any opportunities to improve equity and opportunity.

ATTACHMENT D
CLIMATE CHANGE AND ENVIRONMENTAL JUSTICE IMPACTS

1. Consideration of Climate Change and Environmental Justice Impacts.

The Recipient states that rows marked with "X" in the following table align with the application:

	The Project directly supports a Local/Regional/State Climate Action Plan that results in lower greenhouse gas emissions. *(Identify the plan in the supporting narrative below.)*
	The Project directly supports a Local/Regional/State Equitable Development Plan that results in lower greenhouse gas emissions. *(Identify the plan in the supporting narrative below.)*
	The Project directly supports a Local/Regional/State Energy Baseline Study that results in lower greenhouse gas emissions. *(Identify the plan in the supporting narrative below.)*
	The Recipient or a project partner used environmental justice tools, such as the EJScreen, to minimize adverse impacts of the Project on environmental justice communities. *(Identify the tool(s) in the supporting narrative below.)*
	The Project supports a modal shift in freight or passenger movement to reduce emissions or reduce induced travel demand. *(Describe that shift in the supporting narrative below.)*
	The Project utilizes demand management strategies to reduce congestion, induced travel demand, and greenhouse gas emissions. *(Describe those strategies in the supporting narrative below.)*
	The Project incorporates electrification infrastructure, zero-emission vehicle infrastructure, or both. *(Describe the incorporated infrastructure in the supporting narrative below.)*
	The Project supports the installation of electric vehicle charging stations. *(Describe that support in the supporting narrative below.)*
	The Project promotes energy efficiency. *(Describe how in the supporting narrative below.)*
	The Project serves the renewable energy supply chain. *(Describe how in the supporting narrative below.)*
	The Project improves disaster preparedness and resiliency *(Describe how in the supporting narrative below.)*
	The Project avoids adverse environmental impacts to air or water quality, wetlands, and endangered species, such as through reduction in Clean Air Act criteria pollutants and greenhouse gases, improved stormwater management, or improved habitat connectivity. *(Describe how in the supporting narrative below.)*
	The Project repairs existing dilapidated or idle infrastructure that is currently causing environmental harm. *(Describe that infrastructure in the supporting narrative below.)*
	The Project supports or incorporates the construction of energy- and location-efficient buildings. *(Describe how in the supporting narrative below.)*
	The Project includes recycling of materials, use of materials known to reduce or reverse carbon emissions, or both. *(Describe the materials in the supporting narrative below.)*

	The Recipient has taken other actions to consider climate change and environmental justice impacts of the Project, as described in the supporting narrative below.
X	The Recipient has not yet taken actions to consider climate change and environmental justice impacts of the Project but will take relevant actions described in the supporting narrative below.
	The Recipient has not taken actions to consider climate change and environmental justice impacts of the Project and will not take those actions under this award.

2. Supporting Narrative.

This is an Action Plan and as such the work to craft the Plan will be conducted with a view of considering climate change and environmental justice when and where applicable.

ATTACHMENT E
LABOR AND WORKFORCE

1. Efforts to Support Good-Paying Jobs and Strong Labor Standards

The Recipient states that rows marked with "X" in the following table align with the application:

	The Recipient demonstrate, to the full extent possible consistent with the law, an effort to create good-paying jobs with the free and fair choice to join a union and incorporation of high labor standards. *(Identify the relevant agreements and describe the scope of activities they cover in the supporting narrative below.)*
	The Recipient or a project partner has adopted the use of local and economic hiring preferences in the overall delivery and implementation of the Project. *(Describe the relevant provisions in the supporting narrative below.)*
	The Recipient or a project partner has adopted the use of registered apprenticeships in the overall delivery and implementation of the Project. *(Describe the use of registered apprenticeship in the supporting narrative below.)*
	The Recipient or a project partner will provide training and placement programs for underrepresented workers in the overall delivery and implementation of the Project. *(Describe the training programs in the supporting narrative below.)*
	The Recipient or a project partner will support free and fair choice to join a union in the overall delivery and implementation of the Project by investing in workforce development services offered by labor-management training partnerships or setting expectations for contractors to develop labor-management training programs. *(Describe the workforce development services offered by labor-management training partnerships in the supporting narrative below.)*
	The Recipient or a project partner will provide supportive services and cash assistance to address systemic barriers to employment to be able to participate and thrive in training and employment, including childcare, emergency cash assistance for items such as tools, work clothing, application fees and other costs of apprenticeship or required pre-employment training, transportation and travel to training and work sites, and services aimed at helping to retain underrepresented groups like mentoring, support groups, and peer networking. *(Describe the supportive services and/or cash assistance provided to trainees and employees in the supporting narrative below.)*
	The Recipient or a project partner has documented agreements or ordinances in place to hire from certain workforce programs that serve underrepresented groups. *(Identify the relevant agreements and describe the scope of activities they cover in the supporting narrative below.)*

	The Recipient or a project partner participates in a State/Regional/Local comprehensive plan to promote equal opportunity, including removing barriers to hire and preventing harassment on work sites, and that plan demonstrates action to create an inclusive environment with a commitment to equal opportunity, including: a. affirmative efforts to remove barriers to equal employment opportunity above and beyond complying with Federal law; b. proactive partnerships with the U.S. Department of Labor's Office of Federal Contract Compliance Programs to promote compliance with EO 11246 Equal Employment Opportunity requirements and meet the requirements as outlined in the Notice of Funding Opportunity to make good faith efforts to meet the goals of 6.9 percent of construction project hours being performed by women and goals that vary based on geography for construction work hours and for work being performed by people of color; c. no discriminatory use of criminal background screens and affirmative steps to recruit and include those with former justice involvement, in accordance with the Fair Chance Act and equal opportunity requirements; d. efforts to prevent harassment based on race, color, religion, sex, sexual orientation, gender identity, and national origin; e. training on anti-harassment and third-party reporting procedures covering employees and contractors; and f. maintaining robust anti-retaliation measures covering employees and contractors. *(Describe the equal opportunity plan in the supporting narrative below.)*
	The Recipient has taken other actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards. *(Describe those actions in the supporting narrative below.)*
	The Recipient has not yet taken actions related to the Project to create good-paying jobs with the free and fair choice to join a union and incorporate strong labor standards but, before beginning construction of the project, will take relevant actions described in the supporting narrative below.
X	The Recipient has not taken actions related to the Project to improving good-paying jobs and strong labor standards and will not take those actions under this award.

2. Supporting Narrative.

This is an Action Plan; therefore, actions to address Labor and Workforce are not expected.

ATTACHMENT F
CRITICAL INFRASTRUCTURE SECURITY AND RESILIENCE

1. Efforts to strengthen the Security and Resilience of Critical Infrastructure against both Physical and Cyber Threats.

The Recipient states that rows marked with "X" in the following table are accurate:

	The Recipient demonstrates, prior to the signing of this agreement, effort to consider and address physical and cyber security risks relevant to the transportation mode and type and scale of the activities.
	The Recipient appropriately considered and addressed physical and cyber security and resilience in the planning, design and oversight of the project, as determined by the Department and the Department of Homeland Security.
	For projects in floodplains: The Recipient appropriately considered whether the project was upgraded consistent with the Federal Flood Risk Management Standard, to the extent consistent with current law, in Executive Order 14030, Climate-Related Financial Risk (86 FR 27967), and Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Solicit and Considering Stakeholder Input (80 FR 6425).

2. Supporting Narrative.

This is an Action Plan and Security and Resilience aspects are not considered as applicable, but if a measure is recognized and applicable, it will be taken into account.

CITY COUNCIL REPORT

ITEM NUMBER: 4.d.

SUBJECT: Resolution 1085-0824 Amendments to the Personnel Policies and Procedures, Chapter 7, Drug & Alcohol Policy

MEETING DATE: 8/26/2024

TO: Mayor and Council

FROM: Andrew Mesquita, Human Resources Director

THROUGH: Ron Corbin, City Manager, (623) 333-1011

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:
Innovative Program and Service Delivery - Avondale will continue to serve as a model of innovation, efficient, and responsive government.

PURPOSE:
City Council will consider a request to adopt Resolution 1085-0824, amending the Personnel Policies and Procedures, Chapter 7, Drug & Alcohol Policy to add “certified detention officers” to the list of job titles that may be subject to unannounced random screening for illegal drug use and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:
Current policy language includes “certified police officers” as part of the potential pool of employees that are subject to unannounced random screening for illegal drug use. Given the job responsibilities associated with certified detention officers for the care, custody and control of detainees, it is necessary to include this group of employees for potential random drug screening.

DISCUSSION:
Given the safety sensitive nature of certified detention officers, it is necessary for the City to have the option to require unannounced random screening for illegal drug use given the aforementioned responsibilities.

BUDGET IMPACT:
Costs associated with random drug testing are anticipated to be minimal and will be absorbed within the current budget allocation, as necessary.

RECOMMENDATION:
Staff recommends Council adopt the proposed revisions to Avondale Chapter Policy 7, Drug & Alcohol Policy.

Contact person for document distribution: *Andrew Mesquita*

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CHAPTER 7

Drug and Alcohol Policy

A. Provisions Covered by the Rules

These policies and procedures will apply to all positions, in all departments of the City of Avondale (the "City") and to such positions in the exempt and temporary service as may be provided herein.

B. Drug and Alcohol Testing Policy

1. The City believes that substance abuse is a serious threat to the welfare of employees, citizens, and the public. To address this problem, the City has introduced this policy with respect to the use, possession, or sale of drugs and alcohol. The expectation of the drug and alcohol testing policy is to:

   a. Maintain a safe, healthy, and productive working environment for its employees.

   b. Ensure the good reputation of the City and its employees.

   c. Reduce accidents, tardiness, absenteeism, and indifferent job performance.

C. Substance Abuse Policy

This policy requires all employees of the City to refrain from being involved in any way with illegal drugs or from abusing alcohol, on or off the job**.**

D. Grounds for Termination or Discipline

The following are grounds for discipline up to and including termination, even for a first offense.

1. Illegal Drug Use Prohibited

   Illegal drug use includes possessing, using, purchasing, distributing, or selling illegal drugs, or reporting to work impaired by illegal drugs. Under this policy, "illegal drugs" include any drug or drug-like substance which:

   a. Is not legally obtainable.

   b. May be legally obtainable but has not been legally obtained.

   c. Is being used in a manner or for a purpose other than as prescribed.

2. Alcohol Use Prohibited

   Alcohol use includes possessing, using, purchasing, distributing, or selling alcohol beverages at any time during the hours between the beginning and ending of the employee's workday, or reporting to work or working while impaired by alcohol in any way.

3. Recreational Marijuana and Marijuana-Based Product Use Prohibited

   Use includes possessing, using, purchasing, distributing, or selling marijuana or marijuana-based products at any time during the hours between the beginning and ending of the employee's work day, or reporting to work or working while impaired by marijuana or marijuana-based products in any way.

4. Failure to Participate

   a. The following will be considered a failure to participate in the City's drug and alcohol testing policy:

      1) Failure to submit to drug or alcohol testing.

      2) Failure to immediately report for drug or alcohol testing when requested to do so.

      3) Refusal to sign all appropriate consent forms.

      4) Any other failure to cooperate to the City's complete satisfaction.

5. Use of Legal Drugs

   a. In recognition of privacy concerns, the City will not solicit information from an employee regarding medications that an employee may be taking absent an indication that the employee is impaired or poses a safety hazard. The exception to this section of the policy is Police Officers and Detention Officers.

   b. It is the responsibility of any employee who is taking any medication, including those sold without a prescription, which may interfere with the safe and effective performance of duties to notify their supervisor before beginning work.

      1) Disclosure of the specific medical condition or the specific medication to the supervisor is not required (it may ultimately be required to be made to City Human Resources or a City-contracted Physician).

      2) The employee shall provide documentation from the treating physician of any limitations this may impose on the employee.

      3) If the limitations are such that the employee cannot safely and effectively perform his/her job duties, the employee may be placed on sick leave and referred to the Human Resources Department for discussion of reasonable accommodation.

c. It is the employee's responsibility to advise the City when the employee is no longer using the medication in question.

d. Any medical documentation shall be sent to City Human Resources for filing in the employee's confidential medical file.

E. Testing

1. Pre-Employment Drug Abuse Screening

The City will test all applicants who, as required by AZ Peace Officers Standards and Training Board and Federal/state law, receive an offer of employment prior to commencing employment, in an effort to detect individuals who currently use illegal drugs.

2. Reasonable Suspicion Testing

a. The City will require an employee to submit to alcohol and/or drug testing when there is reasonable suspicion to believe that the employee is under the influence of illegal and legal drug or alcohol use.

b. For purposes of this policy, "reasonable suspicion" will be based on specific observations concerning the appearance, behavior, speech or body odors of the employee, including, without limitation, slurred speech, red eyes, dilated pupils, incoherence, unsteadiness, unexplained carelessness or accidents, erratic behavior, inability to perform the job and other unexplained behavioral changes.

c. These observations must be made by a supervisor or other City official who has been trained to recognized signs of alcohol and/or drug use.

3. Random Testing

a. The following employees are subject to unannounced random screening for illegal drug use

1) Certified police officers

2) Certified detention officers

~~2)~~3) Police reserve officers

~~3)~~4) Firefighters

~~4)~~5) Firefighter reserve employees

~~5)~~6) Lifeguards (including Lead Lifeguards and Shallow Water Lifeguards)

~~6)~~7) Head Coaches (Aquatics)

~~7)~~8) Swim Lesson Instructors

~~8)~~9) Pool Managers.

b. See Section G.4.c of this policy for Department of Transportation (DOT) requirements.

4. Post-Accident

   a. Employees who have an at-fault accident with a City-owned vehicle must first notify the appropriate law enforcement agency and then their supervisors or department directors. All accidents, no matter how minor, require law enforcement notification so that a traffic report can be generated.

   b. Employees will be tested for drugs and alcohol following any at-fault accident involving a City vehicle.

   c. If fault cannot be determined, the employee will be drug and alcohol tested.

   d. While the City is waiting for the results of the drug test to be received, the employee shall be assigned work duties that do not involve driving or safety-sensitive equipment, such as a clerical/administrative position. If no position is available, the employee shall be placed on administrative-leave until the employee has been authorized to return to work by the Human Resources Department.

F. Consequences of Violating This Policy

1. An employee who tests positive, refuses to submit to drug or alcohol testing, refuses to sign all appropriate consent forms, or otherwise fails to participate in this policy to the City's complete satisfaction, may be subject to discipline up to, and including, immediate termination.

2. The appropriate level of discipline will be determined on a case-by-case basis at the City's discretion and may include treatment or rehabilitation under terms established by the City in consultation with a substance abuse professional.

3. This policy shall be construed in accordance with federal and state laws, including the Americans with Disabilities Act, the Family and Medical Leave Act, and the OMNIBUS Transportation Employee Testing Act of 1991.

4. Rehabilitation is the responsibility of the individual employee. An employee with a drug or alcohol abuse problem is encouraged to use whatever treatment or rehabilitative services are available under the City's group and health plan in effect at that time.

5. The City may not keep an employee in any particular job classification or position after the employee, either voluntarily or as a result of a positive drug test, seeks treatment or rehabilitation, unless otherwise required by law.

G. Federal Highway Administration Controlled Substances and Alcohol Use Testing Requirements

The United States Department of Transportation (DOT) has adopted mandatory rules which require employers to adopt and maintain substance abuse prevention programs, including drug and alcohol testing.

1. DOT Definitions

   a. ***Alcohol use*** means the consumption of any beverage, mixture or preparation, including any medication, containing alcohol.

   b. ***Controlled substances*** are marijuana, cocaine, opiates, amphetamines and phencyclidine.

   c. A ***commercial motor vehicle*** is any motor vehicle used to transport passengers or property if it has a gross vehicle or combination weight of 26,001 or more pounds, is designed to transport 16 or more passengers, including the driver, or is used to transport placarded hazardous materials.

   d. A ***driver*** is considered to be performing a safety sensitive function during any period in which he or she is doing any of the following with respect to a CMV; waiting to be dispatched, inspecting, servicing, conditioning, driving, loading or unloading (whether supervising, assisting or merely attending), repairing, obtaining assistance, waiting for held while the vehicle and all other time in or upon the vehicle.

   e. A ***refusal to submit to alcohol or controlled substance testing*** includes any of the following:

      a. Failure to provide adequate breath for alcohol testing without a valid medical explanation.

      b. Failure to provide an adequate urine sample for controlled substances testing without a genuine inability to provide such a sample.

      c. Or any other conduct that obstructs the testing process.

2. Rules

   These rules apply to every person who performs a safety sensitive function on a commercial motor vehicle (CMV) and is required to hold a commercial driver's license (CDL) to perform his or her job duties.

   a. All employees required to hold a CDL as part of their job with the City must always be immediately available to perform any safety sensitive function and must comply with these rules at all times while on duty.

b. Any questions concerning the DOT drug and alcohol testing rules should be directed to the Human Resources Department.

3. Prohibitions

The City will not permit any driver to operate or continue to perform safety sensitive functions if he or she:

a. Has an alcohol concentration of 0.04 or greater.

b. Is using alcohol while performing any safety sensitive function.

c. Has used alcohol within 4 hours of performing any safety sensitive function.

d. Has used a controlled substance.

e. Or has tested positive for any controlled substance.

f. If a driver has an alcohol concentration of 0.02 – 0.039, he or she will not be allowed to perform any safety sensitive function for the City for at least 24 hours.

g. The City also will not permit a driver to operate a commercial motor vehicle if the driver possesses alcohol or if the driver refuses to submit to required alcohol or controlled substance testing.

4. Required Testing

a. Pre-Employment Testing

1) The City will not permit any driver to perform safety sensitive functions unless that driver has received a controlled substances test result from the medical review officer (MRO) indicating a verified negative result.

2) The only exception to this rule is if the driver is excused from the pre-employment testing requirement pursuant to 49 CFR 381.301 (c).

b. Post-Accident Testing

1) As soon as practicable following an accident, the City will test each driver for alcohol and controlled substances if:

a) The driver was performing a safety sensitive function with respect to the vehicle, and the accident involved the loss of a human life.

b) Or the driver receives a citation for a moving traffic violation arising from the accident, and the accident resulted in bodily harm to any person requiring medical treatment away from scene of the accident.

c) Or there is disabling damages to any of the vehicles involved in the accident.

2) An alcohol test will be administered within 8 hours and a drug test will be administered within 32 hours of the accident. If these tests are not performed within these periods, the City will cease its testing efforts and prepare to record identifying the reason(s) why one or both of these tests were not administered.

3) A driver who is subject to post accident testing shall remain readily available for such testing or may be deemed to have refused to submit to testing.

4) A driver may not consume any alcohol for 8 hours following an accident, or until tested, whichever occurs first.

5) A driver must contact his or her supervisor immediately after an accident so that the need for alcohol and drug testing can be assessed and to ensure that the driver will be able to comply with the DOT rules.

6) Failure to report an accident involving a commercial motor vehicle may be grounds for disciplinary action.

c. Random Testing

The City uses a third-party vendor to randomly select a number of drivers each calendar year for drug and alcohol testing at an annual percentage rate determined by the Federal Motor Carriers Safety Association (FMCSA). (49 CFR Part 40)

d. Reasonable Suspicion Testing

1) The City will require drivers to submit to alcohol and/or controlled substances testing when there is reasonable suspicion to believe that the driver has violated the DOT rules concerning alcohol use or controlled substances.

2) The request to undergo a reasonable suspicion test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odor of the driver.

a) These observations may include indications of the chronic and withdrawal effects of controlled substances.

b) The chronic and withdrawal effects of controlled substances may not be the sole indicator for reasonable suspicion but may be used in conjunction with other indicators.

3) Reasonable suspicion testing is designed as a tool to identify affected drivers who, through alcohol or controlled substances misuse, may pose a danger to themselves and others in their performance of safety-sensitive functions.

a) Drivers may be at work in a condition that raises concern regarding their safety or productivity.

b) A supervisor must then make a decision as to whether reasonable suspicion exists that a controlled substance and/or alcohol may be causing the behavior.

4) These observations will be made by a supervisor or City official who has been trained to recognize signs of alcohol and/or controlled substance abuse.

5) When the City reasonably believes a driver is impaired, that driver will not be allowed to perform any safety sensitive function until:

a) An alcohol test is administered, and the alcohol concentration is less that 0.02;

b) Or 24 hours have elapsed since the reasonable suspicion determination.

e. Return to Duty Testing

1) Before returning to duty requiring the performance of any safety sensitive function following alcohol-related conduct prohibited by the DOT rules, a driver must undergo a return to duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

2) Before returning to duty requiring the performance of any safety sensitive function following controlled substances related conduct prohibited by the DOT rules, a driver must undergo return to duty-controlled substances testing with a result indicating a verified negative result for controlled substances.

f. Follow Up Testing

1) A driver who has been determined to need assistance in resolving problems associated with alcohol misuse and/or controlled substances is subject to unannounced follow up testing as directed by a substance abuse professional.

2) There must be at least 6 follow up tests within the first 12 months after a driver returns to duty, follow up testing will not exceed 60 months from the date of the driver's return to duty.

Testing under paragraphs c, d, and f will occur while the driver is performing safety sensitive functions, or just before the driver is to perform safety sensitive functions, or just after the driver has ceased performing such functions.

5. Testing Procedures

a. Controlled Substances

1) Precautions will be taken to ensure that a urine specimen is not adulterated or diluted during the collection procedure, and that information on the urine bottle and on the urine custody and control form identifies the driver from whom the specimen was collected.

a) These precautions will include placing a bluing agent in toilets when possible, securing and monitoring water sources and positively identifying the driver as the employee selected for testing.

b) Additionally, drivers will be required to remove any outer garments and personal belongings (such as purses or briefcases) in which items may be concealed, and to wash and dry their hands prior to testing.

2) Under normal circumstances, the actual collection of the urine specimen will not be observed unless:

a) The urine specimen falls outside the normal temperature range and the driver either declines to allow measurement of his or her body temperature or his or her oral body temperature varies by more than 1.8 degrees Fahrenheit from the specimen;

b) The driver's previous specimen did not register a normal measurement of specific gravity and creatinine;

c) The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the specimen; or

d) The driver has previously been determined to have used a controlled substance and the particular test was being conducted under DOT agency regulation providing for follow up testing upon or after the driver's return to duty.

3) If the temperature of the specimen falls outside of the normal range, the assumption will be that it has been altered or substituted.

a) The driver may volunteer to have his or her oral temperature taken to counter this presumption.

b) In all circumstances, the collection site person will inspect the specimen to determine if it has been contaminated and will note any unusual findings on the custody and control form.

c) All specimens suspected of being adulterated will still be forwarded for testing.

d) Whenever there is reason to believe that a specimen has been altered or substituted, a second observed specimen will be obtained from the driver as soon as possible.

4) Both the driver and the collection site person must be present when:

a) The specimen is labeled;

b) The driver initials the label to confirm that it is his or her specimen;

c) The collection site person enters the information to identify the specimen and

d) Signs the custody and control form;

e) The driver reads and signs the statement of the form certifying that the specimen is the one he or she provided; and

f) The driver signs a consent or release form if specified by DOT rules or is required by the collection site or laboratory.

5) The collection site person will note any refusal to cooperate with the testing process on the custody and control form and will notify the City.

6) The City will use a "split sample" method of testing performed by laboratories certified under the HHS "Mandatory Guidelines for Federal Workplace Drug Testing Programs."

a) If the initial screening test is positive, the driver may request that the MRO send the split specimen to another HHS certified laboratory to test for the presence of the drugs for which a positive result was initially obtained.

b) This request must be made within 72 hours of the driver's notification of the test results.

7) The MRO will review the final confirmed test results before they are transmitted to the City. However, the MRO will first contact a driver to discuss a confirmed positive test result.

a) If the MRO is unable to contact the driver directly, he or she will attempt to do so through a designated City official.

8) The MRO may verify a test result as positive without communicating with the driver if:

a) The driver declines to discuss the test with the MRO;

b) More than 5 days pass since the time the designated City official informs the driver that he or she should contact the MRO; or

c) Other circumstances provided for in DOT agency rules.

9) Following verification of a positive test result, the MRO will refer the case to the City's Human Resources Department.

b. Alcohol Testing

1) The City will conduct a screening test for alcohol use using either an evidentiary breath testing device (EBT) or a non-evidential screening device approved by the National Highway Traffic Safety Administration.

a) If the screening test yields an alcohol concentration of 0.02 or greater, a confirmation test will be performed between 15 and 30 minutes after the first test using an EBT.

b) If the two tests yield different results, the confirmation test will be deemed to be the final result upon which any action is based.

2) The City will comply with the quality assurance plan and the manufacturer's instructions for each screening device used, and shall maintain records relating to the inspection, maintenance, compliance with the quality assurance plan, calibration and qualifications of individuals using each screening device.

c. Handling of Test Results

1) Test results will be kept confidential except as required by law or expressly authorized by the DOT rules.

2) The City will notify driver applicants of pre-employment test results if the driver requests such results within 60 days of being notified of the disposition of his or her application.

3) The City will notify a driver of the results of random, reasonable, suspicion, and post-accident test results verified as positive for controlled substances and identify for the driver the controlled substances that were detected and verified.

6. Consequences for Engaging in Prohibited Conduct

a. A driver who engages in conduct prohibited under the DOT rules must be evaluated by a substance abuse professional who will determine what assistance, if any, the driver needs in resolving problems associated with alcohol or controlled substances use.

b. Additionally, the driver will not be allowed to perform any safety sensitive function for the City until meeting the requirements for referral, evaluation and treatment, and has taken and passed a return to duty test.

H. Drug Free Awareness Program

1. To educate employees about the dangers of substance abuse, the City has established a drug free awareness program along with the availability of counseling, and the City's policy regarding substance abuse.

2. The City has also established a training program for all Commercial Motor Vehicle operators and supervisory employees, which includes information on the effects and consequences of controlled substances and training to detect controlled substance abuse.

3. Treatment
    a. The City encourages employees with substance abuse problems to avail themselves of any available treatment or rehabilitative services available under the City's group health plan.
    b. Information regarding these services can be obtained from the Human Resources Department.
4. Discipline
    a. An employee who tests positive, refuses to submit to drug or alcohol testing, refuses to sign all appropriate consent forms, or otherwise fails to comply with this policy to the City's complete satisfaction may be subject to discipline up to, and including, immediate termination.
    b. The appropriate level of discipline will be determined on a case by case basis at the City's discretion and may include treatment or rehabilitation under terms established by the City.
    c. The City is entitled to rely on the results of its drug or alcohol test to determine whether the employee has violated the policy prohibiting drug or alcohol.

I. Other Laws

This policy will be construed in accordance with federal, state, and local laws, including the Americans with Disabilities Act the Family Medical Leave Act, and the OMNIBUS Transportation Employee Testing Act of 1991.

RESOLUTION NO. 1085-0824

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING CHAPTER 7, SECTION E (TESTING) OF THE PERSONNEL POLICIES AND PROCEDURES RELATING TO DRUG AND ALCOHOL.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. Chapter 7 – Drug and Alcohol Policy, Section E (Testing) of the City of Avondale Personnel Policies and Procedures ("Chapter 7") is hereby adopted in substantially the form and substance attached hereto as Exhibit A and incorporated herein by this reference.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this Resolution or any part of Chapter 7 adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 3. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, August 26, 2024.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Sarmiento, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO

RESOLUTION NO. 1085-0824

[Chapter 7]

See following pages.

Avondale
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CHAPTER 7

Drug and Alcohol Policy

A. Provisions Covered by the Rules

These policies and procedures will apply to all positions, in all departments of the City of Avondale (the "City") and to such positions in the exempt and temporary service as may be provided herein.

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   a. Maintain a safe, healthy, and productive working environment for its employees.

   b. Ensure the good reputation of the City and its employees.

   c. Reduce accidents, tardiness, absenteeism, and indifferent job performance.

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This policy requires all employees of the City to refrain from being involved in any way with illegal drugs or from abusing alcohol, on or off the job**.**

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   b. May be legally obtainable but has not been legally obtained.

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   Use includes possessing, using, purchasing, distributing, or selling marijuana or marijuana-based products at any time during the hours between the beginning and ending of the employee's work day, or reporting to work or working while impaired by marijuana or marijuana-based products in any way.

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   a. The following will be considered a failure to participate in the City's drug and alcohol testing policy:

      1) Failure to submit to drug or alcohol testing.

      2) Failure to immediately report for drug or alcohol testing when requested to do so.

      3) Refusal to sign all appropriate consent forms.

      4) Any other failure to cooperate to the City's complete satisfaction.

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   a. In recognition of privacy concerns, the City will not solicit information from an employee regarding medications that an employee may be taking absent an indication that the employee is impaired or poses a safety hazard. The exception to this section of the policy is Police Officers and Detention Officers.

   b. It is the responsibility of any employee who is taking any medication, including those sold without a prescription, which may interfere with the safe and effective performance of duties to notify their supervisor before beginning work.

      1) Disclosure of the specific medical condition or the specific medication to the supervisor is not required (it may ultimately be required to be made to City Human Resources or a City-contracted Physician).

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1. Pre-Employment Drug Abuse Screening

   The City will test all applicants who, as required by AZ Peace Officers Standards and Training Board and Federal/state law, receive an offer of employment prior to commencing employment, in an effort to detect individuals who currently use illegal drugs.

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   b. For purposes of this policy, "reasonable suspicion" will be based on specific observations concerning the appearance, behavior, speech or body odors of the employee, including, without limitation, slurred speech, red eyes, dilated pupils, incoherence, unsteadiness, unexplained carelessness or accidents, erratic behavior, inability to perform the job and other unexplained behavioral changes.

   c. These observations must be made by a supervisor or other City official who has been trained to recognized signs of alcohol and/or drug use.

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   a. The following employees are subject to unannounced random screening for illegal drug use

      1) Certified police officers
      2) Certified detention officers
      3) Police reserve officers
      4) Firefighters
      5) Firefighter reserve employees
      6) Lifeguards (including Lead Lifeguards and Shallow Water Lifeguards)
      7) Head Coaches (Aquatics)
      8) Swim Lesson Instructors
      9) Pool Managers.

b. See Section G.4.c of this policy for Department of Transportation (DOT) requirements.

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   a. Employees who have an at-fault accident with a City-owned vehicle must first notify the appropriate law enforcement agency and then their supervisors or department directors. All accidents, no matter how minor, require law enforcement notification so that a traffic report can be generated.

   b. Employees will be tested for drugs and alcohol following any at-fault accident involving a City vehicle.

   c. If fault cannot be determined, the employee will be drug and alcohol tested.

   d. While the City is waiting for the results of the drug test to be received, the employee shall be assigned work duties that do not involve driving or safety-sensitive equipment, such as a clerical/administrative position. If no position is available, the employee shall be placed on administrative-leave until the employee has been authorized to return to work by the Human Resources Department.

F. Consequences of Violating This Policy

1. An employee who tests positive, refuses to submit to drug or alcohol testing, refuses to sign all appropriate consent forms, or otherwise fails to participate in this policy to the City's complete satisfaction, may be subject to discipline up to, and including, immediate termination.

2. The appropriate level of discipline will be determined on a case-by-case basis at the City's discretion and may include treatment or rehabilitation under terms established by the City in consultation with a substance abuse professional.

3. This policy shall be construed in accordance with federal and state laws, including the Americans with Disabilities Act, the Family and Medical Leave Act, and the OMNIBUS Transportation Employee Testing Act of 1991.

4. Rehabilitation is the responsibility of the individual employee. An employee with a drug or alcohol abuse problem is encouraged to use whatever treatment or rehabilitative services are available under the City's group and health plan in effect at that time.

5. The City may not keep an employee in any particular job classification or position after the employee, either voluntarily or as a result of a positive drug test, seeks treatment or rehabilitation, unless otherwise required by law.

G. Federal Highway Administration Controlled Substances and Alcohol Use Testing Requirements

The United States Department of Transportation (DOT) has adopted mandatory rules which require employers to adopt and maintain substance abuse prevention programs, including drug and alcohol testing.

1. DOT Definitions

   a. ***Alcohol use*** means the consumption of any beverage, mixture or preparation, including any medication, containing alcohol.

   b. ***Controlled substances*** are marijuana, cocaine, opiates, amphetamines and phencyclidine.

   c. A ***commercial motor vehicle*** is any motor vehicle used to transport passengers or property if it has a gross vehicle or combination weight of 26,001 or more pounds, is designed to transport 16 or more passengers, including the driver, or is used to transport placarded hazardous materials.

   d. A ***driver*** is considered to be performing a safety sensitive function during any period in which he or she is doing any of the following with respect to a CMV; waiting to be dispatched, inspecting, servicing, conditioning, driving, loading or unloading (whether supervising, assisting or merely attending), repairing, obtaining assistance, waiting for held while the vehicle and all other time in or upon the vehicle.

   e. A ***refusal to submit to alcohol or controlled substance testing*** includes any of the following:

      a. Failure to provide adequate breath for alcohol testing without a valid medical explanation.

      b. Failure to provide an adequate urine sample for controlled substances testing without a genuine inability to provide such a sample.

      c. Or any other conduct that obstructs the testing process.

2. Rules

   These rules apply to every person who performs a safety sensitive function on a commercial motor vehicle (CMV) and is required to hold a commercial driver's license (CDL) to perform his or her job duties.

   a. All employees required to hold a CDL as part of their job with the City must always be immediately available to perform any safety sensitive function and must comply with these rules at all times while on duty.

b. Any questions concerning the DOT drug and alcohol testing rules should be directed to the Human Resources Department.

3. Prohibitions

The City will not permit any driver to operate or continue to perform safety sensitive functions if he or she:

a. Has an alcohol concentration of 0.04 or greater.

b. Is using alcohol while performing any safety sensitive function.

c. Has used alcohol within 4 hours of performing any safety sensitive function.

d. Has used a controlled substance.

e. Or has tested positive for any controlled substance.

f. If a driver has an alcohol concentration of 0.02 – 0.039, he or she will not be allowed to perform any safety sensitive function for the City for at least 24 hours.

g. The City also will not permit a driver to operate a commercial motor vehicle if the driver possesses alcohol or if the driver refuses to submit to required alcohol or controlled substance testing.

4. Required Testing

a. Pre-Employment Testing

1) The City will not permit any driver to perform safety sensitive functions unless that driver has received a controlled substances test result from the medical review officer (MRO) indicating a verified negative result.

2) The only exception to this rule is if the driver is excused from the pre-employment testing requirement pursuant to 49 CFR 381.301 (c).

b. Post-Accident Testing

1) As soon as practicable following an accident, the City will test each driver for alcohol and controlled substances if:

a) The driver was performing a safety sensitive function with respect to the vehicle, and the accident involved the loss of a human life.

b) Or the driver receives a citation for a moving traffic violation arising from the accident, and the accident resulted in bodily harm to any person requiring medical treatment away from scene of the accident.

c) Or there is disabling damages to any of the vehicles involved in the accident.

2) An alcohol test will be administered within 8 hours and a drug test will be administered within 32 hours of the accident. If these tests are not performed within these periods, the City will cease its testing efforts and prepare to record identifying the reason(s) why one or both of these tests were not administered.

3) A driver who is subject to post accident testing shall remain readily available for such testing or may be deemed to have refused to submit to testing.

4) A driver may not consume any alcohol for 8 hours following an accident, or until tested, whichever occurs first.

5) A driver must contact his or her supervisor immediately after an accident so that the need for alcohol and drug testing can be assessed and to ensure that the driver will be able to comply with the DOT rules.

6) Failure to report an accident involving a commercial motor vehicle may be grounds for disciplinary action.

c. Random Testing

The City uses a third-party vendor to randomly select a number of drivers each calendar year for drug and alcohol testing at an annual percentage rate determined by the Federal Motor Carriers Safety Association (FMCSA). (49 CFR Part 40)

d. Reasonable Suspicion Testing

1) The City will require drivers to submit to alcohol and/or controlled substances testing when there is reasonable suspicion to believe that the driver has violated the DOT rules concerning alcohol use or controlled substances.

2) The request to undergo a reasonable suspicion test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odor of the driver.

a) These observations may include indications of the chronic and withdrawal effects of controlled substances.

b) The chronic and withdrawal effects of controlled substances may not be the sole indicator for reasonable suspicion but may be used in conjunction with other indicators.

3) Reasonable suspicion testing is designed as a tool to identify affected drivers who, through alcohol or controlled substances misuse, may pose a danger to themselves and others in their performance of safety-sensitive functions.

a) Drivers may be at work in a condition that raises concern regarding their safety or productivity.

b) A supervisor must then make a decision as to whether reasonable suspicion exists that a controlled substance and/or alcohol may be causing the behavior.

4) These observations will be made by a supervisor or City official who has been trained to recognize signs of alcohol and/or controlled substance abuse.

5) When the City reasonably believes a driver is impaired, that driver will not be allowed to perform any safety sensitive function until:

a) An alcohol test is administered, and the alcohol concentration is less that 0.02;

b) Or 24 hours have elapsed since the reasonable suspicion determination.

e. Return to Duty Testing

1) Before returning to duty requiring the performance of any safety sensitive function following alcohol-related conduct prohibited by the DOT rules, a driver must undergo a return to duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

2) Before returning to duty requiring the performance of any safety sensitive function following controlled substances related conduct prohibited by the DOT rules, a driver must undergo return to duty-controlled substances testing with a result indicating a verified negative result for controlled substances.

f. Follow Up Testing

1) A driver who has been determined to need assistance in resolving problems associated with alcohol misuse and/or controlled substances is subject to unannounced follow up testing as directed by a substance abuse professional.

2) There must be at least 6 follow up tests within the first 12 months after a driver returns to duty, follow up testing will not exceed 60 months from the date of the driver's return to duty.

Testing under paragraphs c, d, and f will occur while the driver is performing safety sensitive functions, or just before the driver is to perform safety sensitive functions, or just after the driver has ceased performing such functions.

5. Testing Procedures

a. Controlled Substances

1) Precautions will be taken to ensure that a urine specimen is not adulterated or diluted during the collection procedure, and that information on the urine bottle and on the urine custody and control form identifies the driver from whom the specimen was collected.

a) These precautions will include placing a bluing agent in toilets when possible, securing and monitoring water sources and positively identifying the driver as the employee selected for testing.

b) Additionally, drivers will be required to remove any outer garments and personal belongings (such as purses or briefcases) in which items may be concealed, and to wash and dry their hands prior to testing.

2) Under normal circumstances, the actual collection of the urine specimen will not be observed unless:

a) The urine specimen falls outside the normal temperature range and the driver either declines to allow measurement of his or her body temperature or his or her oral body temperature varies by more than 1.8 degrees Fahrenheit from the specimen;

b) The driver's previous specimen did not register a normal measurement of specific gravity and creatinine;

c) The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the specimen; or

d) The driver has previously been determined to have used a controlled substance and the particular test was being conducted under DOT agency regulation providing for follow up testing upon or after the driver's return to duty.

3) If the temperature of the specimen falls outside of the normal range, the assumption will be that it has been altered or substituted.

a) The driver may volunteer to have his or her oral temperature taken to counter this presumption.

b) In all circumstances, the collection site person will inspect the specimen to determine if it has been contaminated and will note any unusual findings on the custody and control form.

c) All specimens suspected of being adulterated will still be forwarded for testing.

d) Whenever there is reason to believe that a specimen has been altered or substituted, a second observed specimen will be obtained from the driver as soon as possible.

4) Both the driver and the collection site person must be present when:

a) The specimen is labeled;

b) The driver initials the label to confirm that it is his or her specimen;

c) The collection site person enters the information to identify the specimen and

d) Signs the custody and control form;

e) The driver reads and signs the statement of the form certifying that the specimen is the one he or she provided; and

f) The driver signs a consent or release form if specified by DOT rules or is required by the collection site or laboratory.

5) The collection site person will note any refusal to cooperate with the testing process on the custody and control form and will notify the City.

6) The City will use a "split sample" method of testing performed by laboratories certified under the HHS "Mandatory Guidelines for Federal Workplace Drug Testing Programs."

a) If the initial screening test is positive, the driver may request that the MRO send the split specimen to another HHS certified laboratory to test for the presence of the drugs for which a positive result was initially obtained.

b) This request must be made within 72 hours of the driver's notification of the test results.

7) The MRO will review the final confirmed test results before they are transmitted to the City. However, the MRO will first contact a driver to discuss a confirmed positive test result.

a) If the MRO is unable to contact the driver directly, he or she will attempt to do so through a designated City official.

8) The MRO may verify a test result as positive without communicating with the driver if:

a) The driver declines to discuss the test with the MRO;

b) More than 5 days pass since the time the designated City official informs the driver that he or she should contact the MRO; or

c) Other circumstances provided for in DOT agency rules.

9) Following verification of a positive test result, the MRO will refer the case to the City's Human Resources Department.

b. Alcohol Testing

1) The City will conduct a screening test for alcohol use using either an evidentiary breath testing device (EBT) or a non-evidential screening device approved by the National Highway Traffic Safety Administration.

a) If the screening test yields an alcohol concentration of 0.02 or greater, a confirmation test will be performed between 15 and 30 minutes after the first test using an EBT.

b) If the two tests yield different results, the confirmation test will be deemed to be the final result upon which any action is based.

2) The City will comply with the quality assurance plan and the manufacturer's instructions for each screening device used, and shall maintain records relating to the inspection, maintenance, compliance with the quality assurance plan, calibration and qualifications of individuals using each screening device.

c. Handling of Test Results

1) Test results will be kept confidential except as required by law or expressly authorized by the DOT rules.

2) The City will notify driver applicants of pre-employment test results if the driver requests such results within 60 days of being notified of the disposition of his or her application.

3) The City will notify a driver of the results of random, reasonable, suspicion, and post-accident test results verified as positive for controlled substances and identify for the driver the controlled substances that were detected and verified.

6. Consequences for Engaging in Prohibited Conduct

a. A driver who engages in conduct prohibited under the DOT rules must be evaluated by a substance abuse professional who will determine what assistance, if any, the driver needs in resolving problems associated with alcohol or controlled substances use.

b. Additionally, the driver will not be allowed to perform any safety sensitive function for the City until meeting the requirements for referral, evaluation and treatment, and has taken and passed a return to duty test.

H. Drug Free Awareness Program

1. To educate employees about the dangers of substance abuse, the City has established a drug free awareness program along with the availability of counseling, and the City's policy regarding substance abuse.

2. The City has also established a training program for all Commercial Motor Vehicle operators and supervisory employees, which includes information on the effects and consequences of controlled substances and training to detect controlled substance abuse.

3. Treatment
    a. The City encourages employees with substance abuse problems to avail themselves of any available treatment or rehabilitative services available under the City's group health plan.
    b. Information regarding these services can be obtained from the Human Resources Department.
4. Discipline
    a. An employee who tests positive, refuses to submit to drug or alcohol testing, refuses to sign all appropriate consent forms, or otherwise fails to comply with this policy to the City's complete satisfaction may be subject to discipline up to, and including, immediate termination.
    b. The appropriate level of discipline will be determined on a case by case basis at the City's discretion and may include treatment or rehabilitation under terms established by the City.
    c. The City is entitled to rely on the results of its drug or alcohol test to determine whether the employee has violated the policy prohibiting drug or alcohol.

I. Other Laws

This policy will be construed in accordance with federal, state, and local laws, including the Americans with Disabilities Act the Family Medical Leave Act, and the OMNIBUS Transportation Employee Testing Act of 1991.

CITY COUNCIL REPORT

ITEM NUMBER: 4.e.

SUBJECT: Resolution 1086-0824 Amendments to the Personnel Policies and Procedures, Chapter 17, Separations

MEETING DATE: 8/26/2024

TO: Mayor and Council

FROM: Andrew Mesquita, Human Resources Director

THROUGH: Ron Corbin, City Manager, (623) 333-1011

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:
Innovative Program and Service Delivery - Avondale will continue to serve as a model of innovation, efficient, and responsive government.

PURPOSE:
City Council will consider a request to adopt Resolution 1086-0824, amending the Personnel Policies and Procedures, Chapter 17, Separations to add a section outlining a process for considering and approving rescissions of employee resignations or retirements and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:
Current policy language does not include a formal process for the consideration and potential approval of an employee's request to rescind a resignation or retirement notification after it has been accepted by the immediate supervisor or department director.

DISCUSSION:
The City Manager (or designee) has final authority on significant personnel decisions; therefore, incorporating language that requires City Manager approval for rescissions ensures that such decisions are consistent and align with the broader scope of organizational needs.

BUDGET IMPACT:
There are no direct costs associated with the amendments to the City of Avondale Policies and Procedures.

RECOMMENDATION:
Staff recommends Council adopt the proposed revisions to Avondale Chapter Policy 17, Separations.

Contact person for document distribution: *Andrew Mesquita*

CHAPTER 17

Separations

A. Resignation

1. Any employee who desires to resign his/her position with the City of Avondale (City) and be in good standing with the City, will provide a written resignation to his/her department manager or the City Manager stating the effective date and reason for such action.

2. Notification will be provided at least two weeks prior to the effective date unless otherwise waived by the City Manager.

3. Refer to Chapter 5 and Chapter 6 for holiday, sick leave, and vacation compensation.

B. Rescissions

Once a resignation or retirement has been accepted by the immediate supervisor or department director, only the City Manager or his/her designee may approve its rescission and the request must be received before the employee's effective date of separation.

~~B.~~C. Reduction in Force

1. The City Manager, with the concurrence of the City Council, may separate any employee without prejudice because of lack of funds or curtailment of work, after giving notice of at least thirty (30) days to such employee.

2. No regular employee will be separated from any department while there are other employees on original probation, part-time or temporary employees serving in the same class of positions in that department.

3. Whenever possible, employees who are to be laid off in one department will be integrated into another department by transfer.

4. When a reduction in force is required, it will be in the inverse order of the relative length of service of the employee; that is, the employee with the longest service time in the classification within the department will be the last to be laid off.

5. Any employee affected by reduction in force through no fault of his/her own may be eligible for re-employment with preference for rehire.

6. Reductions in force are not appealable or subject to grievance.

~~C.~~D. Retirement

A full-time regular employee in the City will be eligible for retirement benefits in accordance with the Arizona State Retirement System, Arizona Public Safety Personnel Retirement System, or Corrections Officer Retirement Plan. (Refer to the relevant plan's website for further information.

~~D.~~E. Involuntary Terminations

1. The City may dismiss any regular status employee for cause.
    a. A written statement of reasons for the dismissal will be provided to the employee.
2. The City may dismiss any original probationary employee at its sole discretion.
    a. No written statement of reasons for dismissal is required.
3. An employee who is involuntarily terminated will not be compensated for any unused sick leave and/or holiday leave.

~~E.~~F. Return of City Property

1. Any employee leaving the City service whether through resignation, reduction in force, or dismissal is responsible for returning any City property which he/she may have in his/her possession.
2. All City property must be returned to the employee's supervisor or the Human Resources Department prior to receiving a final paycheck.

RESOLUTION NO. 1086-0824

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, AMENDING CHAPTER 17, SECTION B (RESCISSIONS) OF THE PERSONNEL POLICIES AND PROCEDURES RELATING TO DRUG AND ALCOHOL.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. Chapter 17 – Separations, Section B (Rescissions) of the City of Avondale Personnel Policies and Procedures ("Chapter 17") is hereby adopted in substantially the form and substance attached hereto as Exhibit A and incorporated herein by this reference.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this Resolution or any part of Chapter 17 adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 3. The Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to take all steps necessary to carry out the purpose and intent of this Resolution.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, August 26, 2024.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Sarmiento, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO

RESOLUTION NO. 1086-0824

[Chapter 17]

See following pages.

CHAPTER 17

Separations

A. Resignation

1. Any employee who desires to resign his/her position with the City of Avondale (City) and be in good standing with the City, will provide a written resignation to his/her department manager or the City Manager stating the effective date and reason for such action.

2. Notification will be provided at least two weeks prior to the effective date unless otherwise waived by the City Manager.

3. Refer to Chapter 5 and Chapter 6 for holiday, sick leave, and vacation compensation.

B. Rescissions

Once a resignation or retirement has been accepted by the immediate supervisor or department director, only the City Manager or his/her designee may approve its rescission and the request must be received before the employee's effective date of separation.

C. Reduction in Force

1. The City Manager, with the concurrence of the City Council, may separate any employee without prejudice because of lack of funds or curtailment of work, after giving notice of at least thirty (30) days to such employee.

2. No regular employee will be separated from any department while there are other employees on original probation, part-time or temporary employees serving in the same class of positions in that department.

3. Whenever possible, employees who are to be laid off in one department will be integrated into another department by transfer.

4. When a reduction in force is required, it will be in the inverse order of the relative length of service of the employee; that is, the employee with the longest service time in the classification within the department will be the last to be laid off.

5. Any employee affected by reduction in force through no fault of his/her own may be eligible for re-employment with preference for rehire.

6. Reductions in force are not appealable or subject to grievance.

D. Retirement

A full-time regular employee in the City will be eligible for retirement benefits in accordance with the Arizona State Retirement System, Arizona Public Safety Personnel Retirement System, or Corrections Officer Retirement Plan. (Refer to the relevant plan's website for further information.

E. Involuntary Terminations

1. The City may dismiss any regular status employee for cause.

    a. A written statement of reasons for the dismissal will be provided to the employee.

2. The City may dismiss any original probationary employee at its sole discretion.

    a. No written statement of reasons for dismissal is required.

3. An employee who is involuntarily terminated will not be compensated for any unused sick leave and/or holiday leave.

F. Return of City Property

1. Any employee leaving the City service whether through resignation, reduction in force, or dismissal is responsible for returning any City property which he/she may have in his/her possession.

2. All City property must be returned to the employee's supervisor or the Human Resources Department prior to receiving a final paycheck.

CITY COUNCIL REPORT

ITEM NUMBER: 4.f.

SUBJECT: Ordinance 2025-0824 – Abandonment of a Public Utility Easement on City Property

MEETING DATE: 8/26/2024

TO: Mayor and Council

FROM: Kimberly Moon, Director, Engineering Department

THROUGH: Katie Gregory, Assistant City Manager, (623) 333-1015

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Creative and Sustainable Community Development - Avondale is committed to creating a sense of place, a community of residents and local businesses unified by pride and common values.

The approval of this agenda item will maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:
City Council will consider a request to adopt Ordinance 2025-0824 authorizing the abandonment of a 26-foot-wide public utility easement generally located north of The BLVD and east of Avondale Boulevard, and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:
On September 3, 2009, a 26-foot wide Public Utility Easement Agreement (PUE) containing 0.28 acres was granted to the City as recorded in Deed Book 2009, Page 0888735 of the Maricopa County Recorder's Office on parcels currently identified by Assessor Parcel Numbers (APN) 102-57-261 and 102-57-262, which are located within The BLVD. On November 6, 2023, City Council adopted Ordinance 2066-1123, recorded in Deed Book 2023, Page 0578912 of the Maricopa County Recorder's Office, which abandoned the portion of PUE located on the parcel identified by APN 102-57-261. Staff has determined that the portion of PUE located on APN 102-57-262 is no longer needed and wishes to abandon it.

DISCUSSION:
The proposed PUE abandonment includes an area containing 8,513 square feet.

BUDGET IMPACT:
There is no impact to the budget for this action.

RECOMMENDATION:

Staff recommends City Council adopt an Ordinance authorizing the abandonment of a 26-foot-wide public utility easement generally located north of The BLVD and east of Avondale Boulevard and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: *Yulonda Moore, Terry Dorschied*

Vicinity Map

Avondale

Easement Abandonment Area

Not to Scale

Prepared on 7/22/2024 by the Geospatial Services Division of the Information Technology Department

R:\Maps\Exhibits\VicinityMaps\114thAve&TheBLVD_PUE_Abandonment

ORDINANCE NO. 2025-0824

AN ORDINANCE OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, ABANDONING A PORTION OF A PUBLIC UTILITY EASEMENT GENERALLY LOCATED NORTH OF THE BLVD AND WEST OF 114TH AVENUE IN AVONDALE.

WHEREAS, Article I, Section 3 of the Avondale City Charter authorizes the City of Avondale (the "City") to dispose of its acquired property as the City's interests may require; and

WHEREAS, a public utility easement generally located north of The BLVD and west of 114th Avenue, parcel APN 102-57-262 was granted to the City and recorded in Deed Book 2009, Page 0888735 in the Office of the Maricopa County Recorder on September 24, 2009 (the "Public Utility Easement"); and

WHEREAS, the Council of the City of Avondale (the "City Council") has determined that a portion of the Public Utility Easement consisting of ± 0.20 acres of land is no longer needed and desires to abandon said portion of the Public Utility Easement (the "Abandoned Portion of the Easement"); and

WHEREAS, the City Council has determined that the Abandoned Portion of the Easement is no longer needed and therefore, it is necessary and appropriate to abandon said easement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVONDALE as follows:

SECTION 1. The recitals above are hereby incorporated as if fully set forth herein.

SECTION 2. The Abandoned Portion of the Easement, as more particularly described and depicted in Exhibit A, attached hereto and incorporated by reference, is hereby (i) declared to be no longer necessary and (ii) abandoned.

SECTION 3. Upon recordation of this Ordinance in the office of the Maricopa County Recorder, the Abandoned Portion of the Easement shall be forever extinguished.

SECTION 4. The Mayor, the City Manager or authorized designee, the City Clerk and the City Attorney are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this Ordinance.

PASSED AND ADOPTED by the Council of the City of Avondale, Arizona, August 26, 2024.

_____
Kenneth N. Weise, Mayor

ATTEST:

_____
Marcella Sarmiento, City Clerk

APPROVED AS TO FORM:

_____
Nicholle Harris, City Attorney

EXHIBIT A
TO
ORDINANCE NO. 2025-0824

[Legal Description and Map of Abandoned Portion of the Easement]

See following pages.

EXHIBIT "A"
Description of Real Estate
IN MARICOPA COUNTY, STATE OF ARIZONA

A Parcel of Land in the Southwest Quarter (SW 1/4) of Section Six (6), Township One (1) North, Range One (1) East, of the Gila & Salt River Meridian, Maricopa County, Arizona and being more particularly described as follows:

Commencing at a found brass cap in Hand Hole at the intersection of Avondale Boulevard and Roosevelt Street also being the West Quarter Corner (W1/4) of section 6 from which a found brass cap in a hand hole at the Southwest corner of said Section 6, at the intersection of Van Buren Street and Avondale Boulevard, bears South 00°02'19" East, a distance of 2,626.36 feet;

THENCE along said section line also being Avondale Boulevard, South 00 degrees 02 minutes 19 seconds East, a distance of 968.43 feet;

THENCE Departing said line, North 89 degrees 57 minutes 41 seconds East, a distance of 273.24 feet to the **point of Beginning;**

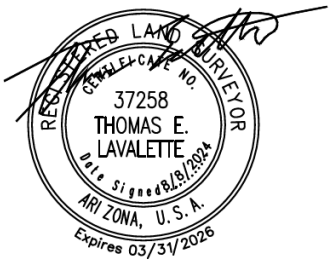
THENCE North 89 degrees 07 minutes 19 seconds East a distance of 26.00 feet**;**

THENCE South 00 degrees 02 minutes 19 seconds East a distance of 327.44 feet;

THENCE South 89 degrees 04 minutes 58 seconds West a distance of 26.00 feet;

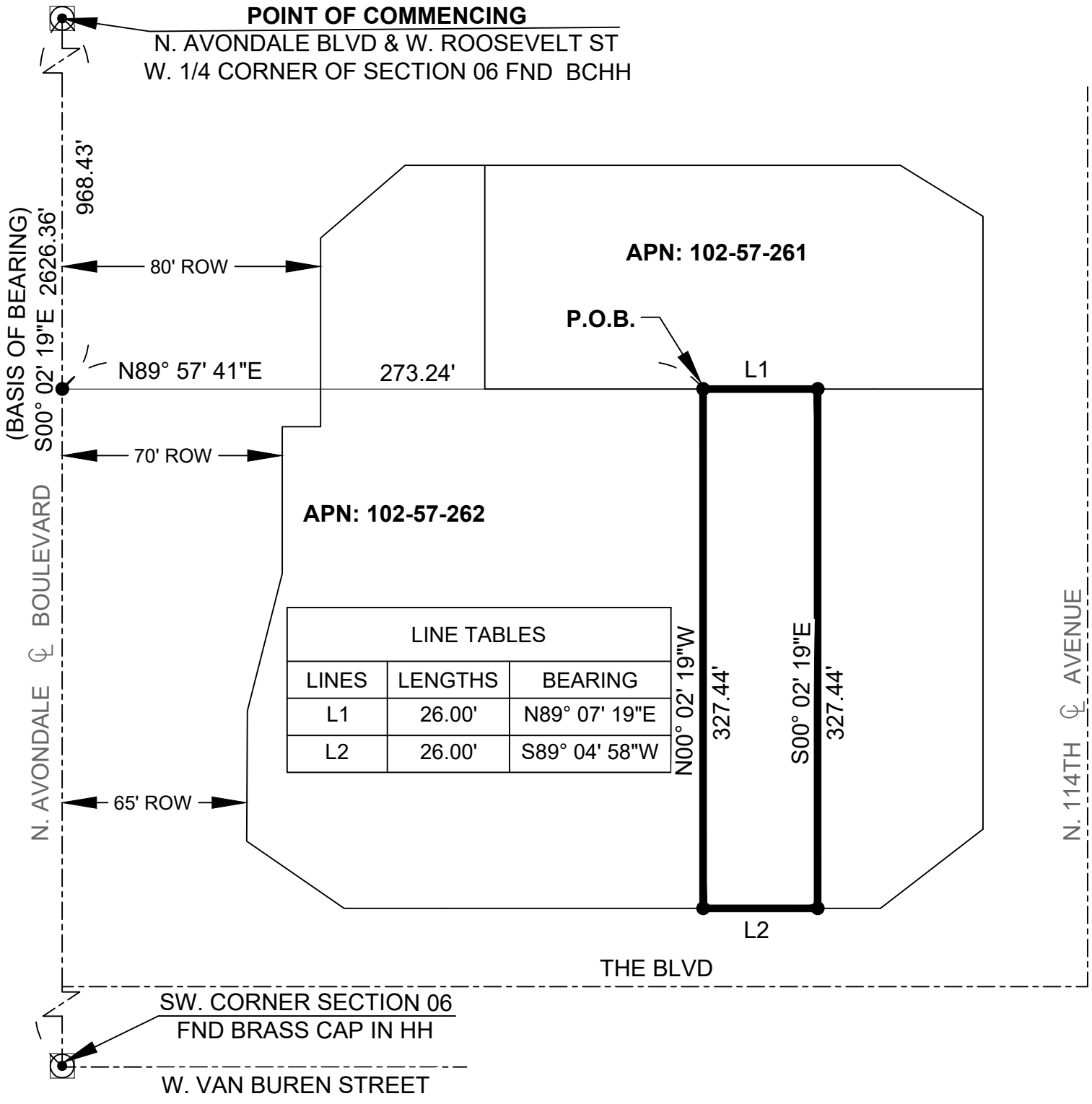
THENCE North 00 degrees 02 minutes 19 seconds West a distance of 327.46 feet to the **Point of Beginning**;

Containing 8,513.0 sqft or 0.20 acres more or less



Prepared by:
Thomas Lavalette, RLS.
AZ # 37258
Engineering Alliance, Inc.
1423 S. Higley Rd., Suite 121, Building 9
Mesa, Arizona 85206
Phone: (602) 757-6032
Email: tlavalette@eaincglobal.com

EXHIBIT "A"



LINE TABLES		
LINES	LENGTHS	BEARING
L1	26.00'	N89° 07' 19"E
L2	26.00'	S89° 04' 58"W

NORTH

SCALE:
NTS
T1N R1E

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
37258
THOMAS E.
LAVALETTE
Date Signed 8/8/2024
ARIZONA, U.S.A.
Expires 03/31/2026

ENGINEERING ALLIANCE
INC

PROJECT: 2023-M-049	
DATE: 08-08-2024	CHKD BY: TL
DRN BY: BL	SCALE: N.T.S.
TITLE: 26' PUE ABANDONMENT APN 102-57-262 THE BLVD	
SHEET NO: 1 OF 1	

CITY COUNCIL REPORT

ITEM NUMBER: 4.g.

SUBJECT: Final Plat of Lot 3 of Avondale Station - PL-23-0228

MEETING DATE: 8/26/2024

TO: Mayor and Council

FROM: Kimberly Moon, Director, Engineering Department

THROUGH: Katie Gregory, Assistant City Manager, (623) 333-1015

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:

This agenda item supports the following Avondale Strategic Outcome Area:

- Creative and Sustainable Community Development - Avondale is committed to creating a sense of place, a community of residents and local businesses unified by pride and common values.

The approval of this agenda item will maintain and expand quality infrastructure and improve connectivity to City amenities.

PURPOSE:
City Council will consider a request to approve Application PL-23-0228, a request by Beus Gilbert McGroder, PLLC, on behalf of Avondale Owner, LLC, for approval of the Final Plat of Lot 3 of Avondale Station generally located west of 99th Avenue and north of the Encanto Boulevard alignment and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents. The Council will take appropriate action.

BACKGROUND:
On August 14, 2017, City Council adopted Ordinance 1633-817, which rezoned the Avondale Live Planned Area Development (PAD) to Virtua99 Avondale PAD. In November 2019, Staff administratively approved a Minor Amendment to the Virtua99 PAD, slightly adjusting the boundary lines of the single-family residential, multi-family residential, and commercial sub-areas and changing the name of the development to Avondale Station.

The Final Plat of Avondale Station was approved by City Council on September 21, 2020, and recorded in Book of Maps 1549, Page 46 of the Maricopa County Recorder's Office. The plat divided a 59.77-acre site into seven (7) lots for single-family residential, multi-family residential and commercial uses.

DISCUSSION:
The applicant is requesting approval of the Final Plat for Lot 3 of Avondale Station. The proposed plat

subdivides the 15.56-acre site into 107 single-family residential lots and open space. A public waterline easement for the water meters will be dedicated to the City for access and maintenance purposes.

The proposed Final Plat has been reviewed by the City's contracted Registered Land Surveyor (R.L.S.) and the document has been confirmed as geometrically accurate and in conformance with Arizona Statutes governing the subdivision of real property.

Approval of the Final Plat conforms to the boundaries of the Final Plat certified by the R.L.S. dated July 18, 2024.

BUDGET IMPACT:
There is no impact to the budget for this action.

RECOMMENDATION:
Staff recommends City Council approve Application PL-23-0228, Final Plat for Lot 3 of Avondale Station and authorize the Mayor or City Manager, City Attorney and City Clerk to execute the necessary documents.

Contact person for document distribution: *Yulonda Moore, Natalie Railey, Terry Dorschied*

Vicinity Map

Avondale

Subject Parcel

Not to Scale

Prepared on 8/6/2024 by the Geospatial Services Division of the Information Technology Department

R:\Maps\Exhibits\VicinityMaps\AvondaleStation_Lot3

FINAL PLAT
OF
"LOT 3 OF AVONDALE STATION"

BEING A REPLAT OF LOT 3, AVONDALE STATION AS RECORDED IN BOOK 1549 ON PAGE 46, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA AND BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA.

DEDICATION:

STATE OF ARIZONA)
) S.S.
COUNTY OF MARICOPA)

KNOW ALL PERSONS BY THESE PRESENTS:
AVONDALE OWNER, LLC, A DELAWARE LIMITED LIABILITY COMPANY AS, ("OWNER"), HAS SUBDIVIDED UNDER THE NAME OF "LOT 3 OF AVONDALE STATION", BEING A REPLAT OF LOT 3, AVONDALE STATION AS RECORDED IN BOOK 1549 ON PAGE 46, OFFICIAL RECORDS OF MARICOPA COUNTY, ARIZONA AND BEING A PORTION OF THE NORTHEAST QUARTER OF SECTION 32, TOWNSHIP 2 NORTH, RANGE 1 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA. AS SHOWN AND PLATTED HEREON AND DOES HEREBY PUBLISH THIS PLAT OF "FINAL PLAT OF AVONDALE STATION", AND DECLARES THAT THIS PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF EACH LOT, TRACT, STREET AND EASEMENTS CONSTITUTING SAME AND THAT EACH LOT, TRACT, STREET AND EASEMENT SHALL BE KNOWN BY THE NUMBER, LETTER AND/OR NAME GIVEN RESPECTIVELY AS SHOWN ON THIS PLAT.

THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACES, LANDSCAPED TRACTS, RETENTION BASINS AND PARKS SHALL BE THE RESPONSIBILITY OF THE OWNERS OR THE ASSOCIATION FORMED BY THE OWNERS.

TRACT "A" IS HEREBY DECLARED AS A PRIVATE DRIVE TO BE OWNED AND MAINTAINED BY THE OWNER, EASEMENT FOR INGRESS AND EGRESS, MEDIAN, REFUSE COLLECTION, PUBLIC UTILITIES AND FOR EMERGENCY AND SERVICE TYPE VEHICLE ACCESS IS HEREBY DEDICATED TO THE PUBLIC OVER TRACT "A". THE WATER AND SEWER IN TRACT "A" WILL REMAIN PRIVATE AND WILL BE MAINTAINED BY THE OWNER.

TRACT "B" IS HEREBY DECLARED AS OPEN SPACE, LANDSCAPING, PUBLIC UTILITY EASEMENT, PUBLIC WATER AND SEWER, RETENTION AREA, AMENITIES, PRIVATE IRRIGATION EASEMENT, ELECTRICAL EASEMENT, SIDEWALK, VEHICULAR NON-ACCESS EASEMENT AND USA EASEMENT AND ARE TO BE OWNED AND MAINTAINED BY THE OWNER.

TRACT "C" IS HEREBY DECLARED AS OPEN SPACE, LANDSCAPING, PUBLIC UTILITY EASEMENT, SIDEWALK, VEHICULAR NON-ACCESS EASEMENT AND RETENTION AREA AND ARE TO BE OWNED AND MAINTAINED BY THE OWNER.

TRACT "D" IS HEREBY DECLARED AS OPEN SPACE, LANDSCAPING, RETENTION AREA, SIDEWALK, VEHICULAR NON-ACCESS EASEMENT AND AMENITIES AND ARE TO BE OWNED AND MAINTAINED BY THE OWNER.

TRACTS "E", "G" AND "I" ARE HEREBY DECLARED AS OPEN SPACE, LANDSCAPING AND VEHICULAR NON-ACCESS EASEMENT AND ARE TO BE OWNED AND MAINTAINED BY THE OWNER.

TRACTS "F", "H" AND "J" ARE HEREBY DECLARED AS OPEN SPACE, LANDSCAPING, VEHICULAR NON-ACCESS EASEMENT AND SIDEWALK AND ARE TO BE OWNED AND MAINTAINED BY THE OWNER.

THE EASEMENTS GRANTED WITHIN THE DEDICATION ARE PERMANENT AND PERPETUAL AND SHALL RUN WITH THE LAND AND BE BINDING UPON OWNER AND ITS HEIRS, ASSIGNS AND SUCCESSORS IN INTEREST TO THIS PLAT OR ANY PARCEL OR LOT THEREOF.

THE CITY IS HEREBY GRANTED AN EASEMENT FOR MAINTENANCE AND LANDSCAPING, IRRIGATION, DRAINAGE FACILITIES, HARDSCAPE AND RETENTION AREAS ON TRACT(S) B, C, D, E, F, G, H, I AND J. THIS EASEMENT MAY BE EXERCISED BY THE CITY OF AVONDALE AT ANY SUCH TIME WHEN THE GRANTOR, ITS SUCCESSORS OR ASSIGNEES, INCLUDING A HOMEOWNERS' ASSOCIATION FORMED OVER THIS SUBDIVISION FAILS TO EXIST AND PROVIDE THE REQUIRED MAINTENANCE AND OPERATION OF THE LANDSCAPING, IRRIGATION, DRAINAGE FACILITIES, RETENTION AREAS, AND/OR HARDSCAPE.

IN WITNESS WHEREOF, AVONDALE OWNER, LLC, A DELAWARE LIMITED LIABILITY COMPANY AS OWNER, HAS HEREON CAUSED THEIR NAME TO BE AFFIXED AND THE SAME ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED OFFICERS.

AVONDALE OWNER, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY:_____

ITS:_____

ACKNOWLEDGMENT:

STATE OF ARIZONA)
) S.S.
COUNTY OF MARICOPA)

ON THIS _____ DAY OF _____ 2024, BEFORE ME, THE UNDERSIGNED, PERSONALLY APPEARED _____ OF _____, WHO ACKNOWLEDGED HIMSELF/HERSELF TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE INSTRUMENT WITHIN, AND WHO EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSES THEREIN CONTAINED.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND SEAL.

BY: _____
NOTARY PUBLIC DATE

MY COMMISSION EXPIRES: _____

BOUNDARY CORNER NOTIFICATION:

PER THE ARIZONA BOUNDARY SURVEY MINIMUM STANDARDS (ADOPTED FEB. 6, 20100, EXTERIOR BOUNDARY CORNERS WILL BE SET BY THE SURVEYOR WHO CERTIFIED THIS PLAT. IT IS THE RESPONSIBILITY OF THE SUBDIVIDER TO ENSURE THAT INTERIOR CORNERS OF THE SUBDIVISION ARE SET (1) WITHIN NINETY (90) DAYS AFTER COMPLETION OF THE CONSTRUCTION IMPROVEMENTS, OR (LL) WITHIN TWO (2) YEARS AFTER RECORDATION OF THE SUBDIVISION PLAT. WHICHEVER DATE IS FIRST TO OCCUR. THE INTERIOR CORNERS OF THE SUBDIVISION MAY BE STAKED BY SURVEYORS OTHER THAN WHO CERTIFIED THIS SURVEY. IT WILL BE THE RESPONSIBILITY OF THE OTHER SURVEYOR WHO STAKES THE INTERIOR CORNERS OF THE SUBDIVISION TO RECORD A "RECORD OF SURVEY" WITH THE COUNTY RECORDER, CONSISTENT WITH CURRENT ARIZONA BOUNDARY MINIMUM STANDARDS.

AVONDALE OWNER, LLC, A DELAWARE LIMITED LIABILITY COMPANY

LEGAL DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF MARICOPA, STATE OF ARIZONA AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1:
LOT 3 OF FINAL PLAT FOR AVONDALE STATION, RECORDED IN BOOK 1549 OF MAPS, PAGE 46, RECORDS OF MARICOPA COUNTY, ARIZONA.

PARCEL NO. 2:
EASEMENTS, APPURTENANT TO PARCEL NO. 1, AS SET FORTH IN DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS OF AVONDALE STATION RECORDED AUGUST 26, 2021, IN DOCUMENT NO. 20210921787, AND FIRST AMENDMENT RECORDED IN DOCUMENT NO. 20220449363, RECORDS OF MARICOPA COUNTY, ARIZONA.

PARCEL NO. 3:
EASEMENTS, APPURTENANT TO PARCEL NO. 1, FOR RETENTION AND DRAINAGE AS SET FORTH IN DRAINAGE EASEMENT AGREEMENT RECORDED JANUARY 19, 2022, AT DOCUMENT NO. 20220053321, AND FIRST AMENDMENT RECORDED IN DOCUMENT NO. 20220653278, RECORDS OF MARICOPA COUNTY, ARIZONA.

FLOODZONE:

CURRENT FLOOD ZONE IS "ZONE X" (AREA OF 0.2% ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WIDTH DRAINAGE AREAS LESS THAN 1 SQUARE MILE; AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD); PER FIRM MAP NO. 04013C2160M, DATED SEPTEMBER 18, 2020.

100-YEAR ASSURED WATER SUPPLY:

THE AREA PLATTED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREAS OF THE CITY OF AVONDALE WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT TO SECTION 45-576 ARIZONA REVISED STATUTES.

MONUMENT NOTES:

ALL MONUMENTATION SHOWN HEREON WAS ACCEPTED UNLESS OTHERWISE NOTED

1. FOUND PK NAIL IN PAVEMENT AT THE NORTHEAST CORNER OF SECTION 32, T.2N., R.1E.
2. FOUND 3" MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HANDHOLE AT THE EAST ¼ CORNER SECTION 32, T.2N., R.1E.
3. FOUND 3" MARICOPA COUNTY HIGHWAY DEPARTMENT BRASS CAP IN HANDHOLE AT THE CENTER OF SECTION 32, T.2N., R.1E.
4. FOUND BRASS CAP STAMPED "50044" 4.09' SOUTH OF THE BOUNDARY CORNER AND ON THE MONUMENT LINE..
5. FOUND REBAR WITH NO CAP.

REFERENCE DATA:

THIS SURVEY IS SUPPORTED BY THE FOLLOWING RECORD INFORMATION:

(R) ALTA/NSPS LAND TITLE SURVEY CREATED BY BOWMAN CONSULTING DATED DECEMBER 14TH, 2022.

(R1) FINAL PLAT FOR AVONDALE STATION PER BOOK 1549 OF MAPS, PAGE 46, MCR.

(R2) SPECIAL WARRANTY DEED NO. 2022-0907811, MCR.

(R3) RECORD OF SURVEY/MINOR LAND DIVISION PER BOOK 1235 OF MAPS, PAGE 19, MCR.

BASIS OF BEARING:

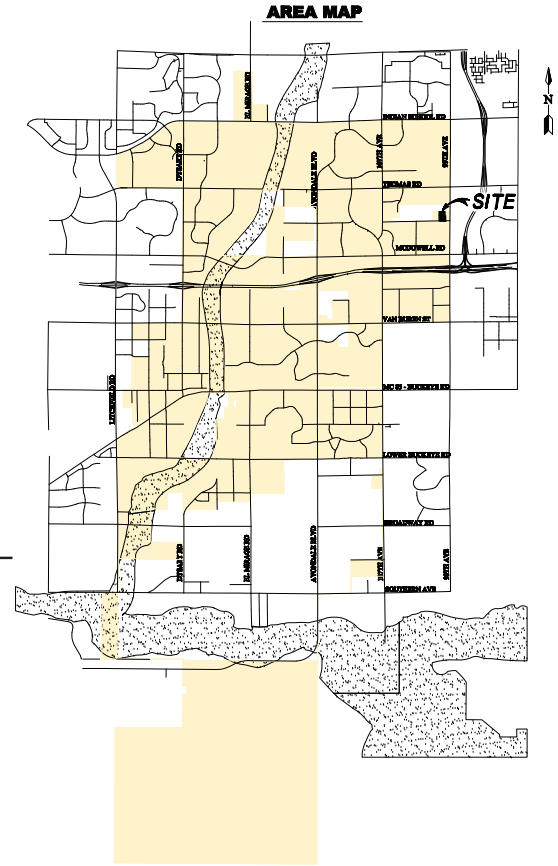
S00°23'24"W ALONG THE MONUMENT LINE OF 99TH AVENUE AS MEASURED BETWEEN MONUMENTS NUMBERED 1 AND 2 SHOWN HEREON AND DESCRIBED UNDER MONUMENT NOTES. ALSO SHOWN ON THE FINAL PLAT FOR AVONDALE STATION PER BOOK 1549 OF MAPS, PAGE 46, MCR.

SITE DATA:

EXISTING ZONING: PLANNED AREA DEVELOPMENT (PAD)

GROSS AREA: 15.5648 ACRES 678,004 SQ. FT

AREA MAP



SHEET INDEX:

SHEET 1: COVER
SHEET 2: FINAL PLAT
SHEET 3: FINAL PLAT
SHEET 4: LINE TABLE, CURVE TABLE, TRACT USE TABLE, LEGEND AND LOT AREA TABLE, WATER EASEMENT TABLE, TYPICAL LOT DETAIL

OWNER:

AVONDALE OWNER, LLC, A DELAWARE LIMITED LIABILITY COMPANY
6260 AVALON BLVD.
ALPHARETTA, GA 30009
PHONE: (224) 223-3332
CONTACT:
EMAIL: RANDY@TRILOGYIC.COM

SURVEYOR:

ARIZONA SURVEY AND MAPPING
2440 W. MISSION LANE
SUITE 4
PHOENIX, ARIZONA 85021
PHONE: (602) 246-9919
CONTACT: LANCE DICKSON, RLS
LANCE@ASAM1.COM

NOTES:

1. MAINTENANCE OF LANDSCAPING WITHIN THE PUBLIC RIGHT-OF-WAY TO BACK OF CURB SHALL BE THE RESPONSIBILITY OF THE ABUTTING LOT/TRACT/PARCEL OWNERS.

2. NO WALLS/FENCES SHALL BE BUILT WITHOUT PRIOR CITY OF AVONDALE APPROVAL.

3. ALL UTILITY AND PUBLIC SERVICE EASEMENTS, INCLUDING ANY LIMITATIONS OF EASEMENTS; AND CONSTRUCTION WITHIN SUCH EASEMENTS SHALL BE LIMITED TO UTILITIES, LANDSCAPING, AND WOOD, WIRE OR REMOVABLE SECTION TYPE FENCES.

4. NO ALTERATIONS SHALL BE MADE TO THE STORM WATER RETENTION AREAS AND APPROVED OR EXISTING CONVEYANCE PATTERNS THAT ARE A PART OF THESE PREMISES WITHOUT WRITTEN APPROVAL BY THE CITY OF AVONDALE.

5. NO STRUCTURES SHALL BE CONSTRUCTED IN OR ACROSS NOR SHALL OTHER IMPROVEMENTS OR ALTERATIONS BE MADE TO THE DRAINAGE FACILITIES THAT ARE A PART OF THIS SUBDIVISION WITHOUT WRITTEN AUTHORIZATION BY THE CITY OF AVONDALE.

6. THE MAINTENANCE OF LANDSCAPING WITHIN THE OPEN SPACE, LANDSCAPED TRACTS, RETENTION BASINS AND PARKS SHALL BE THE RESPONSIBILITY OF THE OWNER.

7. ALL LANDSCAPING WITHIN ADJACENT PUBLIC RIGHT-OF-WAY IS TO BE MAINTAINED BY THE OWNERS OR THE ASSOCIATION FORMED BY THE OWNERS, EXCLUDING MEDIANS ON ARTERIAL STREETS.

8. ALL EXISTING OVERHEAD UTILITIES SHALL BE INSTALLED UNDERGROUND IN ACCORDANCE WITH THE CITY OF AVONDALE MUNICIPAL CODE AND REQUIRED BY THE ARIZONA CORPORATION COMMISSION.

9. EACH FINAL PLAT SHALL INCLUDE A NOTE THAT STATES THAT THE SUBDIVISION IS SUBJECT TO A MAINTENANCE IMPROVEMENT DISTRICT.

10. ALL STORM DRAIN PIPES FROM THE CATCH BASINS TO THE RETENTION BASINS, AND ALL SPILLWAYS FROM THE SCUPPERS TO THE RETENTION BASINS, SHALL BE MAINTAINED BY THE OWNERS OR THE ASSOCIATION FORMED BY THE OWNERS.

APPROVALS AND ACCEPTANCE OF DEDICATION:

PLAT APPROVED AND DEDICATED EASEMENTS ACCEPTED BY THE CITY COUNCIL OF THE CITY OF AVONDALE, ARIZONA. APPROVED BY THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA THIS_____DAY OF_____, 2024,

_____
MAYOR DATE

_____
ATTEST, CITY CLERK

_____
CITY ENGINEER DATE

SURVEYOR'S CERTIFICATION:

I, LANCE C. DICKSON, BEING A LICENSED LAND SURVEYOR IN THE STATE OF ARIZONA HEREBY STATE THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT WAS BASED WAS MADE UNDER MY SUPERVISION AND IT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT THE MONUMENTS SHOWN HEREON DO EXIST AS INDICATED.

_____
LANCE C. DICKSON RLS #46643 DATE

REVISIONS

Arizona Surveying and Mapping
Absolute Confidence Since 1988
2440 W. MISSION LANE, SUITE 4
PHOENIX, ARIZONA 85021
TEL (602) 246-9919 FAX (602) 246-6944 info@asam1.com

AVONDALE OWNER, LLC

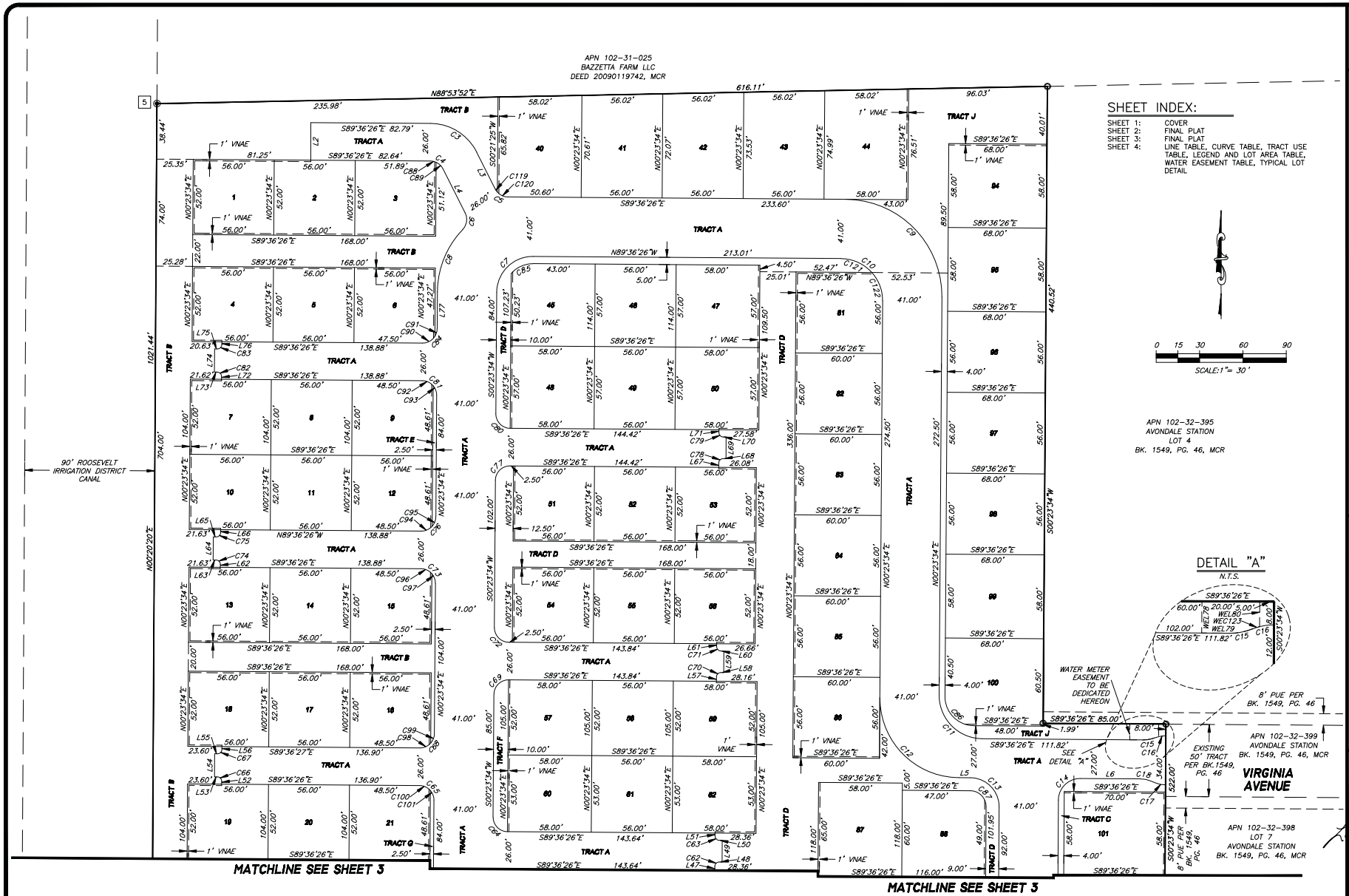
LOT 3 OF AVONDALE STATION

FINAL PLAT

REGISTERED LAND SURVEYOR
CERTIFICATE NO. 46643
LANCE C. DICKSON
07/18/24
ARIZONA U.S.A.

FIELDWORK BY :	BMH
DRAWN BY :	CLL
CHECKED BY :	LCD
JOB #	P23-241
DATE :	07/18/24

SHEET NO.
1



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AVONDALE OWNER, LLC

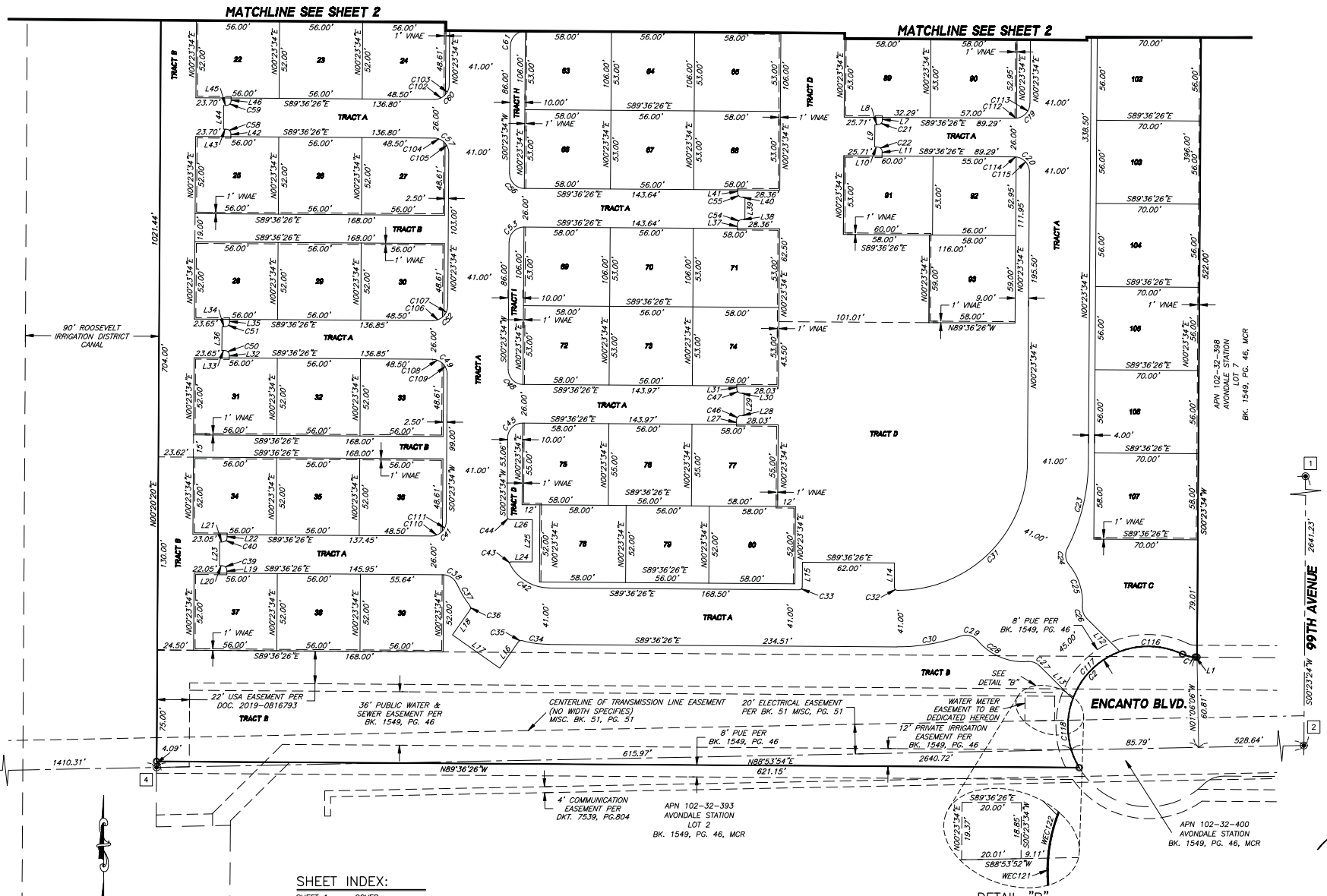
LOT 3 OF AVONDALE STATION

FINAL PLAT

REGISTERED LAND SURVEYOR
CERTIFICATE NO. 46843
LANCE C. DICKSON
07/18/24
ARIZONA U.S.A.

FIELDWORK BY :	BMH
DRAWN BY :	CLL
CHECKED BY :	LCD
JOB #	P23-241
DATE :	07/18/24

SHEET NO.
2



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AVONDALE OWNER, LLC

LOT 3 OF AVONDALE STATION

FINAL PLAT

REGISTERED LAND SURVEYOR CERTIFICATE NO. 46843 LANCE C. DICKSON 07/18/24 ARIZONA U.S.A.

FIELDWORK BY :	BMH
DRAWN BY :	CLL
CHECKED BY :	LCD
JOB #	P23-241
DATE :	07/18/24

SHEET NO.

3

3 OF 4

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CORD LENGTH
C1	8.77'	20.00'	25°07'19"	S77°02'46"E	8.70'
C2	137.94'	54.00'	146°21'20"	S42°20'33"W	103.38'
C3	39.47'	36.00'	62°49'32"	N58°11'40"W	37.53'
C4	10.97'	10.00'	62°49'32"	N58°11'40"W	10.42'
C5	10.97'	10.00'	62°49'32"	S58°11'40"E	10.42'
C6	12.32'	10.00'	70°34'49"	N08°30'30"E	11.55'
C7	39.27'	25.00'	90°00'00"	S45°23'34"W	35.36'
C8	41.73'	63.00'	43°24'21"	S22°05'44"W	46.59'
C9	105.24'	67.00'	90°00'00"	N44°36'26"W	94.75'
C10	45.55'	29.00'	90°00'00"	N44°36'26"W	41.01'
C11	47.12'	30.00'	90°00'00"	S44°36'26"E	42.43'
C12	86.39'	55.00'	90°00'00"	S44°36'26"E	77.78'
C13	31.42'	20.00'	90°00'00"	N44°36'26"W	28.28'
C14	23.56'	15.00'	90°00'00"	S45°23'34"W	21.21'
C15	7.80'	20.00'	22°20'43"	N79°13'12"E	7.75'
C16	7.77'	20.00'	22°15'26"	S79°10'34"W	7.72'
C17	9.02'	20.00'	25°50'31"	S76°41'16"E	8.94'
C18	9.02'	20.00'	25°50'25"	N76°41'13"W	8.94'
C19	15.71'	10.00'	90°00'00"	N45°23'34"E	14.14'
C20	15.71'	10.00'	90°00'00"	N44°36'26"W	14.14'
C21	4.71'	3.00'	90°00'00"	N45°23'33"E	4.24'
C22	4.71'	3.00'	90°00'13"	N44°36'21"W	4.24'
C23	60.02'	128.00'	26°51'56"	N13°49'32"E	59.47'
C24	11.65'	10.00'	66°45'43"	S06°07'22"E	11.00'
C25	30.59'	39.99'	43°49'26"	N17°35'47"W	29.85'
C26	8.63'	10.00'	49°26'47"	S20°24'39"E	8.36'
C27	8.63'	10.00'	49°26'47"	N69°53'32"W	8.36'
C28	38.25'	40.00'	54°47'21"	S67°13'15"E	36.81'
C29	12.21'	10.00'	69°57'29"	N74°48'20"W	11.47'
C30	44.02'	125.00'	20°10'38"	N80°18'15"E	43.79'
C31	136.67'	87.00'	90°00'26"	N45°23'47"E	123.04'
C32	3.14'	2.00'	89°59'34"	S44°36'13"E	2.83'
C33	3.14'	2.00'	90°00'00"	N45°23'34"E	2.83'
C34	18.39'	68.00'	15°29'47"	S81°51'33"E	18.34'
C35	2.47'	2.00'	70°44'24"	S70°31'09"W	2.32'
C36	2.56'	2.00'	73°28'31"	N01°35'19"W	2.39'
C37	17.68'	68.00'	14°54'00"	S30°52'34"E	17.63'
C38	11.20'	10.02'	64°00'46"	N55°28'00"W	10.62'
C39	4.71'	3.00'	90°00'13"	N44°36'21"W	4.24'
C40	4.71'	3.00'	90°00'00"	N45°23'33"E	4.24'
C41	15.71'	10.00'	90°00'00"	N45°23'34"E	14.14'
C42	32.60'	30.00'	62°15'23"	S58°28'45"E	31.02'
C43	2.06'	1.00'	117°44'37"	S31°31'15"W	1.71'
C44	3.14'	2.00'	90°00'00"	S44°36'26"E	2.83'
C45	15.71'	10.00'	90°00'00"	S45°23'34"W	14.14'
C46	4.71'	3.00'	90°00'13"	S45°23'29"W	4.24'
C47	4.71'	3.00'	89°59'59"	S44°36'26"E	4.24'
C48	15.71'	10.00'	90°00'00"	S44°36'26"E	14.14'
C49	15.71'	10.00'	90°00'00"	N44°36'23"W	14.14'
C50	4.71'	3.00'	90°00'13"	N44°36'21"W	4.24'
C51	4.71'	3.00'	90°00'00"	N45°23'33"E	4.24'
C52	15.71'	10.00'	90°00'00"	N45°23'34"E	14.14'
C53	15.71'	10.00'	90°00'00"	S45°23'34"W	14.14'
C54	4.71'	3.00'	90°00'13"	S45°23'29"W	4.24'
C55	4.71'	3.00'	89°59'59"	S44°36'26"E	4.24'
C56	15.71'	10.00'	90°00'00"	S44°36'26"E	14.14'
C57	15.71'	10.00'	90°00'00"	N44°36'26"W	14.14'
C58	4.71'	3.00'	90°00'13"	N44°36'21"W	4.24'
C59	4.71'	3.00'	90°00'00"	N45°23'33"E	4.24'
C60	15.71'	10.00'	90°00'00"	N45°23'34"E	14.14'
C61	15.71'	10.00'	90°00'00"	S45°23'34"W	14.14'
C62	4.71'	3.00'	90°00'13"	S45°23'29"W	4.24'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CORD LENGTH
C63	4.71'	3.00'	89°59'59"	S44°36'26"E	4.24'
C64	15.71'	10.00'	90°00'00"	S44°36'26"E	14.14'
C65	15.71'	10.00'	90°00'00"	N44°36'26"W	14.14'
C66	4.71'	3.00'	90°00'13"	N44°36'21"W	4.24'
C67	4.71'	3.00'	90°00'00"	N45°23'33"E	4.24'
C68	15.71'	10.00'	89°59'59"	N45°23'34"E	14.14'
C69	15.71'	10.00'	90°00'00"	S45°23'34"W	14.14'
C70	4.71'	3.00'	90°00'13"	S45°23'29"W	4.24'
C71	4.71'	3.00'	89°59'59"	S44°36'26"E	4.24'
C72	15.71'	10.00'	90°00'00"	S44°36'26"E	14.14'
C73	15.71'	10.00'	89°59'39"	N44°36'22"W	14.14'
C74	4.71'	3.00'	90°00'12"	N44°36'21"W	4.24'
C75	4.71'	3.00'	89°59'59"	N45°23'33"E	4.24'
C76	15.71'	10.00'	90°00'00"	N45°23'34"E	14.14'
C77	15.71'	10.00'	90°00'00"	S45°23'34"W	14.14'
C78	4.71'	3.00'	90°00'13"	S45°23'29"W	4.24'
C79	4.71'	3.00'	89°59'59"	S44°36'26"E	4.24'
C80	15.71'	10.00'	90°00'00"	S44°36'26"E	14.14'
C81	15.71'	10.00'	90°00'00"	N44°36'26"W	14.14'
C82	4.71'	3.00'	90°00'13"	N44°36'21"W	4.24'
C83	4.71'	3.00'	89°59'59"	N45°23'33"E	4.24'
C84	15.71'	10.00'	90°00'00"	N45°23'34"E	14.14'
C85	16.96'	20.00'	48°35'25"	S66°05'51"W	16.46'
C86	31.42'	20.00'	90°00'00"	S44°36'26"E	28.28'
C87	17.28'	11.00'	90°00'00"	N44°36'26"W	15.56'
C88	4.23'	10.00'	24°15'41"	N77°28'35"W	4.20'
C89	6.73'	10.00'	38°33'51"	N46°03'49"W	6.60'
C90	10.16'	10.00'	58°12'42"	N61°17'13"E	9.73'
C91	5.55'	10.00'	31°47'18"	N16°17'13"E	5.48'
C92	8.48'	10.00'	48°35'25"	N65°18'43"W	8.23'
C93	7.23'	10.00'	41°24'35"	N20°18'43"W	7.07'
C94	8.48'	10.00'	48°35'25"	N66°05'51"E	8.23'
C95	7.23'	10.00'	41°24'35"	N21°05'51"E	7.07'
C96	8.48'	10.00'	48°35'25"	N65°18'43"W	8.23'
C97	7.23'	10.00'	41°24'23"	N20°18'43"W	7.07'
C98	8.48'	10.00'	48°35'24"	N66°05'51"E	8.23'
C99	7.23'	10.00'	41°24'35"	N21°05'51"E	7.07'
C100	8.48'	10.00'	48°35'25"	N65°18'43"W	8.23'
C101	7.23'	10.00'	41°24'35"	N20°18'43"W	7.07'
C102	8.48'	10.00'	48°35'25"	N66°05'51"E	8.23'
C103	7.23'	10.00'	41°24'35"	N21°05'51"E	7.07'
C104	8.48'	10.00'	48°35'25"	N65°18'43"W	8.23'
C105	7.23'	10.00'	41°24'35"	N20°18'43"W	7.07'
C106	8.48'	10.00'	48°35'25"	N66°05'51"E	8.23'
C107	7.23'	10.00'	41°24'35"	N21°05'51"E	7.07'
C108	8.48'	10.00'	48°35'21"	N65°18'42"W	8.23'
C109	7.23'	10.00'	41°24'39"	N20°18'42"W	7.07'
C110	8.48'	10.00'	48°35'25"	N66°05'51"E	8.23'
C111	7.23'	10.00'	41°24'35"	N21°05'51"E	7.07'
C112	1.00'	10.00'	5°44'21"	N87°31'23"E	1.00'
C113	14.71'	10.00'	84°15'39"	N42°31'23"E	13.42'
C114	1.00'	10.00'	5°44'21"	N86°44'16"W	1.00'
C115	14.71'	10.00'	84°15'39"	N41°44'16"W	13.42'
C116	43.39'	54.00'	46°02'09"	N87°29'52"W	42.23'
C117	46.42'	54.00'	49°14'56"	S44°51'36"W	45.00'
C118	48.13'	54.00'	51°04'15"	S05°18'00"E	46.56'
C119	2.64'	10.00'	15°06'42"	S34°20'15"E	2.63'
C120	8.33'	10.00'	47°42'50"	S65°45'01"E	8.09'
C121	24.17'	29.00'	47°44'47"	N65°44'03"W	23.47'
C122	21.39'	29.00'	42°15'13"	N20°44'03"W	20.91'

WATER METER EASEMENT CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CORD LENGTH
WEC121	14.78'	54.00'	15°40'41"	S12°23'48"W	14.73'
WEC122	33.36'	54.00'	35°23'34"	S13°08'20"E	32.83'
WEC123	2.72'	20.00'	7°47'26"	S71°57'23"W	2.72'

WATER METER EASEMENT LINE TABLE		
LINE	LENGTH	BEARING
WEL78	11.00'	N00°23'34"E
WEL79	9.82'	N89°36'26"W
WEL80	8.64'	S00°23'34"W

LEGEND:

- BOUNDARY LINE
- MONUMENT LINE
- EASEMENT LINE
- ADJOINING PROPERTY
- SET 1/2" REBAR RLS #46643 UNLESS OTHERWISE NOTED
- FOUND MONUMENT AS NOTED
- CALCULATED POINT. NOTHING FOUND AND NOTHING SET
- (M) MEASURED DATA
- (R) RECORDED DATA
- WEL WATER METER EASEMENT LINE DATA
- WEC WATER METER EASEMENT CURVE DATA
- MCR MARICOPA COUNTY RECORDS
- R/W RIGHT-OF-WAY
- APN ASSESSOR'S PARCEL NUMBER
- PUE PUBLIC UTILITY EASEMENT
- VNAE VEHICULAR NON-ACCESS EASEMENT
- BK. BOOK
- PG. PAGE
- # MONUMENT NOTE

LINE TABLE		
LINE	LENGTH	BEARING
L1	1.19'	N89°36'26"W
L2	26.00'	N00°03'32"E
L3	28.67'	S26°46'54"E
L4	34.10'	S26°46'54"E
L5	8.00'	N89°36'26"W
L6	41.56'	S89°36'26"E
L7	2.00'	N00°23'33"E
L8	2.00'	S89°36'27"E
L9	14.95'	N00°23'33"E
L10	2.00'	N89°36'27"W
L11	3.05'	N00°23'46"E
L12	31.52'	N45°08'39"W
L13	31.51'	S45°07'57"E
L14	16.50'	S00°23'34"W
L15	16.50'	N00°23'34"E
L16	21.77'	N35°08'57"E
L17	39.00'	S54°51'03"E
L18	20.74'	S35°08'57"W
L19	2.00'	S00°23'46"W
L20	2.00'	N89°36'27"W
L21	2.00'	N89°36'27"W
L22	2.00'	N00°23'33"E
L23	16.00'	N00°23'33"E
L24	14.17'	N89°36'26"W
L25	28.44'	S00°23'34"W
L26	15.00'	S89°36'26"E
L27	3.05'	S00°23'23"W
L28	2.00'	N89°36'25"W
L29	14.95'	S00°23'35"W
L30	2.00'	S89°36'25"E
L31	2.00'	S00°23'34"W
L32	2.00'	S00°23'46"W
L33	2.00'	N89°36'27"W
L34	2.00'	N89°36'27"W
L35	2.00'	N00°23'33"E
L36	16.00'	N00°23'33"E
L37	3.05'	S00°23'22"W
L38	2.00'	N89°36'25"W
L39	14.95'	S00°23'35"W
L40	2.00'	S89°36'25"E
L41	2.00'	S00°23'34"W
L42	2.00'	S00°23'46"W
L43	2.00'	N89°36'27"W

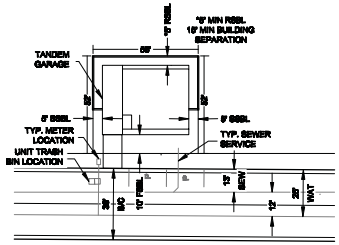
LINE TABLE		
LINE	LENGTH	BEARING
L44	16.00'	N00°23'33"E
L45	2.00'	N89°36'27"W
L46	2.00'	N00°23'33"E
L47	3.05'	S00°23'21"W
L48	2.00'	N89°36'25"W
L49	14.95'	S00°23'35"W
L50	2.00'	S89°36'25"E
L51	2.00'	S00°23'34"W
L52	2.00'	S00°23'46"W
L53	2.00'	N89°36'27"W
L54	16.00'	N00°23'33"E
L55	2.00'	N89°36'27"W
L56	2.00'	N00°23'33"E
L57	3.05'	S00°23'22"W
L58	2.00'	N89°36'25"W
L59	14.95'	S00°23'35"W
L60	2.00'	S89°36'25"E
L61	2.00'	S00°23'34"W
L62	2.00'	S00°23'45"W
L63	2.00'	N89°36'27"W
L64	16.00'	N00°23'33"E
L65	2.00'	N89°36'27"W
L66	2.00'	N00°23'34"E
L67	3.05'	S00°23'22"W
L68	2.00'	N89°36'25"W
L69	14.95'	S00°23'35"W
L70	2.00'	S89°36'25"E
L71	2.00'	S00°23'34"W
L72	2.00'	S00°23'46"W
L73	2.00'	N89°36'27"W
L74	16.00'	N00°23'33"E
L75	2.00'	N89°36'27"W
L76	2.00'	S00°23'34"W
L77	25.50'	N00°23'34"E

SHEET INDEX:

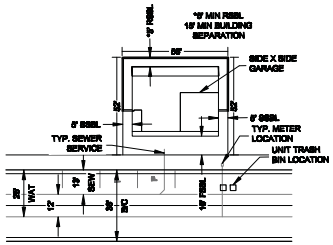
SHEET 1: COVER
SHEET 2: FINAL PLAT
SHEET 3: FINAL PLAT
SHEET 4: LINE TABLE, CURVE TABLE, TRACT USE TABLE, LEGEND AND LOT AREA TABLE, WATER EASEMENT TABLE, TYPICAL LOT DETAIL

LOT AREA TABLE							
LOT NO.	LOT AREA (SQ. FT.)	LOT NO.	LOT AREA (SQ. FT.)	LOT NO.	LOT AREA (SQ. FT.)	LOT NO.	LOT AREA (SQ. FT.)
1	2,912 S.F.	31	2,912 S.F.	61	2,968 S.F.	91	3,180 S.F.
2	2,912 S.F.	32	2,912 S.F.	62	3,074 S.F.	92	2,968 S.F.
3	2,911 S.F.	33	2,904 S.F.	63	3,074 S.F.	93	3,422 S.F.
4	2,912 S.F.	34	2,912 S.F.	64	2,968 S.F.	94	3,944 S.F.
5	2,912 S.F.	35	2,912 S.F.	65	3,074 S.F.	95	3,944 S.F.
6	2,900 S.F.	36	2,904 S.F.	66	3,074 S.F.	96	3,808 S.F.
7	2,912 S.F.	37	2,912 S.F.	67	2,968 S.F.	97	3,808 S.F.
8	2,912 S.F.	38	2,912 S.F.	68	3,074 S.F.	98	3,808 S.F.
9	2,904 S.F	39	2,912 S.F	69	3,074 S.F	99	3,944 S.F.
10	2,912 S.F.	40	4,044 S.F.	70	2,968 S.F.	100	4,028 S.F.
11	2,912 S.F.	41	3,995 S.F.	71	3,074 S.F.	101	4,060 S.F.
12	2,904 S.F.	42	4,077 S.F.	72	3,074 S.F.	102	3,920 S.F.
13	2,912 S.F.	43	4,159 S.F.	73	2,968 S.F.	103	3,920 S.F.
14	2,912 S.F.	44	4,394 S.F.	74	3,074 S.F.	104	3,920 S.F.
15	2,904 S.F.	45	3,275 S.F.	75	3,190 S.F.	105	3,920 S.F.
16	2,912 S.F.	46	3,192 S.F.	76	3,080 S.F.	106	3,920 S.F.
17	2,912 S.F.	47	3,306 S.F.	77	3,190 S.F.	107	4,060 S.F.
18	2,904 S.F.	48	3,306 S.F.	78	3,016 S.F.		
19	2,912 S.F.	49	3,192 S.F.	79	2,912 S.F.		
20	2,912 S.F.	50	3,306 S.F.	80	3,016 S.F.		
21	2,904 S.F.	51	2,912 S.F.	81	3,314 S.F.		
22	2,912 S.F.	52	2,912 S.F.	82	3,360 S.F.		
23	2,912 S.F.	53	2,912 S.F.	83	3,360 S.F.		
24	2,904 S.F.	54	2,912 S.F.	84	3,360 S.F.		
25	2,912 S.F.	55	2,912 S.F.	85	3,360 S.F.		
26	2,912 S.F.	56	2,912 S.F.	86	3,360 S.F.		
27	2,904 S.F.	57	3,016 S.F.	87	3,770 S.F.		
28	2,912 S.F.	58	2,912 S.F.	88	3,454 S.F.		
29	2,912 S.F.	59	3,016 S.F.	89	3,074 S.F.		
30	2,904 S.F.	60	3,074 S.F.	90	3,074 S.F.		

TRACT USE TABLE			
TRACT	USE	AREA (SF)	AREA (AC)
TRACT A	PRIVATE STREET, MEDIAN, EMERGENCY VEHICLES AND/OR SERVICE TYPE VEHICLES, PUBLIC UTILITY EASEMENT, PRIVATE WATER & SEWER EASEMENT, REFUSE COLLECTION, EASEMENT FOR INGRESS/EGRESS.	153,371	3.5209
TRACT B	OPEN SPACE, LANDSCAPE, RETENTION AREA, AMENITIES, SIDEWALK, PUBLIC UTILITY EASEMENT, PUBLIC WATER & SEWER EASEMENT, ELECTRICAL EASEMENT, PRIVATE IRRIGATION EASEMENT, USA EASEMENT AND VEHICULAR NON-ACCESS EASEMENT	94,854	2.1776
TRACT C	OPEN SPACE, LANDSCAPE, RETENTION AREA, SIDEWALK, PUBLIC UTILITY EASEMENT AND VEHICULAR NON-ACCESS EASEMENT	8,061	0.1851
TRACT D	OPEN SPACE, LANDSCAPE, RETENTION AREA, AMENITIES, SIDEWALK AND VEHICULAR NON-ACCESS EASEMENT	67,346	1.5460
TRACT E	OPEN SPACE, LANDSCAPE AND VEHICULAR NON-ACCESS EASEMENT	233	0.0053
TRACT F	OPEN SPACE, LANDSCAPE, VEHICULAR NON-ACCESS EASEMENT AND SIDEWALK.	1,007	0.0231
TRACT G	OPEN SPACE, LANDSCAPE AND VEHICULAR NON-ACCESS EASEMENT	233	0.0053
TRACT H	OPEN SPACE, LANDSCAPE, VEHICULAR NON-ACCESS EASEMENT AND SIDEWALK.	1,017	0.0233
TRACT I	OPEN SPACE, LANDSCAPE AND VEHICULAR NON-ACCESS EASEMENT	1,017	0.0233
TRACT J	OPEN SPACE, LANDSCAPE, VEHICULAR NON-ACCESS EASEMENT, WATER EASEMENT AND SIDEWALK.	8,683	0.1993



TYPE "A"
*MIN. LOT DIMENSIONS STREET CAN BE 29'



TYPE "B"
*MIN. LOT DIMENSIONS STREET CAN BE 29'

TYPICAL LOTS DETAIL

N.T.S.

REVISIONS

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AVONDALE OWNER, LLC

LOT 3 OF AVONDALE STATION

FINAL PLAT

REGISTERED LAND SURVEYOR
CERTIFICATE NO. 46643
LANCE C. DICKSON
07/18/24

FIELDWORK BY :	BMH
DRAWN BY :	CLL
CHECKED BY :	LCD
JOB #	P23-241
DATE :	07/18/24

SHEET NO.
4

CITY COUNCIL REPORT

ITEM NUMBER: 5.a.

SUBJECT: Mobile Food Vendors

MEETING DATE: 8/26/2024

TO: Mayor and Council

FROM: Dale Nannenga, Deputy City Manager

THROUGH: Dale Nannenga, Deputy City Manager, (623) 333-1017

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:
This agenda item supports the following Avondale Strategic Outcome Area: Public Health and Safety - Avondale is a city where all people feel safe and secure, relying on trusted public and community-based resources.

PURPOSE:
City Council will receive an update from the Office of Public Safety and the Code Compliance Division regarding Mobile Food Vendors. This item is for discussion and feedback only; no Council action will be taken.

BACKGROUND:
The Avondale Code Compliance Division responds to calls for service and service requests of Mobile Food Vendors operating within the city limits. Avondale City Code Chapter 28, Article VII, Section 28-132.n states; Mobile food vendors are prohibited from operating on property zoned for residential use and within two-hundred and fifty (250) feet of a property zoned for residential use, except with a city approved special event permit.

DISCUSSION:
A mobile food vendor is a readily movable food establishment that dispenses food or beverages from any vehicle. The Avondale Code Compliance Division responds to calls for service and service requests submitted through the AviWise system, direct complaints, and conducts proactive inspections regarding mobile food vendors. Code Compliance Officers will verify if the mobile food vendor operates in an approved location zoned commercial and industrial.

Regarding city-owned parks, a permit issued by the Parks and Recreation Department is required. If the mobile food vendor is not operating in an approved location or does not have the proper permit, Code Compliance will provide education regarding the correct locations they can operate, provide an informational brochure, and seek voluntary compliance to have the vendor leave the location. Mobile food vendors and/or property owners who fail to comply after being given a verbal warning or issued a Notice of Violation will be addressed through court action. Violations of the Avondale Zoning Ordinance may be deemed guilty of a misdemeanor. In addition, Code Compliance Officers will verify that mobile food vendors have the required permits issued by Maricopa County Environmental Services and submit concerns for their review.

BUDGET IMPACT:
There is no impact on the budget.

RECOMMENDATION:
This item is for information and discussion only.

Contact person for document distribution:

CITY COUNCIL REPORT

ITEM NUMBER: 5.b.

SUBJECT: Pavement Management Program Update

MEETING DATE: 8/26/2024

TO: Mayor and Council

FROM: Kirk Beaty, Public Works Director

THROUGH: Katie Gregory, Assistant City Manager, (623) 333-1015

REVIEWED: Ron Corbin, City Manager, (623) 333-1011

STRATEGIC PLAN:
This agenda item supports the following Avondale Strategic Outcome Areas:

Creative and Sustainable Community Development - Avondale is committed to creating a sense of place, a community of residents and local businesses unified by pride and common values.

A comprehensive Pavement Management Program aids in maintaining quality infrastructure that supports a connected community.

Innovative Program and Service Delivery - Avondale will continue to serve as a model of innovative, efficient, and responsive government.

A comprehensive Pavement Management Program establishes correct, cost-effective, and timely applications of pavement maintenance techniques that extend the useful life of pavement assets.

PURPOSE:
City Council will receive an update from staff regarding the City's Pavement Management Program. This item is for discussion and feedback only; no Council action will be taken.

BACKGROUND:
At the beginning of Fiscal Year 2024, the Pavement Management Program was transferred from Engineering to Public Works. Subsequently, Gustavo Garcia was hired as the Pavement Program Manager in January 2024. Moving the Pavement Management Program to Public Works brought cohesion and coordination with the Street Maintenance Division which assists in many of the pavement maintenance and preservation efforts.

DISCUSSION:
Public Works is currently using the IMS Consulting pavement condition assessment and preservation plan that was completed in late 2022 and was presented to the Council in January 2023. The IMS Consulting preservation plan provided a five-year plan and budget based on only three recommended types of pavement preservation applications: Fractured Aggregate Surface Treatment (FAST); asphalt mill and overlay; and micro surfacing. There are a variety of pavement preservation techniques and products that are suitable, and many

times more beneficial or cost-effective, for different pavement conditions, so Public Works has reanalyzed the IMS Consulting recommendations and modified the plan to make use of these other products and techniques like liquid seal coats.

In FY2024, a total of $2.7 million was spent on pavement preservation, including some carryover of FY2023's plan and the full pavement plan of FY2024. With savings, the city was able to apply treatments to Jimmy Johnson Drive/Indian Springs Road. A total of 42.86 miles of lane miles received treatment in FY2024. Due to changes in the preservation applications that best fit the conditions of the road, savings was realized and was carried over into the FY2025 budget to further pavement preservation efforts.

Public Works is beginning the Fiscal Year 2025 pavement preservation program on the roads identified in the IMS Consulting preservation plan. However, with the cost savings from diversifying the pavement preservation applications, some neighborhoods that were identified for preservation work in later years, such as Glenn Arm Farms and Westwind, will be completed in FY25 as well. Additionally, a separate CIP project to resurface Avondale Blvd from I-10 to Broadway Rd will be completed before the November 2024 NASCAR race week.

Public Works conducted a Request for Proposal and awarded a contractor to update the inventory of the City's roadway network and to provide ongoing pavement condition assessments to be incorporated into a pavement asset management software that will provide planning and budgeting tools for future fiscal year pavement management programs. After the assessment and the software implementation are completed, Public Works will provide a new 5 –10-year pavement preservation plan to City leadership and Council.

BUDGET IMPACT:
The Pavement Management Program is budgeted for FY2025.

RECOMMENDATION:
This item is for discussion only.

Contact person for document distribution: *Harold Siguenza, Gustavo Garcia, Suzie Hunter*